

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 143 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4543T**

In terms of section 49(1) of the Deeds Registries Act, 1937 (Act 47 of 1937), read with Section 16(4)(f)(i) of the City of Tshwane Municipal Planning By-Law, 2016. The City of Tshwane hereby extend the boundaries of Zwartkoppies Extension 47 to include Portion 301 of the farm Zwartkoppies No 364-JR subject to the conditions set out in the schedule hereunder.

It is hereby notified in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to Portion 301 of the farm Zwartkoppies Extension 47, being an amendment of the Tshwane Town Planning Scheme, 2008 (revised 2014).

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 4543T.

(CPD 9/2/4/2/-4543T (Item 27936))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ FEBRUARY 2021
(Notice 105/2021)

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY BALWIN PROPERTIES LIMITED (2003/028851/06 (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE EXTENSION OF THE TOWNSHIP BOUNDARY OF ZWARTKOPPIES EXTENSION 47 TOWNSHIP TO INCLUDE PORTION 301 OF THE FARM ZWARTKOPPIES NO 364-JR, GAUTENG PROVINCE HAS BEEN APPROVED

1. CONDITIONS OF EXTENSION**1.1 REGISTRATION OF SERVITUDES**

The township owner shall at its own costs cause the following servitudes to be registered to the satisfaction of the City of Tshwane:

None

1.2 GENERAL

The township owner shall comply with the provisions of section 16(7) of the By-law and satisfy the City of Tshwane Metropolitan Municipality that –

1.2.1 Amendment Scheme

The relevant amendment scheme in terms of Section 16(4)(d) of the By-law read with section 16(4)(g)(v) is in order and shall be published in terms of section 16(9)(a) and (b) in accordance with COT: F/28.

1.2.2 Name of Township, street names and numbering

The name of the township as well as the street names and numbers have been approved by the Municipality and is indicated on the General Plan SG No 3843/2018 in accordance with Schedule 5 and Section 42 of the By-law.

1.2.3 Geotechnical conditions in terms of section 28(12) to (14)

A geotechnical report has been submitted in order to determine the soil suitability of the land and indicating the various classes of soil according to the NHBRC classification on which the township is to be established and the said report shall be favourable.

If it is determined that the property falls within a dolomitic area the applicant shall provide proof that a dolomitic stability and foundation investigation has been carried out and a report compiled from the results, indicating areas suitable for development and specifying conditions under which development may take place, has been submitted and accepted by the Municipality and the Council for Geoscience.

The Engineer Geologist has certified that he/she compared the final layout plan of the township with the geological report in conjunction with the consulting town planner and he/she is satisfied that buildings can be erected on every erf. If any special arrangements have to be made for any erf the township owner shall provide proof that these arrangements have been made to the satisfaction of the Municipality.

If required by the Municipality to do so, the township owners shall have the layout plan for the township vetted by the Council for Geoscience.

1.2.4 Property-Homeowners Association or other entity to be established.

A Property-Homeowners Association or other entity to be established by the township owner to the satisfaction of the Municipality as contemplated in Section 34, read with Schedule 19 of the By-Law and which Property-Homeowners Association or other entity shall have as its main purpose the provision and maintenance of engineering services and public open space.

1.2.5 Engineering Services

1.2.5.1 Access is available to the township and that access to a public street system is available to all erven in the township whether by means of a private or public street in terms of section 28(5) of the By-law.

1.2.5.2 The portions of the road reserves adjoining the proposed township, and which are required for the proper installation and maintenance of municipal services, shall be acquired by the township owner;

1.2.5.3 Engineering Services read with Chapter 7 of the By-law: The township owner shall, at its (or his or her) costs provide such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the land development area and/or land development application; provided that the Municipality may, for that purpose, enter into an engineering services agreement with the owner of the land development area, in terms of the By-law, other law and as may be required in accordance with section 49 of the Act;

1.2.5.4 The township owner shall for the purpose of providing such engineering services reach agreement to the satisfaction of, and with the City of Tshwane on the availability and provision of engineering services for the township, which agreement shall indicate the standard of services to be provided and obligations of the Township Owner and the City of Tshwane with regard to the provision of internal and external engineering services and the payment of engineering services contribution toward the provision of such services in terms of section 21(3) of the by-law and section 49 of Spatial Planning and Land Use Management Act, (Act 16 of 2013).

1.2.5.5 The stormwater plan for this township must 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-sac's and lower lying erven must be drained to the satisfaction of the Municipality.

1.2.6 Department Mineral Resources

The comments of the Department: Mineral Resources was obtained.

1.2.7 EIA read with Schedule 6 (18) of the By-law

A record of decision from the Gauteng Department of Agriculture and Rural Development shall be obtained in terms of the provisions of the Environmental Management Act, 1998 (Act. 107 of 1998) and conditions that may have been imposed in the record of decision shall be complied with at the cost of the township owner.

