

To: Town Planning (PTY)Ltd
AETERNO
PO Box 1435
FAERIE GLEN
0043

**Department of
City Planning**

Civic Centre
Alberton
PO Box 4
Alberton
1450

Ref: 15/3/1-WTVLSPT x38

From: Mr. MJ van Staden / Melvin Ramoshaba

Email: melvin.ramoshaba@ekurhuleni.gov.za

Tel: (011) 999-2821
Fax: (011) 861-2590

Date: 25 February 2021

Subject : APPLICATION FOR TOWNSHIP ESTABLISHMENT: WATERVALSPRUIT EXTENSION 38.


Your application with regard to the above, refers.

Please be advised that the above-mentioned application which was submitted in terms of Section 96 and 69 of the Town Planning and Townships Ordinance, (Ordinance 15 of 1986) read with Section 2(2) and the relevant provisions of the Spatial Planning and Land Use Management Act (SPLUMA) (Act 16 of 2013), for the Establishment of a Township on Part of the Remaining Extent of Portion 2 of The Farm Rietspruit 152 I.R (Watervalspruit Extension 38), has been **APPROVED AS AMENDED**, subject to the Conditions of Establishment attached hereto as **Annexure "A"**

Attached, please find a copy of the said approval together with the relevant conditions of establishment.

Should you be aggrieved by this decision, you may appeal against the decision in terms of the Section 51 read with Section 35 of SPLUMA, 16 of 2013.

Yours faithfully


AREA MANAGER: MR MJ VAN STADEN
DEPT CITY PLANNING
ALBERTON CCA

For information:
FINANCE
MUNICIPAL INFRASTRUCTURE
ROADS, TRANSPORT, CIVIL WORK
CENTRAL REGISTRATION
Copies for stand file

RECOMMENDATION

1. That by virtue of the approved Council Resolution dated 26 November 2015, the Authorised Official (Head of Department: City Planning) **APPROVES AS AMENDED**, the application submitted in terms of Section 96 and 69 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) read with Section 2(2) and the relevant provisions of the Spatial Planning and Land Use Management Act (SPLUMA) (Act 16 of 2013), for the Establishment of a Township on Part of the Remaining Extent of Portion 2 of The Farm Rietspruit 152 I.R (Watervalspruit Extension 38), **BE APPROVED**, subject to the Conditions of Establishment attached hereto as Annexure "A".
2. **Conditions from Internal Departments:**
 - 2.1 Roads and Stormwater (Annexure "D1")
 - 2.2 Water and Sanitation (Annexure "D2")
 - 2.3 Electricity and Energy (Annexure "D3")
 - 2.4 Spatial Planning (Annexure "D4")
 - 2.5 Solid Waste (Annexure "D5")
 - 2.6 Ward Councilor's comments (Annexure "D6")
 - 2.7 Environmental Resource Management (Annexure "D7")
 - 2.8 Dolomite Risk Management (Annexure "D8")
 - 2.9 DEMS (Annexure "D9")
 - 2.10 Human Settlement (Annexure "D10")
3. **Conditions from External Departments or Organisations:**
 - 3.1 Mineral Resources (Annexure "E1")
 - 3.2 ESKOM (Annexure "E2")
 - 3.3 GAUTRANS (Annexure "E3")
 - 3.4 Transnet (Annexure "E4")
 - 3.5 Sasol Gas (Annexure "E5")
4. That services contributions **BE PAID** in accordance with the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

(a) Roads and Stormwater	R 2 284 509,67 incl VAT. 4
(b) Water and Sewerage	R5 372 863,14 incl VAT
(c) Electricity and Energy	Amounts to be included in the Services Agreement.
(d) Parks and/or Open Spaces	Nil.

Service Contributions are subject to escalation and review, in accordance with the relevant policies and legislation. The final amounts are to be included in the services agreements.
5. That it **BE NOTED** that any party whose aggrieved by the decision taken by the Head of the Department: City Planning may appeal the decision in terms of Section 51 of SPLUMA, 16 OF 2013.
6. That the Head of Department: City Planning **INFORMS** the applicant of this decision.
7. That the Finance Department **BE NOTIFIED** of this decision.

CONDITIONS UNDER WHICH THE APPLICATION FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE PROVISIONS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), ON THE REMAINING EXTENT OF PORTION 2 OF THE FARM RIETSPRUIT 152 I.R, GAUTENG PROVINCE BY COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED (REGISTRATION NO. 2005/013577/07) (HEREINAFTER REFERRED TO AS THE APPLICANT/ TOWNSHIP OWNER) AND BEING THE REGISTERED OWNER OF THE LAND HAS BEEN APPROVED.

