

***THE PROVINCE OF
GAUTENG***



***DIE PROVINSIE VAN
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 939 OF 2021****CARLSWALD ESTATE EXTENSION 29**

- A. In terms of section 28.(15) of the City of Johannesburg Metropolitan Municipal Planning By-Law, 2016 the City of Johannesburg Metropolitan Municipality declares **Carlswald Estate Extension 29** to be an approved township subject to the conditions set out in the Schedule hereunder.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY LEOGEM PROPERTY PROJECTS PROPRIETARY LIMITED REG NO: 1992/003579/07 (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 PORTION 326 (A PORTION OF PORTION 16) OF THE FARM BOTHASFONTEIN 408-JR, GAUTENG PROVINCE, HAS BEEN APPROVED.

1. CONDITIONS OF ESTABLISHMENT.

- (1) **NAME**
The name of the township is **CARLSWALD ESTATE EXTENSION 29**.
- (2) **DESIGN**
The township consists of erven and thoroughfare as indicated on General Plan S.G No 566/2021.
- (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) **ELECTRICITY**
The local authority is not the bulk supplier of electricity to or in the township. The township owner shall in terms of Chapter 6 Part 1 of the By-law make the necessary arrangements with ESKOM, the licensed supplier of electricity for the provision of electricity.
- (5) **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.
 - (b) Access to or egress from Erf 248 to Erf 288 and Erf 290 shall only be permitted via the servitude of right of way to be registered over Erf 289
- (6) **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.
- (7) **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.
- (8) **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.
- (9) **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.
- (10) **RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN**

Erven 290 and Erf 289 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 NPC which Association shall have full responsibility for the functioning and proper maintenance of the said erf/erven and the engineering services within the said erf/erven. All refuse, building rubble and/or other materials shall be removed from the erf/erven prior to the transfer thereof to the mentioned Association.

(11) 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.

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

(a) The township owner shall, after compliance with clause 2.(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. Erven and/or units in the township, may not be transferred into the name of a purchaser 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 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 2.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(c) The township owner shall submit to the local authority, a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the local authority. Erven and/or units in the township may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that such certificate had been issued by ESKOM.

(13) 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. Erven and/or units in the township, may not be transferred into the name of a purchaser 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.

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

3. CONDITIONS OF TITLE.

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

(1) ALL ERVEN

(a) 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 S1

(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) ERF 289
 - (a) The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes and right of way in favour of the local authority.
 - (b) The erf shall not be transferred into the name of any purchaser other than NPC without the written consent of the local authority first having been obtained.
- (4) ERF 289

The above-mentioned erf is subject to a right of way servitude as indicated on the General Plan in favour of Erf 248 to Erf 288 and Erf 290.
- (5) Erf 248 to Erf 288 and Erf 290

The above-mentioned Erf 248 to 288 and Erf 290 is entitled to a right of way servitude over Erf 289.

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 nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

- (1) ALL ERVEN (EXCEPT Erf 289 and Erf 290)

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 NPC, 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) ERF 290

NPC shall maintain the stormwater attenuation system on the erf, to the satisfaction of the local authority.
- A. The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 54.(1) of the City of Johannesburg Metropolitan Municipal Planning By-Law, 2016 declares that it has approved an amendment scheme being an amendment of the the Halfway House and Clayville Town Planning Scheme, 1976, comprising the same land as included in the township of **Carlswald Estate Extension 29**. Map 3 and the scheme clauses of the amendment schemes are filed with the Executive Director: Development Planning: City of Johannesburg and are open for inspection at all reasonable times. This amendment is known as Amendment Scheme 07-15158.

Hector Bheki Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. T037/21

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