

**MEMORANDUM IN SUPPORT OF APPLICATION IN TERMS OF SECTION 96 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986, READ WITH SECTION 2(2) AND THE RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013, FOR THE ESTABLISHMENT OF A TOWNSHIP TO KNOWN AS WATERVALSPRUIT EXTENSION 38 LOCATED ON A PORTION OF THE REMAINING EXTENT OF PORTION 2 OF THE FARM RIETSPRUIT 152 IR LOCATED IN THE AREA OF JURISDICTION OF THE EKURHULENI METROPOLITAN MUNICIPALITY – ALBERTON SERVICE DELIVERY CENTRE**



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## **1. BACKGROUND**

Watervalspruit Extension 38 is an approved township with land use rights for social services (community facility site) and public open space.

Due to the very prominent, accessible and visible position of this township adjacent east of Road K91 and opposite the Sky City Mall the developers have decided also to develop another petrol filling station site, convenience retail and a taxi rank on this property.

The purpose of this report is to motivate the need and desirability of the fresh township application for Watervalspruit Extension 38. The previous application has been withdrawn.

The application is submitted in terms of Section 96 of the Town Planning and Townships Ordinance 1986 read with Section 2(2) and the relevant provisions of the Spatial Planning and Land Use Management Act 2013.

### **1.1 LOCATION** *(See Annexure A for locality plans)*

The township is located adjacent east of Road K91 with Cosmopolitan Drive forming its northern boundary and Rice Eel Street its eastern boundary.

Access to this township will be from Rice Eel Street which feeds into Cosmopolitan Drive.

### **1.2 DESCRIPTION OF LAND**

According to Deed of Transfer T106002/2014 Watervalspruit extension 38 is located on a part of the Remaining Extent of Portion 2 of the farm Rietspruit 152 IR and is located within the area of jurisdiction of the Ekurhuleni Metropolitan Area – Alberton Service Delivery Area.

*(See Annexure B for Deed of Transfer).*

### **1.3 OWNERSHIP**

The township land is vested in the name of Cosmopolitan Projects (Johannesburg) (Pty) Ltd.

A Power of Attorney and Company Resolution have been obtained from the registered owner to submit the application on his behalf.

*(See Annexure C for Power of Attorney and Company Resolution).*

### **1.4 MINERAL RIGHTS**

In terms of the Mineral and Petroleum Act the Mineral rights vests in the name of the state. The consent of the Department of Mineral and Energy has been obtained.

### **1.5 SERVITUDES**

The township is not affected by any existing servitudes.

### **1.6 LAND USE** *(See Annexure D for land use plan)*

The proposed township is located east of the Sky City Mall and west of Watervalsspruit Extension 50 which comprises of single residential erven.

The proposed township of Watervalsspruit Extension 51 intended for a mixed use development comprising of a college, clinic, motor showrooms and fitment centre are located south of this township.

The high density residential node located on Watervalsspruit Extension 28 and Watervalsspruit Extension 47 and 48 are located to the north of this township.

### **1.7 ZONING**

The land on which the township is to be established is zoned "Agricultural " in terms of the Ekurhuleni Town Planning Scheme 2014.

### **1.8 URBAN DEVELOPMENT BOUNDARY**

The township is located within the Urban Boundary of the Ekurhuleni Metropolitan Municipality.

### **1.9 NATIONAL, PROVINCIAL AND METROPOLITAN PLANNING POLICY AND PRINCIPLES**

### 1.9.1 Compliance with principles of the National Development Plan, 2013

The National Development Plan, 2013, proposes a national focus on spatial transformation across all geographical scales.

All spatial development should conform to the following principles:

- Spatial justice – Unfair allocation of public resources between areas must be reversed and the confining of particular groups to limited space by improving the liveability of the cities and providing affordable public transport - also the accommodation of diverse household types is encouraged.
- Spatial sustainability – Sustainable patterns of consumption and production must be supported and ways for living that do not damage the natural environment. **Walkable neighbourhoods**, for example reduce the need to travel and limit greenhouse gas emissions. In terms of this principle a clear strategy for densification of cities through land use planning is proposed.
- Spatial quality – The aesthetic and functional features of housing and the built environment need to be improved to create **more liveable, vibrant and valued places**. Prioritizing public transport.
- Spatial efficiency – Productive activity and **job creation must be supported**.

The development of Watervalspruit Extension 38 complies with the above principles as it will provide more livable areas by the provision of retail and public transport facilities and it will also create more employment opportunities.

