

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 4 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5144T**

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 Lotus Gardens Extension 29, 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 5144T.

(CPD 9/1/1/1-LGSx29 023)
(CPD 9/2/4/2-5144T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

17 JANUARY 2020
(Notice 103/2020)

CITY OF TSHWANE**DECLARATION OF LOTUS GARDENS EXTENSION 29 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 Lotus Gardens Extension 29 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-LGSx29 023)
(CPD 9/2/4/2-5144T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TERRE INVESTMENTS NO 8 PROPRIETARY LIMITED (REGISTRATION NUMBER 1995/023565/23), 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 564 (A PORTION OF PORTION 523) OF THE FARM PRETORIA TOWN AND TOWNLANDS 351JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Lotus Gardens Extension 29.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 3748/2018.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.4 NATIONAL AND GAUTENG PROVINCIAL GOVERNMENT CONDITIONS

- 1.4.1 The township owner shall at its own cost comply with and strictly adhere to all the conditions and/or requirements imposed by the Gauteng Department of Agriculture and Rural Development, including those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of Section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.
- 1.4.2 The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Public Transport, Roads and Works (Gauteng Provincial Government) and where applicable as imposed by the Municipality.
- 1.4.3 The township owner shall at his own expense comply with the provisions of the National Heritage Resources Act, Act 25 of 1999.

1.5 ACCESS

- 1.5.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality and/or the Department of Public Transport, Roads and Works.
- 1.5.2 No access to or egress from the township shall be permitted from Provincial Road PWV-9 along the lines of no access as indicated on the approved layout plan of the township.

1.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads shall be received and disposed of. The stormwater plan for the township shall 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-sacs and lower lying erven shall be drained to the satisfaction of the Municipality.

1.7 ACCOUSTIC SCREENING/NOISE BARRIER

The township owner shall be responsible for any costs involved in the erection of acoustic screening along proposed Provincial Road PWV – 9 if and when the need arises to erect such screening.

1.8 REFUSE REMOVAL

- 1.8.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the City of Tshwane Metropolitan Municipality.
- 1.8.2 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.

1.9 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, should it be deemed necessary.

1.10 DEMOLITION OF BUILDINGS AND STRUCTURES

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

1.11 ERVEN FOR MUNICIPAL PURPOSES

Erf 8188 up to and including 8191 shall, prior to or simultaneously with registration of transfer of the first erf in the township and at the cost of the township owner, be transferred to the City of Tshwane Metropolitan Municipality for municipal purposes (public open space).

1.12 ENDOWMENT

Endowment of R180 000.00 is payable to the City of Tshwane Metropolitan Municipality for the shortfall of 1 491m² in open space provisioning. This shortfall will be valued and the endowment payable will be utilised to develop the open space Erven 8188 to 8191 within the township.

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

1.13.1 The township owner shall, at its own costs and to the satisfaction of the local authority, remove all refuse, building rubble and/or other materials from Erven 8188 to 8191, prior to the transfer of the erven in the name of the City of Tshwane Metropolitan Municipality;

1.13.2 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed;

1.13.3 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

1.13.4 Notwithstanding the provisions of Clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in 1.13.3 above. Erven and/or units in the township, may not be transferred into the name of a purchaser neither shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

1.13.5 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.

1.13.6 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 be 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, Act 16 of 2013, where applicable.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following servitudes which do not affect the township due to their locality:

