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GAUTENG***



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CONTENTS

Gazette *Page*
No. *No.*

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

648	City of Tshwane Land Use Management By-Law, 2016: Zwartkoppies Extension 46	95	3
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 648 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4783T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****ZWARTKOPPIES EXTENSION 46**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Zwartkoppies Extension 46 is an approved township, subject to the conditions as set out in the schedules hereto.

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 the property(ies) in the township of Zwartkoppies Extension 46, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 4783T and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4783T (Item 28804))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ JUNE 2020
(Notice 111 of 2020)

CITY OF TSHWANE**DECLARATION OF ZWARTKOPPIESEXTENSION 46 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Zwartkoppies Extension 46 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4783T (Item 28804))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BALWIN PROPERTIES LIMITED (REGISTRATION NUMBER 2003/028851/06), IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 282 OF THE FARM ZWARTKOPPIES NO 364JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Zwartkoppies Extension 46.

1.2 DESIGN

The township consists of erven as indicated on General Plan SG No 704/2019.

1.3 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.

1.4 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.

1.5 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

1.5.1 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.

1.5.2 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.

1.6 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.

1.7 ACCESS CONDITIONS

1.7.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.

1.7.2 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 X46/ext.boundaries/2.

1.7.3 No access to or egress from the township shall be permitted via the N4.

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 IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, ACT 16 OF 2013

2.1. REFUSE REMOVAL

2.1.1 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.

2.1.2 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.

2.2 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.

2.3 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.

2.4 CONSOLIDATION OF ERVEN

The township owner shall at its own costs, after proclamation of the township but prior to the development of any unit in the township, consolidate Erven 1738 and 1739 to the satisfaction of the Municipality.

The municipality hereby grants approval for the consolidation of Erven 1738 and 1739 in terms of Section 16(12)(d) of the By-law with Section 15(6) of the By-law, which consolidation approval shall only come into operation on the proclamation of the township and subject to the Section 16(1) certification in terms of the By-Law by the City of Tshwane.

The township owner shall simultaneously with an application for a Section 16(10) certification or the registration of erven in the township apply for a Section 16(1) certification for purposes of the consolidation and shall comply with the conditions of the consolidation and the township for issuing of both certifications.

2.5 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 the 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 Deeds for registration, including the 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:

- (i) 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;
- (ii) all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- (iii) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- (iv) 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;

- (v) it is in a position to consider a final building plan; and
- (vi) 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. 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:

3.1 Excluding the following conditions and servitudes which affect Erf 1739, Erf 1738 (except that portion of Erf 1738 indicated by the figure Ac1b1a1A on General Plan SG No 704/2019), and Lagoon Drive:

3.1.1 Notarial Deed of Servitude No K6632/1993S in favour of the City of Tshwane for sewer purposes;

- (i) 6 metres wide indicated on diagram SG No 3985/2011, insofar as ancillary rights are concerned;
- (ii) 2 metres wide indicated on diagram SG No 3985/2011, insofar as ancillary rights are concerned.

3.1.2 Notarial Deed of Servitude No K658/1995S in favour of Rand Water for water pipelines measuring 3636 square metres and 1965 square metres indicated on diagram SG No 3985/2011, insofar as ancillary rights are concerned.

3.1.3 Notarial Deed of Servitude No K3355/2003S in favour of "Kobus en Uda Meyburg Familie Trust" for sewer purposes 3 metres wide indicated on diagram SG No 3985/2011, insofar as ancillary rights are concerned.

3.1.4 Notarial Deed of Servitude K1009/2012S in favour of the City of Tshwane for a water pipeline servitude 3239 square metres, 6 (six) metres wide, as indicated on diagram SG No 3985/2011, insofar as ancillary rights are concerned.

3.1.5 Notarial Deed of Servitude No K766/2017S in favour of Transnet, for a pipeline 6 metres wide, as indicated on diagram SG No 1660/2012, insofar as ancillary rights are concerned.

3.1.6 Notarial Deed of Servitude No K3508/2018S in favour of the owners and occupiers of Zwartkoppies Extension 45 Township, and any further divided portions of the Remaining Extent of Portion 241 (a portion of Portion 6) of the farm Zwartkoppies No 364, JR, or any erf in a township to be established thereon, or any unit in a sectional title scheme to be established thereon, for private open space, for access purposes and for municipal services, 5,4213 hectares in extent, as indicated on diagram SG No 2250/2017.

3.1.7 Notarial Deed of Servitude No K5806/2018S in favour of the City of Tshwane for stormwater and sewer purposed 3459 square metres in extent, indicated on diagram SG No 1523/2018, insofar as ancillary rights are concerned.

3.1.8 Notarial deed of Servitude No K9665/2019S in favour of the General Public for access purposes and for municipal services, measuring 4100 square metres, indicated on diagram SG No 1977/2019, insofar as ancillary rights are concerned.

3.1.9 Notarial Deed of Servitude No K9666/2019S in favour of the City of Tshwane for stormwater purposes, 5 metres wide, as indicated on diagram SG No 1978/2019, insofar as ancillary rights are concerned.

3.2 Excluding the following conditions and servitudes which affect only that portion of Erf 1738 indicated by the figure Ac1b1a1A on General Plan SG No 704/2019:

3.2.1 Notarial Deed of Servitude K1807/1998 in favour of the Rand Water Board for water pipelines, 1,5763 metres in extent as indicated on Servitude Diagram SG No A75/1993, insofar as ancillary rights are concerned.

- 3.2.2 Notarial Deed of Servitude No K5977/2003S in favour of Henry Bendeman Trust IT1214/1995, for sewer purposes 3 metres wide indicated on diagram SG No 8162/2002, insofar as ancillary rights are concerned

4. CONDITIONS OF TITLE.

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

4.1.1 ALL ERVEN

4.1.1.1 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.

4.1.1.2 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.

4.1.1.3 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.

4.1.2 ERF 1738

A 5 x 6m Electrical substation servitude in favour of the City of Tshwane as indicated as per General Plan SG No 704/2019.

4.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES

4.2.1 ERVEN 1738 AND 1739

4.1.2.1 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.

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

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