

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS
LOCAL AUTHORITY NOTICE 719 OF 2021

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

TSHWANE AMENDMENT SCHEME 480T

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 Rietvalleirand Extension 74, 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 480T.

(CPD 9/1/1/1-RVRx74 590)
(CPD 9/2/4/2-480T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

13 JULY 2021
(Notice 121/2021)

CITY OF TSHWANE

DECLARATION OF RIETVALLEIRAND EXTENSION 74 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 Rietvalleirand Extension 74 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-RVRx74 590)
(CPD 9/2/4/2-480T)

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE PARKS PROPERTIES (PTY) LTD (REGISTRATION NR 2012/140740/07) (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 74 (A PORTION OF PORTION 28) OF THE FARM WATERKLOOF NO 360JR, GAUTENG PROVINCE HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township is Rietvalleirand Extension 74.

1.2 DESIGN

The township consists of erven as indicated on General Plan SG No 350/2015.

1.3 ACCESS

Ingress to and egress from the township shall be to the satisfaction of the Municipality and the Provincial Department of Roads and Transport.

1.4 RECEIVING AND DISPOSAL OF STORM-WATER

The stormwater plan for this development must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas. Any new enlarges stormwater systems to address all stormwater runoff must be investigated and designed by a professional civil engineer to the satisfaction of the Municipality.

The low points in roads and the accumulation of stormwater in crescents, culls-de-sac and lower lying erven must be drained to the satisfaction of the Municipality.

1.5 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the Municipality in order to ensure that:

- 1.5.1 Water will not dam up, that the entire surface of the township area is drained properly and that the streets are sealed with tar, cement or bitumen;
- 1.5.2 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.

1.6 REFUSE REMOVAL

- 1.6.1 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.
- 1.6.2 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.

1.7 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. 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.

1.8 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.9 ERF FOR MUNICIPAL PURPOSES

Erf 985 shall be transferred to the City of Tshwane by and at the expense of the township owner.

1.10 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.

1.11 PROVISION OF OPEN SPACES AND PARKS

1.11.1 The township owner shall in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) secure private open space of at least **2 196m²** by means of a servitude over a portion of Erf 986 in favour of each section in the Sectional Title Scheme established for the township, provided that such servitude may not be cancelled without the written consent of the Municipality and provided further that the final location and the extent thereof, will be agreed between Township owner and the Municipality after proclamation of the township, for purposes of the protection of open spaces in lieu of the provision of open spaces and parks, as contemplated in the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986.

1.11.2 The applicant has agreed to the provision of open space of **18m²** per dwelling unit (**2 196m²**) in the township. Such areas shall be developed and kept free of structures, shall be indicated on a site plan and the area(s) on Erf 986 which shall be protected by means of a servitude(s) provided further that the final location and the extent thereof, will be agreed between Township owner and the Municipality after proclamation of the township.

1.11.3 If at any time the total area of **2 196m²** servitude areas as agreed to is not available for open space purposes as stipulated in subsection 1.11.1, the township owner or its successor in title shall, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986, 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 **2 196m²** or for the shortfall thereof, with Regulation 44 of the Town Planning and Townships Ordinance, 1986.

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).

1.12 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 which the Gauteng Department of Agriculture and Rural Development including if applicable 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 Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

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

1.14.1 Should the development of the township not been completed within before 19 April 2024, the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

1.14.2 If however, before the expiry date mentioned in 1.14.1 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 fulfilment 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).

1.14.3 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 19 April 2024.

1.14.4 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.

1.14.5 A line of no access will be applicable along Road P122-1 (Boeing Street).

1.14.6 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.

1.14.7 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 16m from the boundary of the erven abutting on Road P122-1 (Boeing Street), 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.

1.14.8 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: 16m building line from Road P122-1 (Boeing Street) affecting Erf 986.

1.14.9 The applicant shall arrange for the drainage of the development area to fit in with that of Provincial Road P122-1. and for all stormwater running off or being diverted from Provincial Road P122-1 to be received and disposed of.

1.14.10 No advertisements that may be visible from Provincial Road P122-1 shall be displayed without the written approval of Gautrans and the local authority.

1.15 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

The township owner shall within such period as the Local Authority may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/ cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

1.16 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.

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.

The township owner shall be responsible for the payment of bulk engineering services contributions, specifically for Water and Sanitation and such contributions may be offset against any upgrades or installation of services for Water and Sanitation, provided by the township owner for the proper development of this Township in terms of section 116 of Ordinance 15 of 1986.

Any arrangements with regard to the refunding or further offsetting of engineering services contributions, that may be entered into by the township owner with the City of Tshwane falls outside of the ambit of this township approval and may be dealt with, in so far as it may be authorized, in terms of such engineering services agreements or other agreements, that the City of Tshwane may be authorized to enter into with regard to the engineering services to be provided.

1.17 RESTRICTIONS 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 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, 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.

2.1 Including the following which do affect the township and shall be made applicable to Erf 986 in the township:

“C Kragtens Notariele Akte van Serwituut K.5750/2000S gedateer 18 Oktober 2000 is die binnegemelde eiendom onderhewig aan 'n serwituut vir munisipale doeleindes (stormwater) soos aangedui deur die figuur AwwuDEFA soos aangedui op Algemene Plan LG No 350/2015 en soos meer volledig sal blyk uit gemelde Notariële Akte.”

3. CONDITIONS OF TITLE

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 ALL ERVEN (EXCEPT ERF 985)

- 3.1.1 The erf shall be subject to a servitude, 3m wide, for municipal services (water, sewer, electricity and storm-water) (hereinafter referred to as "the services"), in favour of the local authority, along the east side boundary, and in the case of a panhandle erf, an additional servitude for municipal purposes, 3 m wide, over the entrance of portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.
- 3.1.2 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 it.
- 3.1.3 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

3.2 ERF 986

- 3.2.1 The erf shall be subject to a servitude, 3m wide, for municipal services (storm-water), along the western boundary of the erf, in favour of the City of Tshwane, as indicated on General Plan SG No 350/2015.
- 3.2.2 The erf shall be subject to a servitude, 2m wide, for municipal services (storm-water), along the southern boundary of the erf, in favour of the City of Tshwane, as indicated on General Plan SG No 350/2015.
- 3.2.3 No buildings or other structures may be erected within the aforesaid servitude areas and no trees with large roots may be planted within the area of such servitude or within a distance of 2m there from.
- 3.2.4 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- 3.2.5 The erf shall be subject to a servitude or servitudes to be in favour of and registered to the satisfaction of the Municipality subject to such further conditions as they may impose, of at least **2 196m²** in total, in favour of the residents, for the purposes of private open space, in lieu of monies payable to the Municipality for purposes of the provision of open spaces, provided that such servitude may not be cancelled without the written consent of the Municipality provided further that the final location and the extent thereof, will be agreed between Township owner and the Municipality, after proclamation of the township.

4. 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

4.1 ERF 986

- 4.1.1 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 P122-1 (Boeing Street).
- 4.1.2 Except for the physical barrier referred to in clause 4.1.1 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 16m from the boundary of the erf abutting Road P122-1 (Boeing Street) 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).