

**LOCAL AUTHORITY NOTICE 2200 OF 2016****CITY OF TSHWANE TSHWANE AMENDMENT SCHEME 3534T**

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 Clubview Extension 114, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Strategic Executive Director: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 3534T.

(13/2/Clubview x114 (3534T))  
\_\_ DECEMBER 2016

**SED: GROUP LEGAL SERVICES**  
(Notice 272/2016)

**PLAASLIKE OWERHEID KENNISGEWING 2200 VAN 2016****STAD TSHWANE TSHWANE wYSIGINGSKEMA 3534T**

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 Clubview Uitbreiding 114, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, 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 Tshwane wysigingskema 3534T.

(13/2/Clubview x114 (3534T))  
\_\_ DESEMBER 2016

**SUD: GROEP REGSDIENSTE**  
(Kennisgewing 272/2016)

**CITY OF TSHWANE****DECLARATION OF CLUBVIEW EXTENSION 114 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 Clubview Extension 114 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Clubview x114 (3534T))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY PROPVENT 2 (PROPRIETARY) LIMITED, IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 79 OF THE FARM ZWARTKOP 356JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be Clubview Extension 114.

## 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3816/2015.

## 1.3 PRECAUTIONARY MEASURES

1.3.1 The township owner shall appoint a competent person(s) to compile:-

- (i) A CONSTRUCTION REPORT, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.
- (ii) A DOLOMITE RISK MANAGEMENT PLAN, specific to the development must be submitted to the Municipality for approval.

1.3.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.

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

- (i) 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
- (ii) 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.

## 1.4 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 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.

## 1.6 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.

## 1.7 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.

**1.8 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD**

The township owner shall at his 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, for the development of the township.

**1.9 NATIONAL HERITAGE RESOURCE ACT**

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999.

**1.10 RECEIVING AND DISPOSAL OF STORMWATER**

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of adjacent roads and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Municipality for approval at the time of the application, i.e. before Township Proclamation.

**1.11 CONSOLIDATION OF ERVEN**

The Township Owner of this township being Clubview Extension 114 and the Township Owner of Clubview Extension 102 has entered into an agreement for the establishment of a sectional title development on the subject erven of Clubview Extension 102 and 114.

The township owner shall therefore at his own expense, after the proclamation of the township but prior to the development of any erf/unit in the township and prior or simultaneously with the issuing of a section 82 certificate contemplated in the Ordinance, have Erven 1273 and 1274 in the township consolidated, to the satisfaction of the local authority. Which consolidation shall be read with condition

1.11 in Clubview Extension 102, which requires that Erven 1246 and 1247 shall be consolidated by the township owner of Clubview Extension 102.

The City of Tshwane Metropolitan Municipality hereby grants its consent for the consolidation in respect of Section 92(2) (a) of Ordinance 15 of 1986.

**1.12 NOTARIAL TIE OF ERVEN**

The Township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township have the consolidated erf (Erven 1273 and 1274) Clubview Extension 114 as contemplated in condition 1.11 above notarially tied to the consolidated Erf (Erven 1246 and 1247) of Clubview Extension 102 for purposes of securing one electrical connection, one water connection, one sewer connection, one point of access, communal recreation and open space and to open a sectional title scheme over the townships of Clubview Extension 102 and 114.

Provided that neither Erf 1273 nor Erf 1274 shall be sold and or transferred nor shall any registration transactions be registered until and unless the properties have been consolidated and notarially tied as contemplated above which consolidation and notarial tie may be done simultaneously.

Both Clubview Extension 102 and Clubview 114 shall be proclaimed simultaneously and the one shall not be proclaimed nor any rights exercised without the other.

### 1.13 PROVISION OF OPEN SPACE AND/OR ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner has agreed to the provision of an open area of 1770 m<sup>2</sup> on the consolidated erf to be developed and kept free of structures and shall be indicated on the Site Development Plan, such area shall be developed by the applicant, as well as the payment of endowment of R293 000,00 for an area of 912m<sup>2</sup> in terms of Regulation 44(1) of the Town-planning and Townships Regulations to the Municipality. The amount for this area shall be used by the Municipality for the acquisition of land for park and/or open space purposes.

If at any time, the area is not available for open space purposes, the developer or the successor in title shall pay in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations an endowment amount to the City of Tshwane Metropolitan Municipality.

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).

### 1.14 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.

## 2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

### 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 certifies that the developer has complied with the provisions of condition 2.3.

### 2.3 THE DEVELOPER'S OBLIGATIONS

#### 2.3.1 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.

#### 2.3.2 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 Public Works and Infrastructure Development Department.

### 2.3.3 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 stormwater services) have been completed. The developer must submit proof to the Municipality that:

2.3.3.1 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.

## 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

(a) including the following conditions and servitude which affect Erven 1273 and 1274 in the township:

- “1. *The reservation In favour of LYTTELTON TOWNSHIPS (PROPRIETARY) LIMITED. of all trading rights in respect of the said property.*
2. *The said land shall not be entitled to any riparian rights to water from the Hennops River.*
3. *Subject to the terms of Notarial Deed No. 285/1934-S, whereby certain rights of way- leave for the convenience of electricity were granted over the remaining extent of the Eastern Portion of the farm Zwartkop, whereof the property hereby transferred forms part.”*

## 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

- (a) 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, except 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.
- (b) 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.
- (c) 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 1273

The erf shall be subject to a 4-meter wide servitude for municipal purposes alongside Von Willich Avenue as indicated on the General Plan.

4.1.3 ERF 1274

(a) The erf shall be subject to a 4-meter wide servitude for municipal purposes alongside Von Willich Avenue as indicated on the General Plan.

(b) The erf shall be subject to 2-meter wide stormwater servitude alongside the south-eastern boundary 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 1273 AND 1274

(a) As this erf forms part of the area that is underlain by dolomite, the owner/developer shall make any prospective buyer/tenant 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 prospective buyer/tenant understands how to manage dolomite stability risk responsibility.

(b) The notarial tie of the consolidated Erf (Erven 1246 and 1247) of Clubview Extension 102 to the consolidated Erf (Erven 1273 and 1274) Clubview Extension 114 for purposes of securing one electrical connection, one water connection, one sewer connection, one point of access, communal recreation and open space and to open a sectional title scheme over the townships of Clubview Extension 102 and 114 shall not be cancelled without the consent of the Municipality being obtained.