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CONTENTS

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
PROCLAMATION • PROKLAMASIE		
21	Town-planning and Townships Ordinance (15/1986): Erasmuspark..... 88	3

PROCLAMATION • PROKLAMASIE

PROCLAMATION 21 OF 2019

CITY OF TSHWANE

PRETORIA AMENDMENT SCHEME 13229P

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 Erasmuspark, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 13229P.

(CPD 9/1/1/1-EMP 222 (13229))
(CPD 9/2/4/2-13229)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ MARCH 2019
(Notice 109/2019)

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CITY OF TSHWANE

DECLARATION OF ERASMUSPARK 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 Erasmuspark to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-EMP 222 (13229))
(CPD 9/2/4/2-13229)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ERASMUSLAND INVESTMENTS PROPRIETARY LIMITED (REGISTRATION NO. 2008/008646/07), 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 137 OF THE FARM WATERKLOOF NO 378-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Erasmuspark.

1.2 DESIGN

The township shall consist of an erf, a park and streets as indicated on General Plan SG No 4574/2013.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Park (Public Open Space): Erf 2

1.4 PRECAUTIONARY MEASURES

The township owner shall, at its own expense, make arrangements with the Municipality, in order to ensure that-

1.4.1 water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and

1.4.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained, to the satisfaction of the Municipality.

1.1 **COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF ROADS AND TRANSPORT**

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport has granted consent for the development.

1.2 **COMPLIANCE WITH CONDITIONS IMPOSED BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

The township owner shall at his own expense, have the following servitudes notarially registered in favour of the Municipality and may be created by the taking out of a Certificate of Registered Title upon the Municipality confirming the terms of Condition 3.2 b) of these conditions of establishment have been complied with.

1.2.1 **ERF 1**

1.2.1.1 The erf is subject to a constraint of use servitude, 1.0825ha in extent, in favour of the Municipality which such servitude area shall be kept generally free of building structures due to environmental constraints, as denoted on SG Diagram No 3741/2018 provided that, with the submission of an environmental management plan such other activities and structures which are deemed to be compatible with the environmental constraints may be permitted by the municipality with the approval of a Site Development Plan.

1.2.1.2 The erf is subject to a constraint of use of servitude, 0,7842ha in extent, in favour of the municipality which servitude area shall be kept generally free of building structures due to environmental constraints, as denoted on SG Diagram No 3742/2018 provided that, with the submission of an environmental management plan such other activities and structures which are deemed to be compatible with the environmental constraints may be permitted by the municipality with the approval of a Site Development Plan.

1.2.1.3 The owners of Erf 1 shall be jointly and severally responsible for the rehabilitation and maintenance of the servitudes denoted on SG Diagram No 3741/2018 and SG Diagram No 3742/2018, to the satisfaction of the Municipality.

1.2.1.4 The owners of Erf 1 shall be jointly and severally responsible for the maintenance of the open space on Erf 2, to the satisfaction of the Municipality.

1.3 **ACCESS**

Unless the consent in writing of the Head of the Department Gauteng Provincial Government: Department of Roads and Transport is first had and obtained, no ingress from Road K69 (Solomon Mahlangu Drive) to the township and no egress to Road K69 (Solomon Mahlangu Drive) from the township shall be allowed, except as follows:

1.3.1 Ingress from Road K69 to the township and egress to Road K69 from the township shall be restricted to the junctions of Van Ryneveld Avenue with Road K69 and Koedoesnek Street with Road K69.

1.3.2 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 in (a) 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 Roads and Transport 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 Roads and Transport.

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- 1.4 RECEIVING AND DISPOSAL OF STORMWATER
- 1.4.1 The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K69 and he shall receive and dispose of the storm water running off or being diverted from the road.
- 1.4.2 The Service Report containing the stormwater design proposal must be submitted to the Head of the Department: Department of Roads and Transport for approval at the time of the application, i.e. before Township Proclamation.
- 1.5 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.
- 1.6 REMOVAL OF LITTER
- 1.6.1 The township owner shall at its own expense have all litter and building rubble within the township area removed to the satisfaction of the Municipality, when required to do so by the Municipality.
- 1.6.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for removal of all refuse.
- 1.7 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES
- Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.
- 1.8 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.
- 1.9 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD
- The township owner shall at its own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development, 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.
- 1.10 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF ADJOINING STREETS
- 1.10.1 Provision shall be made for pedestrian movement along the sides of adjoining streets to the satisfaction of the Municipality.
- 1.10.2 The sidewalk and entrances along adjoining streets shall be landscaped and planted with trees to the satisfaction of the Municipality.
- 1.10.3 A taxi lay-by with adequate space for taxis shall be provided in the township to the satisfaction of the Municipality.
2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE
- 2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES
- 2.1.1 A certificate in terms of section 82 of the Town-Planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer.
- 2.1.2 The township owner shall install and provide internal engineering services in the township as provided for in the services agreement.

