

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

**Provincial Gazette
Provinsiale Koerant**
EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol. 26

PRETORIA
3 SEPTEMBER 2020
3 SEPTEMBER 2020

No. 157

CONTENTS

| | | <i>Gazette</i> | <i>Page</i> |
|-----------------------------------|--|----------------|-------------|
| | | <i>No.</i> | <i>No.</i> |
| PROCLAMATION • PROKLAMASIE | | | |
| 66 | Town-planning and Townships Ordinance (15/1986): Irene Extension 176 | 157 | 3 |
| 67 | Town-planning and Townships Ordinance (15/1986): Irene Extension 177 | 157 | 9 |

PROCLAMATION • PROKLAMASIE

PROCLAMATION 66 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4223T**

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 176, 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 4223T.

(CPD 9/1/1/1-IRNx176 0301)
(CPD 9/2/4/2-4223T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ AUGUST 2020
(Notice 118/2020)

CITY OF TSHWANE**DECLARATION OF IRENE EXTENSION 176 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 176 to be an approved township, subject to the conditions as set out in the Schedule hereto.

CPD 9/1/1/1-IRNx176 0301))
(CPD 9/2/4/2-4223T)

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 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 897 (A PORTION OF PORTION 540) 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 176.

1.2 DESIGN

The township shall consist of erven as indicated on the General Plan SG No 5290/2016.

1.3 ACCESS

Ingress to and egress from the township shall be to and from Royal Oak Road, in the township of Irene Extension 44.

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

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

1.4.3.1 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

1.4.3.2 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, culls-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 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 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane as endowment a total amount of **R233 000** for an area of **336m²**.

The amount of this area shall be used by the City of Tshwane 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).

1.9 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, when required to do so by the Municipality.

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 RESTRICTIONS ON THE ALIENATION OF 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 obligation 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.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 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.

2.3.2 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.

2.3.3 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 (ie 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.

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject and, where relevant, entitled to the following existing conditions:

A.

- (a) "A. The Remaining Extent of Portion 5 of the said farm, measuring 1046,8662 hectares, a portion whereof is hereby transferred, 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.

- (b) B. The former remaining extent of Portion 5 of the said farm, measuring 953,9285 hectares, portion whereof is hereby transferred, is subject to an Order of the Supreme Court of South Africa, made on the 3rd July 1979 in case no M1722/79. The said Order and Agreement, is filed under BC9566/83.
- (c) E. Die Resterende Gedeelte van Gedeelte 5 van die plaas DOORNKLOOF 391, Registrasie Afdeling JR, Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) is onderhewig aan Onteieningskennisgewing Ex 347/98.
- (d) M The former Remaining Extent of Portion 540 (a Portion of Portion 335) of the Farm Doornkloof 391 JR, measuring 26,7874 Hectares a portion of which is held hereunder, is by virtue of Notarial Deed of Servitude K5042/2016S, entitled to a perpetual servitude for maintenance and repair over Erf 1239, Irene Extension 44 Township, measuring 5165 square metres, as will more fully appear with reference to the said Notarial Deed.

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

- (e) D. The former remaining extent of portion 5 of the said farm measuring 952,2540 hectares, portion whereof is hereby transferred, is by Notarial Deed of Servitude K5400/93S dated the 3rd May 1993 subject to a water pipeline servitude:
- (a) As indicated by the figure S2 S4 S5 S6 S7 S8 S3 S2 on diagram SG No 5725/1998 annexed to Certificate of Registered Title T143932/99; and
- (b) As indicated by the figure S9 S10 S11 S12 on diagram SG No 5725/1998 annexed to the said Certificate of Registered Title T143932/99,

In favour of the CITY COUNCIL OF CENTURION as will more fully appear from reference to the said Notarial Deed;

