

***THE PROVINCE OF
GAUTENG***



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 2033 OF 2022****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4462T**

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 Eldorette Extension 36, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 4462T.

(CPD 9/2/4/2-4462T
(CPD 9/1/1/1-ELDRx36 0974

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

(Notice 142/2022)
__ NOVEMBER 2022

CITY OF TSHWANE**DECLARATION OF ELDORETTE EXTENSION 36 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 Eldorette Extension 36 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/2/4/2-4462T
(CPD 9/1/1/1-ELDRx36 0974

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BORENA PROPERTY MANAGEMENT (PTY), IN TERMS OF 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 819 (REMAINDER OF PORTION 22) OF THE FARM WITFONTEIN 301JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Eldorette Extension 36.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 2471/2017.

1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay endowment of R285 000.00, for an area of 972m² in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane. The amount of this area shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.

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).

1.4 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.

1.5 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 Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.6 REMOVAL OF LITTER

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 Municipality.

1.7 RESTRICTION ON THE ALIENATION OF ERVEN

Regardless of the issuing of a Section 82(1)(b)(ii)(bb) and 82(1)(b)(ii)(cc) certificate that applicant shall submit proof that conditions 2.2.1 to 2.2.5 have been complied with to the satisfaction of the City of Tshwane prior to the transfer of any erf.

1.8 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF JOAN ROAD

1.8.1 Provision shall be made for pedestrian movement along Joan Road to the satisfaction of the City of Tshwane.

1.8.2 The sidewalk and entrances along Joan Road shall be landscaped and planted with trees to the satisfaction of the City of Tshwane.

1.9 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.

1.10 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 Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.11 LAND TO BE TRANSFERRED TO THE NON-PROFIT COMPANY (NPC)

Erf 390 shall be transferred to the NPC within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 390 in favour of all the erven in the township.

1.12 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION 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 alienated or 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.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTERABLE**2.1 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 or with any other act of registration such as the issuing of a Certificate of Title.

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.

2.2 THE DEVELOPER'S OBLIGATIONS

2.2.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a non-profit company (homeowner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the non-profit company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane.

The Memorandum of Incorporation must clearly state that the main objective of the homeowner's association is the maintenance of the non-profit company's property and the internal engineering services of the development (i.e. water, sewerage, electricity, roads and storm water sewers). The developer is deemed to be a member of the non-profit company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

2.2.2 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 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.

2.2.3 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 Service Delivery Department.

2.2.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months 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 storm water sewers) have been completed.

A maintenance guarantee must be issued for the said period by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be issued in favour of the NPC for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane.

2.2.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane must be notified of this without delay.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

4. CONDITIONS OF TITLE

4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

4.1.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.11

4.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.

4.1.1.2 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.

4.1.1.3 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 City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.2 ERF 390

The erf shall be subject to a servitude for road purposes in favour of the City of Tshwane, as indicated on the general plan. Upon submission of a certificate by the City of Tshwane to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.

4.1.3 ERVEN 355 TO 389

Upon transfer, the owner of each erf must automatically become a member of the section 21 Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

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

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

4.2.1 ERVEN 355 UP TO AND INCLUDING 389

AND FURTHER ESPECIALLY SUBJECT TO THE FOLLOWING CONDITIONS IMPOSED BY THE ELDORETTE HOME OWNERS ASSOCIATION NPC (REGISTRATION NUMBER 2022/288143/08)

Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the ELDORETTE HOME OWNERS ASSOCIATION NPC (REGISTRATION NR 2022/288143/08) for the development (hereinafter referred to as the 'Association') and the township owner shall procure that each erf be made subject to the following conditions in favour of the Association:

4.2.1.1 Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association, which condition must be included in the title deed of the portion.

- 4.2.1.2 Transfer of the erf to a third party is allowed only with the consent of the Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.
- 4.2.1.3 The erf is subject to a servitude, 3m wide, in favour of the non-profit Company for sewerage and other engineering services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude, 2m wide across the access portion of the erf, if and when required by the Section 21 Company: Provided that the non-profit Company may dispense with any such servitude.
- 4.2.1.4 The owner of each erf must be made aware of the risk involved in developing on dolomite. The developer may make use of literature at the disposal of the investigator, together with a list of precautionary measures and monitoring schedules in order to ensure that the home owner understands how to manage dolomite stability risk responsibility.
- 4.2.1.5 Any owner of an erf, or any subdivision thereof, or any interest therein, shall automatically become and shall remain a member of the ELDORETTE HOME OWNERS ASSOCIATION NPC (REGISTRATION NR 2022/288143/08) and be subject to its memorandum and Articles until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or interest therein, shall be transferred to any person who has not bound himself, to be a member of the association.
- 4.2.1.6 Any owner of an erf, or any subdivision thereof, or any interest therein, shall not be entitled to transfer the property without a written consent from the Homeowners Association that all monies owing to it has been paid.
- 4.2.1.7 Any owner of an erf, or any subdivision thereof, or any interest therein, shall be bound by the Rules and Regulations of the Homeowners Association.

4.3 CONDITIONS IN FAVOUR OF THE NON-PROFIT COMPANY (NPC)

The following servitudes/conditions in favour of the NPC must notarially be executed and registered in the Office of the Registrar of Deeds before or simultaneously with the transfer of an erf in the township.

4.3.1 ERVEN 355 UP TO AND INCLUDING 389

- 4.3.1.1 The erf shall be subject to a servitude, 2m wide, for engineering services (water, sewer, electricity and storm water), in favour of the NPC, along any two boundaries, except a street boundary and, in the case of a panhandle erf, an additional servitude for services purposes, 2m wide, over the entrance portion of the erf if and when required by the NPC: Provided that the NPC may waive any such servitude.
- 4.3.1.2 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.
- 4.3.1.3 The NPC 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 NPC Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the NPC shall make good any damage caused during the laying, maintenance or removal of such services and other works.

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