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP

1.1 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

- 1.1.1 The township owner shall make the necessary arrangements / services agreements with the local authority for the provision and installation construction of the internal and external engineering services in terms of Chapter V of the Ordinance and shall furnish the local authority with adequate guarantees regarding the fulfillment of its obligations under the said arrangements.

(THE APPLICANT SHOULD PLEASE NOTE THAT CONDITION 1.1 HAS BEEN IMPOSED AS A PRACTICAL MEASURE AND THE SAME WILL BE DELETED FORTHWITH ON REQUEST OF ANY APPLICANT WISHING TO MAKE THE NECESSARY ARRANGEMENTS AFTER APPROVAL OF THE TOWNSHIP. IN CERTAIN CASES ENDOWMENTS MAY BE IMPOSED AS CONDITIONS ESTABLISHMENTS.)

1.2 GENERAL

- 1.2.1 The applicant shall satisfy the Council that:

- (a) The relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township.
- (b) The applicant shall comply with the provisions of Sections 72, 75 and 76 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).
- (c) The layout Plan complies with the conditions laid down by Gauteng Department of Roads and Transport (GAUTRANS) as per their comment ref 1/1/3/1/3 – 24063, dated 14 February 2020.
- (d) The applicant shall submit a positive Record of Decision from GDARD for the development of the Public garage.

2. GENERAL CONDITIONS OF ESTABLISHMENT

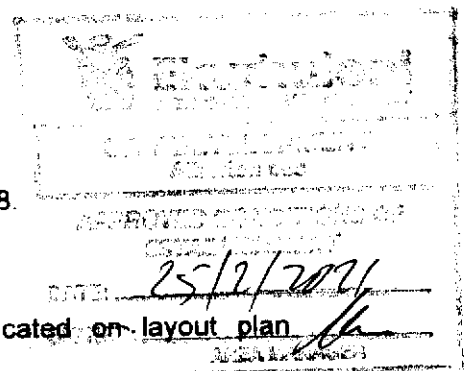
2.1 NAME

The name of the township shall be Watervalspruit Extension 38.

2.2 DESIGN

The township shall consist of erven and streets as indicated on layout plan WVSx38/1.

2.3 STORMWATER DRAINAGE AND STREET CONSTRUCTION



- 2.3.1 The township owner shall on request by the Council submit to such Council for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the Council, for the collection and disposal of storm water throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channeling of the streets therein together with the provision of such retaining walls as may be considered necessary by the Council.
- 2.3.2 The scheme shall provide for the catchments of storm water in catch pits whence it shall be drained off in watertight pipes of durable material, approved by the Council, in such manner that water will in no way dam up or infiltrate on or near the surface of the ground.
- 2.3.3 Furthermore, the scheme shall, indicate the route and gradient by which each erf gains access to the street on which it abuts. The township owner shall, when required by the Council to do so, carry out the approved scheme at its own expense on behalf of and to the satisfaction of the Council under supervision of a civil engineer approved by the Council.

2.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to the existing conditions and servitudes, if any including the reservation of the rights to minerals, but excluding the following conditions and servitudes in Deed of Transfer T132173/2007 which do not affect the land development are and will not be carried forward.

2.4.1 Condition (a)

"With the rights and subject to the conditions and servitudes regarding the rights of and to dams, water and water-furrows on the farm RIETSPRUIT aforesaid, as fully set out in Deed of Servitude No. 22/1914 S."

Condition (b)

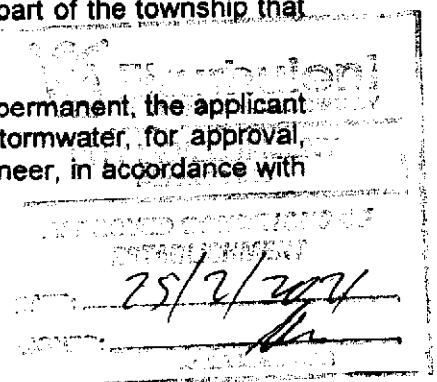
"Subject to Deed of Cession K1697/1976 whereby pipeline servitude with restrictions of 3 metres was ceded to the Republic of South Africa (in its Railways and Harbours Administration)".

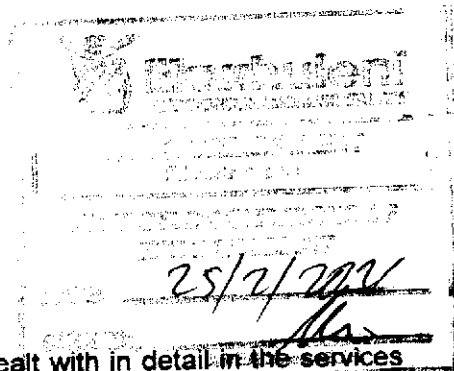
2.5 CONDITIONS RELATING TO THE TRANSFER OF ERVEN AND STREETS.