1.2.8 General Plan

1.2.8.1 The General Plan for Zwartkoppies Extension 47 shall be endorsed to incorporate Erf 1744, Zwartkoppies Extension 47 Township (previously known as Portion 301 of the farm Zwartkoppies No 364-JR vide SG Diagram No 1172/2020)

1.2.8.2 The township owner shall comply with the provisions of section 16(6) and 29 (where applicable) of the By-law.

2. CONDITIONS OF ESTABLISHMENT RELATING TO THE TOWNSHIP WHICH SHALL REMAIN APPLICABLE TO THE TOWNSHIP AND ERVEN IN THE TOWNSHIP IN TERMS OF SECTION 16(4)(f) AND (g)(ii)

2.1 DESIGN

The boundaries of Zwartkoppies Extension 47 have been extended and the General Plan SG No 3843/2018 has been endorsed to include Erf 1744, Zwartkoppies Extension 47 Township (previously known as Portion 301 of the farm Zwartkoppies No 364-JR).

2.2 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.

2.3 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.

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

2.4.1 If circumstances change in the opinion of the Municipality 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).

2.4.2 The township owner shall comply with the conditions of the Department as set out in the Department's letters dated 2 March 2018.

2.4.3 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.

2.4.4 The access to the land development area will be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by Gautrans.

2.4.5 Access to the township will be provided from Lagoon Drive

2.4.6 Lines of no access will be applicable as shown on Layout Plan CPD/ZWART-KOPPIES X47/ext.boundaries/2

- 2.4.7 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.
- 2.4.8 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 R104 (P154-1 (K22), 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 Gautrans and SANRAL.
- 2.4.9 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 R104 (P154-1)(K22) affecting Erf 1744.
- 2.4.10 The applicant shall arrange for the drainage of the development area to fit in with that of Provincial Road R104 for all stormwater running off or being diverted from Provincial Roads R104 to be received and disposed of.
- 2.4.11 No advertisements that may be visible from Provincial Road R104 shall be displayed without the written approval of Gautrans, and the Municipality.
- 2.5 **CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)**
- 2.5.1 Should the township not be proclaimed in terms of section 16(9) of the By-law before September 2021 the application to establish the township, shall be resubmitted to the Department of Agriculture, and Rural Development' authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- 2.5.2 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 including those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 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.
- 2.6 **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) and where applicable as imposed by the Municipality. Comments per phase must be obtained from SANRAL even if the township is not directly affected by a SANRAL road.
- 2.7 **ACCESS CONDITIONS**
- 2.7.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.
- 2.7.2 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/ZWARTKOPPIES X47/ext.boundaries/2
- 2.7.3 No access to or egress from the township shall be permitted via the N4.

3. 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

3.1 REFUSE REMOVAL

3.1.1 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.

3.1.2 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.

3.2 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.

3.3 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.

3.4 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:

3.4.1 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;

3.4.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;

3.4.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;

3.4.4 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;

3.4.5 it is in a position to consider a final building plan; and

3.4.6 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.

3.5 ESTABLISHMENT OF AN ENTITY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his/her cost establish a Property-Homeowners Association or other entity as may be approved by the municipality and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the entity being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such entity has been duly formed, before a section 16(10) Certificate shall be issued in terms of the By-law.

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

All erven shall be made subject to all the existing conditions of title, if any:

4.1 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to all the existing conditions of title, if any:

4.1.1 Excluding the following servitudes which affect only that portion of Erf 1744 indicated by the Figure ABCDEFGHJnpqrstuvwxyA on diagram SG No 1172/2020;

4.1.1.1 Notarial Deed of Servitude No K 766/2017 S in favour of Transnet for a pipeline 6 metres wide, with ancillary rights, as indicated on diagram SG No 1660/2012.

4.1.1.2 Notarial Deed of Servitude NO K 9665/2019 S in favour of the General Public for access purposes and for municipal services, measuring 4100 square metres, with ancillary rights, indicated on diagram SG No 1977/2019.

4.1.1.3 Notarial Deed of Servitude No K 9666/2019 S in favour of the City of Tshwane for stormwater purposes, 5 metres wide, with ancillary rights, as indicated on diagram SG No 1978/2019.

5. CONDITIONS OF TITLE

5.1 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE MUNICIPALITY IN TERMS OF THE SECTION 16(4)(G) OF THE BY-LAW

5.1.1 ALL ERVEN

5.1.1.1 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.

5.1.1.2 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.

5.1.1.3 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.

5.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES

5.1.2 ERF 1744

5.1.2.1 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 automatically become and remain a member of Home Owners Association and shall be subject to its Constitution 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 the Home Owners Association certifying that the provisions of the Constitution have been complied with.

5.1.2.2 The Home Owners Association shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.