

**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 80**

**CITY OF TSHWANE**

**PRETORIA AMENDMENT SCHEME 13001P**

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 Rietvalleirand Extension 53, being an amendment of the Pretoria Town-planning Scheme, 1974.

Map 3 and the scheme clauses of this amendment scheme are filed with the Group Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 13001P.

(13/2/Rietvalleirand x53 (13001P))  
 \_\_ January 2014

**Group Legal Counsel**  
 (Notice No 207/2014)

**PLAASLIKE BESTUURSKENNISGEWING 80**

**STAD TSHWANE**

**PRETORIA WYSIGINGSKEMA 13001P**

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Rietvalleirand Uitbreiding 53, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Hoofregsadviseur, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 13001P.

(13/2/Rietvalleirand x53 (13001P))  
 \_\_ Januarie 2014

**Hoofregsadviseur**  
 (Kennisgewing No 207/2014)

**CITY OF TSHWANE**

**DECLARATION OF RIETVALLEIRAND EXTENSION 53 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 Rietvalleirand Extension 53 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Rietvalleirand x53 (13001P))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY D & L PROPERTY CC 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 72 OF THE FARM WATERKLOOF 360JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT**

**1.1 NAME**

The name of the township shall be Rietvalleirand Extension 53.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 344/2008.

1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality:

The township owner shall pay in accordance with Section 98(2) of the Ordinance, read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality as endowment endowment a total amount of **R70 000,00** for an area of **360m<sup>2</sup>**. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality 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 RECEIVING AND DISPOSAL OF STORMWATER

The stormwater plan for this township must be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The low points in roads and the accumulation of stormwater in crescents, cul-de-sac's and lower lying erven must be drained to the satisfaction of the Municipality

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 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality 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.

1.7 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 Metropolitan Municipality, when required to do so by the Municipality.

1.8 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.

1.9 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 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 968 shall be transferred to the non profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable which ever the sooner, by and at the expense of the township owner.

The erf may not be transferred thereafter by the non profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

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 RESTRICTIONS ON THE ALIENATION OF LAND

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 or be dealt with otherwise until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of condition 2.3.

## 2.3 THE DEVELOPER'S OBLIGATIONS

### 2.3.1 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 Metropolitan Municipality.

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 (ie 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.

### 2.3.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality 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.

### 2.3.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan 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 City of Tshwane Metropolitan 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 developer must give the City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan Municipality 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.

### 2.3.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity and the road and storm water services) have been completed. The developer must submit proof to the Municipality that:

2.3.4.1 the non profit company has been furnished with a maintenance guarantee, issued by a recognised 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;

2.3.4.2 the Municipality has been furnished with a maintenance guarantee, issued by a recognised 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.

### 2.3.5 APPROVAL OF BUILDING PLANS

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

## 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 its locality:

- A. "Kragtens Notariële Akte van Serwituut K3263/1987S gedateer 28 Augustus 1987 is die hierinvermelde eiendom onderhewig aan 'n stormwater pyleidingserwituut 344 vierkante meter aangedui deur die letters ABCDA op Kaart LG No A9919/1986 ten gunste van die City of Tshwane Metropolitan Municipality."
- B. "By virtue of Notarial Deed of Servitude K6432/2004S dated 6 August 2004 consent was given by the City of Tshwane Metropolitan Municipality to encroach on servitude K3263/1987S by the registration of a sewer servitude over Portion 1 of Holding 77 subject to restrictive condition registered over the within mentioned property, which includes a prohibition of alienation of the within mentioned property without the consent of the council as will more fully appear from the said Notarial Deed."

## 4. CONDITIONS OF TITLE

4.1 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)

### 4.1.1 ERF 952 UP TO AND INCLUDING ERF 967

4.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and storm water) (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 thereof.

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

#### 4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1 above, the undermentioned erven shall be subject to the conditions as indicated:

#### 4.1.3 ERVEN 958, 959 AND 960

4.1.3.1 The erf shall be subject to a servitude 3m wide for municipal services (stormwater and sewer) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

4.1.3.2 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 there from.

4.1.3.3 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 essential, 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 the laying, maintenance or removal of such main sewer pipelines and other works.

#### 4.1.4 ERF 959

The erf is subject to a storm water servitude 3 metres wide in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

#### 4.1.5 ERF 968

4.1.5.1 The erf in its entirety shall be subject to a servitude of right of way in favour of Erf 952 up to and including Erf 967 and the City of Tshwane Metropolitan Municipality.

4.1.5.2 The erf in its entirety shall be subject to a servitude for engineering services (water, sewer and electricity) in favour of the City of Tshwane Metropolitan Municipality.

#### 4.1.6 ERVEN 952 UP TO AND INCLUDING ERF 967

The erf is entitled to a servitude of right of way over the entire Erf 968 as indicated on the General Plan.

#### 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 952 TO 967

The erven are subject to the following conditions in favour of the non profit company to be created on transfer of the erven to any purchaser:

Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the landowner's Association (non profit Company) of the development (hereinafter referred to as the 'Association') and the township owner shall procure that each erf be made subject to the following condition 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.