No erf in this township will be transferred or developed without the public streets, public open space erven and pedestrian/cycle path erven having been transferred to the Municipality.

2.6 ACCESS

- 2.6.1 The relevant accesses must be constructed before any part of the township that is reliant on such accesses takes place.
- 2.6.2 For the construction of the access whether temporary or permanent, the applicant shall submit to Ekurhuleni Department of Roads and Stormwater, for approval plan(s) prepared and signed by a Professional Civil Engineer, in accordance with Departments requirements.





2.7 ENGINEERING SERVICES

2.7.1 The provision of engineering services shall be dealt with in detail in the services agreement between the local authority and the applicant/ township owner where the responsibility of the installation and provision of internal engineering services will be agreed upon, as well as the responsibility for maintenance of water, sewer and electrical networks and the maintenance of internal roads.

2.7.2 Once water, sewer and electrical networks have been installed, same will be transferred to the Local Authority, who shall maintain these networks.

2.8 OTHERS

2.8.1 The applicant shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development to the satisfaction of GDARD.

3. ENDOWMENT

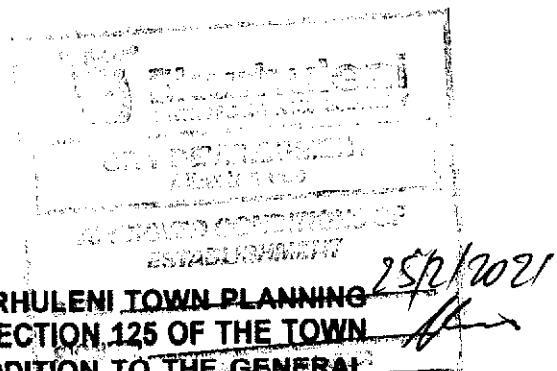
3.1 There are no endowments payable towards the provision of parks or open spaces to the local authority prior to proclamation of the township.

4. CONDITIONS OF TITLE

4.1 The erven mentioned hereunder shall be made subject to the conditions as indicated, imposed by the Council in terms of the provisions of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

All Erven:

- (a) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along one 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 local authority: Provided that the local authority may dispense with any such servitude.
- (b) No building or other structure 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.
- (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course 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 local authority.



5. CONDITIONS TO BE INCORPORATED INTO THE EKURHULENI TOWN PLANNING SCHEME, 2014, IN TERMS OF THE PROVISIONS OF SECTION 125 OF THE TOWN PLANNING AND TOWNSHIP ORDINANCE, 1986 IN ADDITION TO THE GENERAL PROVISIONS OF THE TOWN PLANNING SCHEME OPERATION

5.1 Conditions to be contained in Annexure:

Erf 1

Use Zone 10: Public Garage
Density: N/A
FAR: 0,2
Coverage: 60%
Height: 2 storeys
Building lines: A building line of 16m shall be applicable from Road K91. All other building lines shall be in accordance with the Ekurhuleni Town Planning Scheme 2014.
Parking: As per the Ekurhuleni TPS 2014.

Erf 2

Use Zone 6: 'Business 2' including a taxi rank
Density: N/A
FAR: 0,3
Coverage: 60%
Height: 2 storeys
Building lines: A building line of 16m shall be applicable from Road K91. All other building lines shall be in accordance with the Ekurhuleni Town Planning Scheme
Parking: As per the Ekurhuleni TPS 2014.

General conditions:

- a) There shall be lines of no access along Road K91 and Cosmopolitan Drive as indicated on the layout plan
- b) No ingress or egress from Road K91 to the township will be allowed across the line of no access as shown on the layout plan.
- c) A physical barrier which is in compliance with the requirements of the Executive Committee Resolution 1112 of 26 June 1978 shall be erected on the lines of no access (on the B-series) as shown on the layout plan.
- d) A service report containing the Stormwater design of the land development area shall be submitted to Gauteng Department of Roads and Transport and Ekurhuleni Infrastructure Services (RTCW) for approval.
- e) The township owner shall arrange for the drainage of the township to fit in with that of Provincial Road K91 and for all storm water running off or being diverted from Provincial Road K91 to be received and disposed of to the satisfaction of the Municipality and the Gauteng Department of Roads and Transport.

- f) A 16m building line from Road K91 affecting erven 1 and 2.
- g) No advertisements that may be visible from Provincial Road K91 shall be displayed without the written approval of the Gauteng Department of Roads and Transport and the Municipality.
- h) The erven lie in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the Municipality must show measures to be taken, in accordance with recommendations contained in the Engineering-Geological Report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions unless it is proved to the Municipality that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