- (f) F. Kragtens Notariële Akte van Servituut K6038/99S is die resterende gedeelte van Gedeelte 5 van die plaas DOORNKLOOF 391 Registrasie Afdeling JR, Provinsie van Gauteng, groot 566,0068 hektaar ('n gedeelte waarvan hiermee getransporeer word) onderhewig aan 'n ewigdurende servituut van kraglyn, 3 meter wyde, ten gunste van die STADSRAAD VAN CENTURION, welke servituut aangedui word deur die figuur A S1 S2 S3 op kaart no 3725/1997 geheg aan genoemde Sertifikaat van Geregistreerde Titel T143932/99.
- (g) G. By virtue of Notarial Deed of Servitude K3322/2002S dated 27 May 2002 the within mentioned property is subject to a servitude for road and municipal purposes if favour of the City of Tshwane as indicated by figure ABCDEF of diagram SG No 2632/2002 as will more fully appear from said deed.
- (g) H By virtue of Notarial Deed of Servitude K5564/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 811 square metres in extent indicated by the figure A B C D E F G H A on diagram SG No 5037/2014 as will more fully appear from the said Notarial Deed.
- (h) I By virtue of Notarial Deed of Servitude K5565/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 288 square metres in extent indicated by the figure A B C D A on diagram SG No 5038/2014 as will more fully appear from the said Notarial Deed.
- (i) J By virtue of Notarial Deed of Servitude K5566/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 160 square metres in extent indicated by the figure A B C D A on diagram SG No 5039/2014 as will more fully appear from the said Notarial Deed.
- (j) K By virtue of Notarial Deed of Servitude K717/2018S dated 28 February 2018 the within mentioned property is subject to servitude for municipal services 12 square metres in extent in favour of CITY OF TSHWANE indicated by the figures ABCA on diagram SG No 11086/2006 as will more fully appear from the said Notarial Deed.

C: Excluding the following which do affect certain erven and street in the township:

- (l) C. The former remaining extent of portion 5 of said farm measuring 953,9285 hectares, a portion whereof is hereby transferred, is by Notarial Deed K2931/86S subject to a perpetual right to provide electricity by way of wires, etc. over the servitude area indicated by the line S13 S14 on Diagram SG No 5725/1998 annexed to Certificate of Registered Title T143932/99, in favour of the CITY COUNCIL OF CENTURION. This servitude only affects Erf 4749 in the township.
- (m) L By virtue of Notarial Deed of Servitude K722/2018S dated 28 February 2018 the within mentioned property is subject to servitude for municipal road purposes 3891 square metres in favour of CITY OF TSHWANE indicated by the figures ABCDEFA on diagram SG No 4076/2007 as will more fully appear from the said Notarial Deed. This servitude only affects existing Royal Oak Road in the township.

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 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 erven lie in an area with soil conditions can cause serious damage to buildings and structures. In order to limit such damage foundations and other structural elements of building and structures must be designed by a competent professional engineer and erected under his supervision. Building plans submitted to Municipality for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. The owner of the erf shall comply with these measures in accordance with the recommendations contained in the Geo-technical report for the township and conditions imposed by the Council for Geoscience, unless it is proven to the Municipality and the Council for Geoscience that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

4.1.2 Erf 4749

The erf will be subject to a 3 metre wide servitude for stormwater purposes, in favour of the Municipality, as indicated on the approved General Plan.

4.1.3 Erven 4735, 4736, 4737, 4738, 4739, 4740, 4741 and 4749

The erf is subject to a 5 metre wide servitude for stormwater purposes, in favour of the Municipality, as indicated on the approved General Plan.

4.1.4 Erf 4741

The erf will be subject to a 3 metre wide servitude for stormwater purposes, in favour of the Municipality, as indicated on the approved General Plan.

PROCLAMATION 67 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4537T**

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 177, 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 4537T.

(CPD 9/1/1/1-IRNx177 0301)
(CPD 9/2/4/2-4537T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

AUGUST 2020
(Notice 119/2020)

CITY OF TSHWANE**DECLARATION OF IRENE EXTENSION 177 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 177 to be an approved township, subject to the conditions as set out in the Schedule hereto.

CPD 9/1/1/1-IRNx177 0301))
(CPD 9/2/4/2-4223T)

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 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 898 (A PORTION OF PORTION 540) OF THE FARM DOORNKLOOF 391JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Irene Extension 177.

1.2 DESIGN

The township shall consist of erven as indicated on approved General Plan SG No 5291/2016.

1.3 ACCESS

Ingress to and egress from the township shall be to and from Royal Oak Road in the township of Irene Extension 44.

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

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

1.4.3.1 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

1.4.3.2 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 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 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane as endowment a total amount of **R24 000** for an area of **48m²**.

The amount of this area shall be used by the City of Tshwane 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).

1.9 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, when required to do so by the Municipality.

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 RESTRICTIONS ON THE ALIENATION OF 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 obligation 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.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 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.

2.3.2 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.

2.3.3 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.

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject and, where relevant, entitled to the following existing conditions:

A.

- (a) "A. The Remaining Extent of Portion 5 of the said farm, measuring 1046,8662 hectares, a portion whereof is hereby transferred, 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.