- "B. Die voormalige Resterende Gedeelte van gedeelte 6 van die gemelde plaas, groot 3308,7324 hektaar ('n gedeelte waarvan hierkragtens getranspoteer word) is kragtens Notariële Akte 628/1968S gedateer 15 Februarie 1968 en 5 Maart 1968 onderhewig aan 'n serwituut vir 'n kraglyn en skakelkas met meegaande regte en gunste van die Republiek van Suid-Afrika, soos meer volledig sal blyk uit genoemde Notariële Akte.
- C. The former Remaining Extent of Portion 6 of the said farm in extent 3103.2795 hectares (a portion whereof is hereby transferred) is virtue of Notarial Deed No K1276/77S dated 23rd March, 1977, subject to a servitude in perpetuity together with ancillary rights along a strip of ground 2493 Square metres in extent as indicated by the figure ABCDEFJK on diagram No A6404/73 annexed hereto as will more fully appear from reference to the said Notarial Deed registered on 18 April 1977.
- D. Die voormalige Resterende Gedeelte van gedeelte 6 van die gemelde plaas, groot 3015,9551 hektaar ('n gedeelte waarvan hierkragtens getranspoteer word), is kragtens Akte van Sessie K3335/1977S gedateer 1 November 1977 onderhewig aan:
- a. 'n Pyplynserwituut aangedui deur die lyn ABC op Kaart LG Nr A2137/74 met bykomende regte ten gunste van die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens.
 - b. 'n Pyplynserwituut aangedui deur die lyn ABCDEFGHJKL op Kaart LG Nr A2393/74, met bykomende regte ten gunste van die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens.
- E. Die voormalige Resterende gedeelte van Gedeelte 6 van die gemelde plaas, groot 2797,5346 hektaar ('n gedeelte waarvan hierkragtens getranspoteer word) is kragtens Notariële Akte Nr K1386/83S, onderhewig aan die reg aan Eskom verleen om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte en onderworpe aan voorwaardes, soos meer volledig sal blyk uit gesegde akte en kaart geregistreer op 24 Mei 1983.
- F. Die voormalige Resterende gedeelte van Gedeelte 6 van die gemelde plaas, groot 1766,4013 hektaar ('n gedeelte waarvan hierkragtens getranspoteer word), is kragtens Notariële Akte Nr K476/88 gedateer 1 Februarie 1988 onderhewig aan 'n waterpyp-leiding serwituut soos aangedui deur die figuur ABCDEF op Kaart LG Nr A568/1976 ten gunste van die Rand Waterraad soos meer volledig sal byk uit gemelde Notariële Akte.
- G. Die Resterende Gedeelte van Gedeelte 6 van die plaas Pretoria Town and Townlands 351-JR, groot 1309,7584 hektaar (waarvan 'n gedeelte hierkragtens getranspoteer word) is:
- a. Kragtens Notariële Akte No K94/98S gedateer 3 Julie 1997 onderhewig aan 'n permanente serwituutgebied, vir die installering en oprigting van 'n pyplyn en werke, 6 (ses) meter wyd waarvan die middellyn aangedui word deur die lyn ABCDEFGH en JKLMNOPQRSTUVWXYZ op Kaart LG No 2219/1997, met meegaande regte en 'n tydelike serwituutgebied vir die duur van die konstruksie van die pyplyn en werke ten gunste van Die Suid-Afrikaanse Gasdistribusie korporasie Beperk 1964/006005/06, soos meer volledig blyk uit die gemelde Notariële Akte.
 - b. Kragtens Notariële Akte No K95/98S gedateer 11 November 1997 onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n Drukverminderingstasie, pyplyn en werke met meegaande regte welke
 - i. Pyplyn en werke 6 (ses) meter wyd is en waarvan die middellyn aangedui word deur die lyn ABCDEFGHJKLM en NPQ en die
 - ii. Drukverminderingstasie en werke 1794 vierkante meter groot is, aangedui deur die figuur RSTU op kaart LG No 4107/1997

Sowel as 'n tydelike serwituut vir die duur van die konstruksie van die pyplyn en werke ten gunste van Die Suid-Afrikaanse Gasdistribusie korporasie Beperk 1964/006005/06 soos meer volledig sal blyk uit die gemelde Notariële Akte."

3. CONDITIONS OF TITLE

- 3.1 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)
- 3.1.1 ALL ERVEN (EXCEPT ERVEN 8188 UP TO AND INCLUDING 8191)
- 3.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries 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 local authority: Provided that the local authority may dispense with any such servitude.
- 3.1.1.2 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.
- 3.1.1.3 The local authority 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 local authority.
- 3.1.2 ERVEN 8051 AND 8070
- The erven shall be subject to a 3m wide servitude for municipal services (stormwater) in favour of the City of Tshwane, as shown on the General Plan.
- 3.1.3 ERVEN 8054, 8068, 8078 AND 8175
- The erven shall be subject to a 6m wide water pipeline servitude in favour of the City of Tshwane, as shown on the General Plan.
- 3.1.4 ERF 8014 and 8176
- The erf shall be subject to a water pipeline servitude in favour of the City of Tshwane, as shown on the General Plan.
- 3.2 Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended
- 3.2.1 ERVEN 7921 TO 7976
- 3.2.1.1 The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road PWV-9.
- 3.2.1.2 Except for the physical barrier referred to in sub-clause 3.2.1.1 above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m/30m from the boundary of the erf abutting Road PWV-9, neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).