2.2 RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/LAND:

- 2.2.1 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 Municipality has certified the township owner has complied with his obligations as contained in Section 82 and the Conditions of Establishment have been complied with.
- 2.2.2 In terms of Section 98(2) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a conditions of approval of the 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 the 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.

2.3 TOWNSHIP OWNER'S OBLIGATIONS

2.3.1 PROVISION OF ENGINEERING DRAWINGS

- 2.3.1.1 The township owner must submit to the Municipality 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.
- 2.3.1.2 The detail design drawings will only be evaluated after the required Services Reports have been approved.
- 2.3.1.3 The township owner must obtain a way-leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.3.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

- 2.3.2.1 Before any erf is transferred, the Municipality 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 Municipality may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the township owner must give the Municipality an undertaking that the township owner will complete this service on or before a certain date and must provide the Municipality with a guarantee issued by a recognized financial institution.
- 2.3.2.2 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.

2.3.3 MAINTENANCE PERIOD AND GUARANTEE

- 2.3.3.1 A maintenance period of 12 (twelve) months commences on the date on which the Municipality has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 have 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.
- 2.3.3.2 A retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the Municipality for an amount that is equal to 10% of the contract cost, and proof of this must be submitted to the Municipality.

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 servitudes which do not affect the township due to locality;

- "A. Die Resterende Gedeelte van voormelde eiendom, groot as sodanig 386,3711 hektaar (die Resterende Gedeelte waarvan hierby getransporteer word, groot as sodanig 255,6798 hektaar) is ONDERWORPE aan die reg verleen aan die ELEKTRISITEITSVOORSIENINGSKOMMISSIE om elektrisiteit oor die eiendom te vervoer, tesame met bykomende regte, en onderhewig aan kondisies soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr 283/58S en kaart afskrifte, geheg aan Akte van Transport Nr 17509/1938."
- "B. Onderhewig aan 'n ewigdurende reg verleen aan die STAD VAN TSHWANE METROPOLITAANSE MUNISIPALITEIT om water te vervoer deur middel van pyp of pype tesame met bykomende regte soos meer vollediger blyk uit Notariële Akte K 1263/1972S en LG Kaart No A 2696/1971."
- "C. Onderhewig aan 'n ewigdurende reg ten gunste van die STAD VAN TSHWANE METROPOLITAANSE MUNISIPALITEIT om water te vervoer deur middel van pyp of pype tesame met bykomende regte soos meer blyk uit Akte K 1264/1972S en LG Kaart No A 2695/1971."
- "D. Onderhewig aan 'n pyplynserwituut ten gunste van die REPUBLIEK VAN SUID-AFRIKA (SPOORWEË EN HAWENS ADMINISTRASIE) met bykomende regte soos meer volledig blyk uit Notariële Akte van Serwituut K1136/1976S."
- "F. Onderhewig aan 'n ewigdurende deurgangsreg ten gunste van die STAD VAN TSHWANE METROPOLITAANSE MUNISIPALITEIT vir die geleiding van elektriese krag, tesame met bykomende regte soos meer volledig sal blyk uit Notariële Akte K 81/1983S en LG Kaart No A 6218/1981."

3.2 excluding the following servitudes which affect erf 2 and Koedoesnek Street in the township only:

- "E. Onderhewig aan 'n ewigdurende deurgangseg ten gunste van die STAD VAN TSHWANE METROPOLITAANSE MUNISIPALITEIT, vir die geleiding van elektriese krag, tesame met bykomende regte, soos meer volledig sal blyk uit Notariële Akte van Serwituut K400/1966S tot die mate wat die reg tot derugang nie gekanselleer is kragtens Notariële Akte K81/1983S nie"
- "G. Onderhewig aan 'n serwituut vir waterdoeleindes, groot 9068 (NEGE NUL SES AGT) vierkante meter soos aangedui deur die figuur ABCDEF, GHJKLM en NPQRSTUV op LG Kaart No 10040/1998 en meer volledig blyk uit Notariële Akte van Serwituut K 6739/1998."

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

4.1 ALL ERVEN WITH THE EXCEPTION OF ERF 2 (PUBLIC OPEN SPACE)

- 4.1.1 The erf shall be subject to a servitude, 3 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality; Provided that the Municipality may waive any such servitude.
- 4.1.2 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 thereof.

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

4.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1 above, the under mentioned erf shall be subject to the conditions as indicated:

4.2.1 ERF 1

4.2.1.1 The erf is subject to a servitude for municipal electrical services, 18m² in extent, meters in favour of the Municipality as indicated by figure p q r A6 on the General Plan.

4.2.1.2 The erf is subject to a servitude for municipal electrical services, 18m² in extent, meters in favour of the Municipality as indicated by figure s t u v on the General Plan.

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