

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 104 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4357T**

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 195, 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 4357T.

(CPD 9/2/4/2-4357T (Item 27329))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ NOVEMBER 2020
(Notice 124/2020)

CITY OF TSHWANE**DECLARATION OF IRENE EXTENSION 195 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 195 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/2/4/2-4223T (Item 27329))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD REGISTRATION NUMBER 2000/020447/07, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 921 (A PORTION OF PORTION 906) 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 195.

1.2 DESIGN

The township shall consist of erven as indicated on approved General Plan SG No 171/2018.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The Township Owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 PRECAUTIONARY MEASURES (APPLICABLE TO DOLOMITIC AREAS)

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 stand sizes, risk classification and designation for each stand within the township 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 as applicable must be included.

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 township owner shall at its 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 area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; 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, to the satisfaction of the Municipality.

1.4.3.3 the township owner and its successors in title including the owner of any erven within the township shall comply with the conditions imposed by the Council for Geoscience and shall comply with the geotechnical or dolomite stability or similar report aimed at managing the development in so far as it is located on dolomite.

1.5 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 and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.6 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF ROADS AND TRANSPORT

1.6.1 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 19 October 2017.

1.6.2 The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport (hereafter referred to as Gautrans) has granted consent for the development.

1.6.3 Access to the township will not be allowed to Future Road PWV 6.

1.6.4 Lines of no access will be applicable to Future Road PWV 6.

1.6.5 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of Gautrans will be erected along the lines of no access on the boundary of the development area fronting on provincial roads.

- 1.6.6 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 30m from the boundary of the erven abutting on Future Road PWV 6 for multiple story residential use and 20m from the boundaries of the erven abutting on Future Road PWV 6 for single story residential use and any other use, nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of the Gautrans.
- 1.6.7 In terms of EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, the following building lines are applicable:
- 30m building line from Future Road PWV 6 for multiple storey residential use and 20m building line from Future Road PWV 6 for single story residential and any other use affecting Erf 4766.
- 1.6.8 The applicant shall arrange for the drainage of the development area to fit in with that of Future Road PWV 6 and for all stormwater running off or being diverted from Future Road PWV 6 to be received and disposed of.
- 1.6.9 No advertisements that may be visible from Future Road PWV 6 shall be displayed without the written approval of Gautrans and the Municipality.
- 1.7 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)
- 1.7.1 The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development.
- 1.8 CONDITIONS IMPOSED BY NATIONAL AND REGIONAL ROADS AUTHORITIES
- The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the South African National Roads Agency Limited, the Department of Roads and Transport (Gauteng Provincial Government), Department of Water and Environmental Affairs and where applicable as imposed by the Municipality.
- 1.9 ACCESS CONDITIONS
- 1.9.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.
- 1.9.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No CPD IRN x195/3. No access to or egress from the township shall be permitted via van Ryneveld Road.
2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013
- 2.1 REFUSE REMOVAL
- 2.1.1 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.
- 2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for the removal of all refuse.

2.2 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, TELKOM and/or ESKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

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

2.4 CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, consolidate Erven 4765 and 4766 to the satisfaction of the Municipality.

The Municipality hereby grants approval for the consolidation of Erven 4765 and 4766 in terms of section 16(12)(d) of By-law read with section 15(6) of the By-law, which consolidation approval shall only come into operation on proclamation of the township and subject to the section 16(10) certification in term of the By-law by the City of Tshwane.

The Township Owner shall simultaneously with an application for a section 16(10) certification for the registration of erven in the township, apply for a section 16(10) certification for purposes of the consolidation and shall comply with the conditions of the consolidation and the township for issuing of both certifications.

