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GAUTENG***



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 657 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5405T**

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 7, 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 5405T.

(CPD 9/1/1/1-THSx7 165)
(CPD 9/2/4/2-5405T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

11 JUNE 2020
(Notice 112/2020)

CITY OF TSHWANE**DECLARATION OF THE HILLS EXTENSION 7 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 7 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-THSx7)
(CPD 9/2/4/2-5405T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTURY PROPERTY DEVELOPMENTS (PTY) LTD, 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 1109 (A PORTION OF PORTION 1077) OF THE FARM RIETFontein 375-JR, 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 7.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan Number 1320/2019.

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.

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

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

1.6.8 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.

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 the entire Erf 916 in the township in favour of the local authority and all Erven in the townships The Hills Extension 7 and the Remaining Extent of Portion 1077 of the Farm Rietfontein No 375 JR, 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 FIRST TRANSFER OF AN ERF

Erven 917 and 918 (private road erven) and Erf 916 (private open space erven) shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to non-profit company in terms of Schedule 1 of the Companies Act, (Act 71 of 2008) to be registered by the developer for the residential developments in the township which organization shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the erven).

2.7 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.

2.8 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 until the City of Tshwane certifies that the developer has complied with the provisions of condition 2.7.

2.9 THE DEVELOPER'S OBLIGATIONS

2.9.1 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.

2.9.2 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.

2.9.3 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:

2.9.3.1 the non-profit company 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 stormwater 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 stormwater services and the contract cost of the electrical services, prior to the commence date of the contract.

2.9.3.2 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.

2.10 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. Certification 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 affect only Erf 915 and Erf 918 in the township:

A ONDERWORPE aan die reg ten gunste van die Elektrisiteitsvoorsienings-kommissie 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 s1 s2 as die hartlyn van 'n bogrondse Elektriese kraglyn met ondergrondse Elektriese Kabels soos aangedui op Onderverdeling Diagram SG No 1319/2019.

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.

- B 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 s3 s4 op Onderverdeling Diagram SG No 1319/2019.
- C. By virtue of Notarial Deed of Servitude K_____S the within mentioned property is subject to a right of way servitude measuring 408 (four hundred and eight) square metres as indicated by the letters s5 s6 s7 s8 s9 A1 s5 on Subdivisional Diagram SG No 1319/2019 in favour of the City of Tshwane with additional rights, as will more fully appear in the Notarial Deed.
- 3.2 Including the following entitlements which affect all erven in the township:
- A. Die voormalige Gedeelte 72 van die plaas Rietfontein 375 JR, Provinsie Gauteng, waarvan die gedeelte hiermee geregistreer 'n deel vorm, is geregtig op 'n Reg van Weg oor Resterende Gedeelte van Gedeelte 1 Rietfontein 375 JR, Provinsie Gauteng, groot 202,9873 hektaar soos aangedui deur die figuur A B C D E F A op Kaart SG 6212/1994 soos meer volledig sal blyk uit Akte van Transport No T12876/96.
- 3.3 Excluding the following Conditions which do not affect the township, which will not be passed onto the erven in the township:
- "1.D 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 K546/1972S.
- Kragtens Notariële Akte van Wysiging van Servituut K2209/1978S gedateer 28 Augustus 1978 en geregistreer op 13 September 1978 is die roete van die servituut soos uiteengesit in Akte van Servituut K546/1972S bepaal en word nou aangedui as die middellyn van die lyne abc, def en gh van 'n Elektriese Kraglyn Servituut op die aangehegte Kaart SG No 12082/2007, soos meer volledig sal blyk uit die voormelde Notariële Akte."
- "1.E Kragtens Notariële Akte K5115/1991S gedateer 18 Oktober 1991 verleen die geregistreerde eienaar aan Eskom 'n ewigdurende reg tot 'n gedeelte, groot ongeveer 2500 vierkante meter van binnegemelde eiendom en die reg om 'n substasie en sodanige werk en toerusting op te rig as wat hy nodig ag soos meer volledig sal blyk uit genoemde akte.
- Kragtens Notariële Akte van Roetebepaling No K7667/1993S gedateer 6 Desember 1993 is die roete van die servituut soos uiteengesit in Akte van Servituut No K5115/1991S bepaal en word nou aangedui deur die figuur jkmn op die aangehegte Kaart SG No 12082/2007 synde 'n servituutgebied soos meer volledig sal blyk uit voormelde Akte van Servituut K7667/1993 soos geregistreer op 21 Desember 1993."
- "C Kragtens Notariële Akte No K2044/2009 gedateer 6 April 2009 is die hierinvermelde eiendom onderhewig aan 'n reg van weg servituut 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."
- "D 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 land measuring 9,3339 hectares, which area of land is defined by the letters ABSDEFGHIJKLMNOPQRSTUVWXYZA1B1C1D1E1F1G1H1I1J1 K1L1M1N1P1A on diagram SG No. 2996/2016 in favour of the City of Tshwane with additional rights, as will more fully appear in the Notarial Deed."
- 3.4 The following Entitlements/ Rights will not be passed onto the erven in the township:
- "1. Die Suid-Oostelike Gedeelte, tans bekend as Gedeelte 1 van die voormelde plaas (gedeelte waarvan hiermee geregistreer word) is spesiaal onderworpe aan die volgende:
- Met recht tot en onderworpen aan het volgende servituut betreklik water te weten: De eigenaar van dit Zuid Oostelyke gedeelte en de eigenaar van het restant van de gezegde plaas, groot als zoodanig 980,2195 hektaar, zoals gehouden by Acte van Transport no 5016/1910, zal ieder gelyke rechten hebben tot het water loopende in de waterloop of spruit scheiding makende tusschen de twee gedeelten voornoemd volgens de kaarten daarvan en ook het volle recht in gemelde waterloop of spruit dammen te leggen van wal tot wal en watervoren uit te halen op zyn gedeelte."