- (b) B. The former remaining extent of portion 5 of the said farm, measuring 953,9285hectares, portion whereof is hereby transferred, is subject to an Order of the Supreme Court of South Africa, made on the 3rd July 1979 in case no M1722/79. The said Order and Agreement, is filed under BC9566/83.
- (c) E. Die Resterende Gedeelte van Gedeelte 5 van die plaas DOORKLOOF 391, Registrasie Afdeling JR, Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) is onderhewig aan Ontheeningskennisgewing Ex 347/98.
- (d) M The former Remaining Extent of Portion 540 (a Portion of Portion 335) of the Farm Doornkloof 391 JR, measuring 26,7874 Hectares a portion of which is held hereunder, is by virtue of Notarial Deed of Servitude K5042/2016S, entitled to a perpetual servitude for maintenance and repair over Erf 1239 Irene Extension 44 Township, measuring 5165 square metres, as will more fully appear with reference to the said Notarial Deed.

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

- (e) C. The former remaining extent of portion 5 of said farm measuring 953,9285 hectares, a portion whereof is hereby transferred, is by Notarial Deed K2931/86S subject to a perpetual right to provide electricity by way of wires, etc. over the servitude area indicated by the line S13 S14 on Diagram SG No 5725/1998 annexed to Certificate of Registered Title T143932/99, in favour of the CITY COUNCIL OF CENTURION.

- (f) D. The former remaining extent of portion 5 of the said farm measuring 952,2540 hectares, portion whereof is hereby transferred, is by Notarial Deed of Servitude K5400/93S dated the 3rd May 1993 subject to a water pipeline servitude:
- (a) As indicated by the figure S2 S4 S5 S6 S7 S8 S3 S2 on diagram SG No 5725/1998 annexed to Certificate of Registered Title T143932/99; and
 - (b) As indicated by the figure S9 S10 S11 S12 on diagram SG No 5725/1998 annexed to the said Certificate of Registered Title T143932/99,
- In favour of the CITY COUNCIL OF CENTURION as will more fully appear from reference to the said Notarial Deed;
- (g) F. Kragtens Notariële Akte van Serwituut K6038/99S is die resterende gedeelte van Gedeelte 5 van die plaas DOORNKLOOF 391 Registrasie Afdeling JR, Provinsie van Gauteng, groot 566,0068 hektaar ('n gedeelte waarvan hiermee getransporeer word) onderhewig aan 'n ewigdurende serwituut van kraglyn, 3 meter wyde, ten gunste van die STADSRAAD VAN CENTURION, welke serwituut aangedui word deur die figuur A S1 S2 S3 op kaart no 3725/1997 geheg aan genoemde Sertifikaat van Geregistreerde Titel T143932/99.
- (h) G. By virtue of Notarial Deed of Servitude K3322/2002S dated 27 May 2002 the within mentioned property is subject to a servitude for road and municipal purposes if favour of the City of Tshwane as indicated by figure ABCDEF of diagram SG No 2632/2002 as will more fully appear from said deed.
- (h) H By virtue of Notarial Deed of Servitude K5564/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 811 square metres in extent indicated by the figure A B C D E F G H A on diagram SG No 5037/2014 as will more fully appear from the said Notarial Deed.
- (i) I By virtue of Notarial Deed of Servitude K5565/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 288 square metres in extent indicated by the figure A B C D A on diagram SG No 5038/2014 as will more fully appear from the said Notarial Deed.
- (j) J By virtue of Notarial Deed of Servitude K5566/2016S dated 5 August 2016 the within mentioned property is subject to a servitude for right of way and Municipal Services purposes together with ancillary rights in favour of CITY OF TSHWANE 160 square metres in extent indicated by the figure A B C D A on diagram SG No 5039/2014 as will more fully appear from the said Notarial Deed.
- (k) K By virtue of Notarial Deed of Servitude K717/2018S dated 28 February 2018 the within mentioned property is subject to servitude for municipal services 12 square metres in extent in favour of CITY OF TSHWANE indicated by the figures ABCA on diagram SG No 11086/2006 as will more fully appear from the said Notarial Deed.
- (l) L By virtue of Notarial Deed of Servitude K722/2018S dated 28 February 2018 the within mentioned property is subject to servitude for municipal road purposes 3891 square metres in favour of CITY OF TSHWANE indicated by the figures ABCDEFA on diagram SG No 4076/2007 as will more fully appear from the said Notarial Deed. This servitude only affects existing Royal Oak Road in the township.

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 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 erven lie in an area with soil conditions can cause serious damage to buildings and structures. In order to limit such damage foundations and other structural elements of building and structures must be designed by a competent professional engineer and erected under his supervision. Building plans submitted to Municipality for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. The owner of the erf shall comply with these measures in accordance with the recommendations contained in the Geo-technical report for the township and conditions imposed by the Council for Geoscience, unless it is proven to the Municipality and the Council for Geoscience that such measures are unnecessary or that the same purpose can be achieved by other more effective means.