2.5 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner;

prior to the Municipality certifying to the Registrar of Deeds that:

- 2.5.1 all engineering services have been designed and constructed to the satisfaction of the Municipality, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;
- 2.5.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- 2.5.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.5.4 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;
- 2.5.5 it is in a position to consider a final building plan; and
- 2.5.6 all the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.6 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall, in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, pay an amount of money to the Municipality in lieu of the provision of land for the provision of opens spaces and parks equal to **11 556m²** read with section 16(10) of the By-law.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

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

3.1 Excluding the following servitudes which do not affect the township due to its locality:

3.1.1 Condition B - The former remaining extent of portion 5 of the said farm, measuring 959,2555 hectares, portion whereof is held hereunder: -

- (1) Is by Notarial Deed K2702/1976S subject to a servitude of pipeline as indicated by the figure S20 S21 S22 S26 on diagram SG 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 K2703/1976S subject to a servitude of pipeline, 16 meters wide, as indicated by the figure S26 S22 S 23 S24 S25 on diagram SG No 5724/1998 hereto annexed in favour of RAND WATER BOARD, which servitude includes ancillary rights as will more fully appear from reference to the said Notarial Deed.

3.1.2 Condition D

The former remaining extent of portion 5 of the said farm measuring 953,9285 hectares, a portion of which is held hereunder is:

- (1) By Notarial Deed K1087/85 subject in favour of the CITY OF TSHWANE to a right of way 1410 square meters in extent, indicated by the figure G S17 S18 S19 F on diagram SG No 5724/1998 annexed thereto as will more fully appear from reference thereto.
- (2) By Notarial Deed of Servitude K1414/90S 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 5724/1998 annexed thereto, in favour of the CITY OF TSHWANE together with ancillary rights, as will more fully appear from reference to the said Notarial Deed.

3.1.3 Condition 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 hierkrachtens gehou 'n gedeelte uitmaak) is onderhewig aan Onteieningskennisgewing Ex 347/1998.

3.1.4 Condition 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.

3.2 Including the following which do affect the township and shall be made applicable to the individual erven in the township:

3.2.1 Condition A

The former remaining extent of portion 5 of the said farm, measuring 1046,8662 hectares, 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.

3.2.2 Condition C

The former remaining extent of portion 5 of the said farm measuring 853,9285 hectares, a portion of which is held hereunder is subject to an order of the high Court of South Africa, made on the 3rd of July 1979 in Case Number M1722/1979. The said Order and agreement is filled under BC9566/1983.

3.2.3 Condition G

SUBJECT TO THE FOLLOWING NEWLY IMPOSED CONDITIONS IN FAVOUR OF THE CITY OF TSHWANE:

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

4. CONDITIONS OF TITLE

4.1 Conditions of Title imposed in favour of the Municipality in terms of the section 16(4)(g) of the By-law.

4.1.1 ALL ERVEN

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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 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 Municipality.

4.1.2 ERF 4765

The erf is subject to the following servitudes in favour of the Municipality, as indicated on the General Plan:

4.1.2.1 A 6 x 3m electrical (mini-substation) servitude.

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

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

4.2.1 ALL ERVEN

4.2.1.1 A Dolomite Risk Management Plan shall be implemented and maintained by the Body Corporate or any other legal entity in its stead, in conjunction with the owner and a Dolomite Risk Manager shall be appointed for that purpose.

4.2.1.2 The Body Corporate or any other legal entity in its stead, in conjunction with the owner of any property forming part of the Township, shall at all times have proper insurance policies for damage caused by dolomite related incidents; including sinkholes, subsidence and landslip in place and be responsible for the payment of all premiums of such insurance policies.

4.2.1.3 As this erf forms part of the area that is underlain by dolomite, the owner/developer shall make any prospective buyer/tenant 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 stability risk responsibly. Should it become known that the owner/developer have failed to comply with this condition, the sale/lease agreement shall be deemed to have lapsed.

- 4.3 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.

4.3.1 ERVEN 4765 AND 4766

4.3.1.1 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 6.

4.3.1.2 Except for the physical barrier referred to in clause (a) 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 30m (multiple story residential use) and 20m (single story residential or any other use) from the boundary of the erf abutting Future Road PWV 6 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).