- “2. 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 (EXCEPT ERVEN 916, 917 AND 918)

4.1.1.1 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 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 ERVEN 917 AND 918

4.1.2.1 The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes and services and right of way in favour of the local authority and all the Erven within the township.

4.1.2.2 The erf shall not be alienated or transferred into the name of any purchaser other than non-profit company in terms of Schedule 1 of the Companies Act, (Act 71 of 2008) to be established by the developer for the residential developments in the township and the Erf shall be transferred together with any private/public open space Erf as the first transfers from the Township.

4.1.3 ERVEN 915, 916, 918 to 982

The above mentioned Erven 915, 916, 918 to 982 are entitled to a servitude for right of way over Erf 917.

4.1.4 ERVEN 915, 916, 917, 919 to 982

The above mentioned Erven 915, 916, 917, 919 to 982 are entitled to a servitude for right of way over Erf 918.

4.1.5 ERF 916

The Erf shall not be alienated or transferred into the name of any purchaser other than non-profit company in terms of Schedule 1 of the Companies Act, (Act 71 of 2008) to be registered by the developer for the residential developments in the township without the written consent of the local authority first having been obtained and the Erf shall be transferred together with any private/public Erf or Servitude for access purposes as the first transfers from the Township.

4.1.6 ERF 916

No building of any nature shall be erected within those portions of the erf which are likely to be inundated by the floodwaters of a natural stream on an average of once every 100 years.

4.1.7 ERF 916

4.1.7.1 The Erf shall be subject to a right of way servitude over its entire extent in favour of the Municipality for the protection of open space.

4.1.7.2 The Erf is subject to a Right of way Servitude in favour of Erven 915, 917 to 982.

4.1.7.3 Erven 915, 917 to 982 are entitled to a Right of way Servitude over Erf 916.

4.1.8 ERVEN 915, 916, 917, 918, 939 UP TO AND INCLUDING 950

The Erven shall be subject to a 3 meter wide sewer servitude in favour of the Municipality as indicated on the General Plan.

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 ERF 918

The whole of Erf 918 is subject to a Servitude for Municipal services and Right of way purposes in favour of the erven within The Hills Extensions 3 to 6.

4.2.2 ERF 916

The whole of Erf 916 is subject to a right of way servitude in favor of the Remaining Extent of Portion 1077 of the farm Rietfontein No 375 JR.

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 916 AND 918

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 K147.

4.3.1.2 Except for the physical barrier referred to in clause 4.3.1.1 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).

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