

**THE PROVINCE OF
GAUTENG**



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1552 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 6128T**

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 The Hills Extension 11, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Department Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 6128T.

(CPD 9/1/1/1-THSx11 165)
(CPD 9/2/4/2-6128T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

12 NOVEMBER 2021
(Notice 149/2021)

CITY OF TSHWANE**DECLARATION OF THE HILLS EXTENSION 11 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 The Hills Extension 11 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-THSx11 165)
(CPD 9/2/4/2-6128T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BALWIN PROPERTIES LIMITED, REGISTRATION NUMBER 2003/028851/06, UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1123 (A PORTION OF PORTION 1077) OF THE FARM RIETFONTEIN 375JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)

1.1 NAME

The name of the township shall be The Hills Extension 11.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 841/2021.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.4 ELECTRICITY

The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) make the necessary arrangements with ESKOM, the licensed supplier of electricity in the township for the provision of electricity to the township.

1.5 ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Tshwane Transport and Infrastructure Planning Department and/or the Provincial Department of Roads and Transport.

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

1.6.1 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.

1.6.2 The access to the land development area on Road K147 will be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by Gautrans.

1.6.3 Lines of no access will be applicable on Road K147 and Road P199-1.

1.6.4 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.

1.6.5 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 K147 and Road P199-1, 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.

1.6.6 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 K147 and Road P199-1 affecting Erven 987 and 988.

1.6.7 The applicant shall arrange for the drainage of the development area to fit in with that of Provincial Road K147 and Road P199-1 and for all stormwater running off or being diverted from Provincial Roads Road K147 and Road P199-1 to be received and disposed of.

1.6.8 No advertisements that may be visible from Provincial Roads Road K147 and Road P199-1 shall be displayed without the written approval of Gautrans and the local authority.

1.6.9 The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Public Transport, Roads and Works.

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 including 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.

1.8 CONSOLIDATION OF ERVEN

The township owner shall at his own expenses have Erven 987 and 988 in the township consolidated. The City of Tshwane hereby grants its consent to the consolidation in respect of Section 92(2) of Ordinance 15 of 1986.

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 1 ABOVE

2.1 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 local authority.

2.2 REFUSE REMOVAL

2.2.1 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.

2.2.2 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.

2.3 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.

2.4 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 local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

2.5 ENDOWMENT

The township owner shall secure private open space by means of a servitude over a portion of the Remainder of Portion 1077 of the farm Rietfontein 375JR, measuring 4,7350 hectares, in favour of the local authority for purposes of the protection of open spaces or pay an endowment in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-Planning and Townships Regulations, to the City of Tshwane.

2.6 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.

2.7 RESTRICTIONS ON THE TRANSFER OF AN ERF

Regardless the issuing of a certificate as contemplated in section 82 (1)(b)(ii)(cc) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with the provisions of condition 2.6.

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 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.

2.8 THE DEVELOPER'S OBLIGATIONS

2.8.1 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.

2.8.2 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.

2.8.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period to be determined by the services agreement commences on the date on which the council 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 services) have been completed. The developer shall submit proof to the Municipality that:

2.8.3.1 the Residence Association or other entity has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the roads and storm water services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and storm water services and the contract cost of the electrical services, prior to the commence date of the contract.

2.8.3.2 the Municipality has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

2.9 PRECAUTIONARY MEASURES

Before issuing of the section 82 Certificate, A detailed Construction or Phase 2 Geotechnical Report, which must include the mapping details of the trenches and the revised geotechnical map, confirming the soil conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, and geotechnical soil class for each stand within the township must be included. Certificate on the method of backfilling of the trenches must also be included.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

3.1 Excluding the following Conditions which do not affect the township, which will not be passed onto the erven in the township:

B1 ONDERWORPE aan die reg ten gunste van die Elektrisiteitsvoorsieningskommissie verleen om elektrisiteit oor bovermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes soos meer volledig sal blyk uit Notariële Akte K188/1950S en soos aangedui deur die lyn ab as die hartlyn van 'n bogronde Elektriese kraglyn met ondergrondse Elektriese Kabels soos aangedui op Kaart SG No 3500/2007 aangeheg by Sertifikaat van Verenigde Titel T74882/2007.

Kragtens Notariële Akte No K468/1960S, gedateer 16 Oktober 1959, en geregistreer op 16 Mei 1960, is die bepaling van bogemelde Notariële Akte van Serwituut K188/1950S gewysig soos meer ten volle sal blyk uit gesegde Notariële Akte."

