

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 223 OF 2021****LOCAL AUTHORITY NOTICE T014/2021
TIRONG EXTENSION 15**

- A. In terms of section 28(15) of the By-laws of the City of Johannesburg Metropolitan Municipality declares **Tirong Extension 15** to be an approved township subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY TRUSTEES FOR THE TIME BEING OF TIRONG DEVELOPMENT TRUST IT 2554/2016(G) (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF PART 3 OF CHAPTER 5 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 (HEREINAFTER REFERRED TO AS THE BY-LAW), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PROPOSED PORTION 162 (A PORTION OF PORTION 159) OF THE FARM 193 IQ, GAUTENG PROVINCE, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT.**(1) NAME**

The name of the township is **TIRONG EXTENSION 15**.

(2) DESIGN

The township consists of erven and roads as indicated on General Plan No. 1633/2018.

(3) DESIGN AND PROVISION OF ENGINEERING SERVICES IN AND FOR THE TOWNSHIP

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)

Should the development of the township not be commenced with before **7 March 2022** the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

(a) Should the development of the township not be completed before **9 September 2026** the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(c) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No. **Tirongx15/P1/2018** The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

(d) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated **9 September 2016**.

(6) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before **3 July 2022** the application to establish the township, shall be resubmitted to the Department : Mineral Resources for reconsideration.

(7) ACCESS

(a) Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport.

(b) No access to or egress from the township shall be permitted via the line/lines of no access as indicated on the approved layout plan of the township No.**Tirongx15/P1/2018**.

(8) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.

(9) REFUSE REMOVAL

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.

(10) 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.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings and structures situated 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.

(12) OPEN SPACE CONTRIBUTION

The township owner shall, if applicable, in terms of section 48. of the By-law pay an open space contribution to the local authority *in lieu* of providing the necessary open space in the township or for the shortfall in the provision of land for open space.

(13) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OR TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 3 above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 3 above.

(14) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services, 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.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

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

SUBJECT to the following conditions:

- (a) De eigenaren, hun rechtverkrugenden, van Gedeelten A B C en het Resterend gedeelte van gezegde plaats, groot respektievelik 160,2415 Hektaar, 160,2429 Hektaar, 160,2429 Hektaar en als zodanig 168,9067 Hektaar geregistreerd ten name van Jan Harm Roos (overleden), Christiaan Paul Roos (onverleden), Johannes Christiaan Roos en Stephanus Lodewijk Roos, op de 9de dag van November 1923 by Akten van Transport Nos 10582/1923, 10583/1923, 10584/1923 en 10585/1923 respektievelik, zullen niet gerechtigd zijn inbreuk te maken op het bestaandelopende water op de gezegde gedeelten "A" "B" "C" en Resterend Gedeelte van gezegde plaats, doch zal gezegd water vrij en onbelemmerd blijven voor het gebruik van alle eigenaren voor irrigatie doeleinden.
- (b) Die eigenaren hun rechtverkrijgenden, van gezegde gedeelte "A" "B" "C" en het Resterend Gedeelte van gezegde plaats zullen verplicht zijn de voor van de bovenste dam, liggende half op gezegd gedeelte "A" en half op gezegde gedeelte "C" als aangemerkt op de kaart S.G. No A863/23, gehecht aan de Transportakte van gedeelte "A", gezamenlik en in gelijke delen schoon en in behoorlike staat houden voor de afstand als aangemerkt in gezegde Kaart 863/23 met de letters M L K J en ingeval het nodig blijkt, te eniger tijd, om de dammen, voor of aquaduct over de spruit te verbeteren of te repareren, zullen de gezegde eigenaren hun rechtverkrijgenden, van gezegde gedeelten "A" "B" "C" en het resterend gedeelte, verplicht zijn, naar verhouding van die grootte van hun grond, de kosten van zodanige reparaties of verberingen te betalen.
- (c) Die eigenaren, hun rechtverkrijgenden, van gedeelten "A" en "B" voormeld van gezegde plaats, zullen gerechtigd zijn tot water van de dammen zoals aangeerkt op gezegde kaart S.G. No A863/23 en kaart S.G. No A865/23 gehecht aan de Akte van Transport van Gedeelte C en van de spruit voor 2.1/2 (twee en een halve dag) en de eigenaren, hun rechtverkrijgenden, van gedeelte "C" en het Resterend Gedeelte voormeld, voor 1.1/2 (anderhalve) dag. Deze tijdperken te gaan in rotatie en zullende elk tijdperk gerekend worden te beginnen van het ogenblik dat het water op de landen komt.
- (d) De bomen van het populierenbos, gelegen op gedeelte "C" van gezegde plaats, zullen het gezamenlik eigendom zijn van die eigenaren, hun rechtverkrijgenden, van gezegde gedeelte "C" en het Resterende Gedeelte voormeld van gezegde plaats, elk voor de half, met recht von toegang daartoe ten gunste van de eigenaar, zijn rechtverkrijgenden, van gezegde Resterende Gedeelte, voor de doeleinden om de bomen hem toekomende te kappen en te verwijderen.

3. CONDITIONS OF TITLE.

(A) Conditions of Title imposed by the local authority in terms of the provisions of Chapter 5 Part 3 of the By-law.

(1) ALL ERVEN

The erven lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC coding for foundations is classified as **Soil Zone III**.

(2) ALL ERVEN

(a) 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.

(b) 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.

(c) 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) ALL ERVEN

The erven shall not be transferred without the written consent of the local authority first having been obtained and the local authority shall have an absolute discretion to withhold such consent, unless the transferee accepts the following condition: The local authority had limited the electricity supply to the erven to **469VA** and should the registered owners of the erven exceed the supply or should an application to exceed such supply be submitted to the local authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

(4) ERVEN 323 AND 355

The erven are subject to a 3m wide Sewer and Storm water Servitude as indicated on the General Plan in favour of the local authority.

(5) ERVEN 343 AND 344

The erven are subject to a 3mx3m mini substation servitude as indicated on the General Plan in favour of the local authority.

(6) ERVEN 396 AND 397

(a) The Erf is subject to a servitude for municipal services and right of way in favor of the local authority as indicated on the General Plan.

(b) Subject to a Right of Way Servitude in favour of Erven 302-395 Tirong Extension 15 as indicated on the General Plan.

(c) Erven 302-395 is entitled to a Right of Way servitude over Erven 396 & 397 Tirong Extension 15.

B. 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 unless the following conditions and/or servitudes have been registered:

(1) ALL ERVEN (EXCEPT ERVEN 395, 396 and 397)

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer become and remain a member of **Tirong Estate**, incorporated for the purpose of the community scheme ("the Association") and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from such Association certifying that the provisions of the Memorandum of Incorporation have been complied with and the purchaser has bound himself/herself to the satisfaction of the Association to become and remain a member of the Association.

2. Subject to a Right of Way Servitude in favour of all erven in Tirong Extension 13, 14, 16, 17 and 18 excluding all erven vesting in the NPC (Erven 300 and 301) in Tirong Extension 14, Erven 396 and 397 in Tirong Extension 15, Erf 521 in Tirong Extension 16, Erven 600 and 601 in Tirong Extension 17 and Erven 668 and 669 Tirong Extension 18 for access purposes as indicated on the General Plan.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T14/2021