B2 ONDERWORPE aan die reg ten gunste van die elektrisiteitsvoorsieningskommissie verleen om elektrisiteit oor bovermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes soos meer ten volle sal blyk uit Notariële Akte K467/1960S, waarvan die middellyn aangedui word deur die lyn s t op Kaart SG No 3500/2007.

E1 Kragtens Notariële Akte No K2044/2009 gedateer 6 April 2009 is die hierinvermelde eiendom onderhewig aan 'n reg van weg serwituut 13 meter wyd soos aangedui deur die figuur M a b c M o p op Diagram LG 8476/2008 met bykomende regte van gunste van gedeelte 1082 (gedeelte van gedeelte 1077) van die Plaas Rietfontein Nr 375 soos meer volledig sal blyk uit gemelde Notariële Akte daaraan geheg."

- F1 By virtue of Notarial Deed of Servitude K6830/2016S the within mentioned property is subject to a right of way servitude for purposes of a road over and in favour of the City of Tshwane with additional rights, over an area of land measuring 9,3339 (Nine Comma Three Three Three Nine) hectares, which area is defined by the letters A B C D E F G H J K L M N P Q R S T U V W X Y A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 A on diagram SG No 2996/2016, as will more fully appear in the Notarial Deed registered on 15 November 2016.
- F2 By virtue of Notarial Deed of Servitude K1601/2020S the within mentioned property is subject to a right of way servitude for sewer purposes measuring 408 (four hundred and eight) square metres as indicated by the letters A B C D E F A on diagram SG No 6591/2016 in favour of the City of Tshwane with additional rights, as will more fully appear in the Notarial Deed registered on 27 May 2020.

3.2 Excluding the following entitlements/rights which will not be passed onto the erven in the township:

- A1 Met recht tot en onderworpen aan het volgende servituut betrekkelyk water te weten: die eiegenaar van dit Zuid oostelyke gedeelte en die eiegenaar van het restant van die gezegde plaas, groot eis zoondanig 980,2195 hektaar, zoals gehoude by Acte van Transport no 5016/1910, zal eider gelyke rechten hebben tot het water lopende in de waterloop of spruit scheidende makende tusschen de twee gedeelten voornoemd volgens de kaarten daarvan en ook het volle recht ingemelde waterloop of spruit dammen te leggen van wal tot wale n watervoren uit te halen op zyn gedelte.
- C1 Die binnegemelde eiendom is geregtig op alle waterregte wat kleef aan die eiendom bekend as Gedeelte 71 ('n Gedeelte van Gedeelte 1) van die plaas Rietfontein 375 JR, groot 6,4334 hektaar, soos meer volledig sal blyk uit dokumente geliasseer by Akte van Transport T9317/1995.

4. CONDITIONS OF TITLE

4.1 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)

4.1.1 ALL ERVEN

4.1.1.1 Each erf is subject to a servitude, 3m 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 3m 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.

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 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.

4.1.2 ERF 988

The Erf is subject to a 3m wide sewer servitude, in favour of the local authority, as indicated on diagram SG No 842/2021.

4.2 **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**

4.2.1 **ERVEN 987 AND 988**

4.2.1.1 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 K147.

4.2.1.2 Except for the physical barrier referred to in clause 4.2.1.1 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 K147 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).

4.2.2 **ERF 988**

4.2.2.1 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 P199-1.

4.2.2.2 Except for the physical barrier referred to in clause 4.2.2.1 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 P199-1 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).

4.3 **CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/CREATED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED**

4.3.1 **ERF 988**

The Erf is subject to an electrical servitude, measuring 18m², in favour of the Mooikloof Eco-Estate Residents Association, as indicated on the General Plan SG No 841/2021.

4.3.2 **ERVEN 987 AND 988**

4.3.2.1 Every owner of the Unit or any interest therein shall automatically become a Member of the Mooikloof Eco-Estate Residents Association on date of transfer, and shall be subject to the Constitution of the Association, and all rules and guidelines issued in terms thereof until such owner ceases to be an owner.

4.3.2.2 The Unit shall not be transferred without the prior written consent of the Association, which consent shall be evidenced by a clearance certificate issued by the Association stating that –

4.3.2.2.1 the owner of the Unit has discharged all of its financial obligations to the Association in respect of the period up to and including the date specified in such certificate and the transfer takes place prior to or on the date specified in such certificate;

4.3.2.2.2 the owner of the Unit has complied with all of its obligations to the Association in terms of the Constitution of the Association and any rules and guidelines issued and resolutions passed by the Members and the trustees of the Association in terms of the Constitution of the Association; and

4.3.2.2.3 the Association consents to the transfer of the Unit

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