### 1.9.2 Compliance with the Principles of the Gauteng Spatial Development Framework, 2030

The following development principles are contained in the Gauteng Spatial Development Framework, 2030:

- A more compact urban form that discourages dispersed low-density urban sprawl;

- The promotion of a diverse combination of land uses that enables a greater intensity of mixed-use developments;
- A more complex urban system that creates opportunity through diversity of activity patterns and brings together associated economic and employment opportunities through integrated development;
- The integration of the historically marginalised areas into the mainstream of urban life by correction of the existing distorted spatial patterns of the urban environment;
- Optimizing the utilization of existing service infrastructure and social amenities particularly where spare capacity exists;
- Enabling accessibility to affordable and efficient means of public and private transportation, notably transportation with private mobility being subsidiary;
- Furthering 'the development of employment opportunities and residential area in close proximity to or integrated with each other;
- Promoting physical development based on ecologically sound principles that bring the natural environment and urban system into a mutually reinforcing and integrated relationship; and
- Understanding the open space system of a city-region (its parks, nature reserves, sanctuaries, migration linkages, rivers and ridge systems, agricultural allotments and farming area) as an integral part of the city-region's morphology, economic makeup and a defining element of urban quality.

The proposed township complies with the above principles and will optimize the utilization of service infrastructure and provide public transport facilities to the community.

### **1.9.3 COMPLIANCE WITH THE COUNCILS SPATIAL DEVELOPMENT FRAMEWORK**

The township falls within the Councils Regional Spatial Development Framework for Region F. this framework plan was approved and adopted by the Council on 29-10-2015 and its primary purposes is to drive urban growth and development and to ensure that such occurs in a sustainable manner.

The RSDF earmarks the subject township for Urban Development.

It is evident from the above that the land uses in the proposed township fully complies with the Councils Development Framework for Region F.

#### 1.9.4 COMPLIANCE WITH THE SPLUMA DEVELOPMENT PRINCIPLES

The SPLUMA Act intends to provide a uniform framework for spatial planning and land use management in the Republic. It seeks to promote consistency and uniformity in procedures and decision-making in spatial planning. The objectives of the Act are the following:

- Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- Ensure that the system of the spatial planning and land use management promotes social and economic inclusion.
- Provide for development principles and norms and standards.
- Provide for sustainable and efficient use of land.
- Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- Redress the imbalances of the past and to ensure that there is equity.

In taking a decision on any application for the establishment or amendment of a township or a land development area such application must conform to the development principles as set out in Chapter 2 of the Spatial Planning and Land Use Management Act of 2014.

It is incumbent upon the Council to have regards to a holistic interpretation of these principles in the context of the development proposed.

It is the submission of the applicant that the proposed township is generally consistent with the majority of principles as contained in Chapter 2 as will be more duly demonstrated below.

- a) The principle of spatial justice, whereby –
  - i. Past spatial and other development imbalances must be redressed through improved access to and use of land;
  - ii. Spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas where previously excluded, with an emphasis on informal settlements, former homeland area and areas characterised by wide spread poverty and deprivation;

- iii. Spatial planning mechanics, including land use scheme, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;
- iv. Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;
- v. Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and
- vi. A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;

**The proposed township of Watervalsspruit Extension 38 aims to provide public transport facilities to the residents which will ensure access to the Sky City Mall and other Community facilities.**

- b) The principle of spatial sustainability, whereby spatial planning and land use management systems must –
  - i. Promote land development that is within the fiscal, institutional and administrative means of the Republic;
  - ii. Ensure that special consideration is given to the protection of prime and unique agricultural land;
  - iii. Uphold consistency of land use measures in accordance with environmental management instruments;
  - iv. Promote and stimulate the effective and equitable functioning of land markets;
  - v. Consider all current and future costs to all parties for the provision of infrastructure and social services inland developments;
  - vi. Promote land development in locations that are sustainable and limit urban sprawl; and
  - vii. Result in communities that are viable

**The proposed township is located inside the Urban Development Boundary and does not impact on any environmentally sensitive land. The provision of public transport facilities will result in viable and sustainable communities.**

**The application will follow the prescribed procedure through which all affected Government Departments, internal municipal Departments as well as the general public will be informed and given the opportunity to participate.**

#### **1.10 GEOTECHNICAL ASSESMENT**

When the original township application for Watervalspruit was submitted to Council a couple of years ago Dr. Dave Buttrick of Intraconsult Consulting Engineering Geologists was commissioned to do an intensive investigation of the Watervalspruit area.

In terms of this investigation, and the classification of the township area which has been accepted by the Council for Geoscience the township area is only affected by Hazard Zone 2 which permits any type of development.  
(See Annexure E for Letter from Intraconsult)

#### **1.11 ENVIRONMENTAL**

The township area is not affected by a flood line or any sensitive environmental issues.

The environmental consultants LEAP Environmental has been commissioned to obtain a revised ROD from GDARD.

#### **1.12 TRAFFIC IMPACT**

Dhubecon Traffic Engineers has been commissioned to do a new traffic impact study as well as a comprehensive feasibility study for the petrol filling station site.

(See Annexure F for letter of Dhubecon).

#### **1.13 BULK ENGINEERINGS STUDIES**

An investigation into the availability of bulk infrastructure has been undertaken by Intraconsult Consulting Engineers and Eksteen Le Roux  
(See Annexure G for their letters with regard to availability of bulk services.)

### **2. PROPOSED LAND USES AND DEVELOPMENT CONTROLS (See Annexure H for layout plan)**

The proposed township Watervalspruit Extension 38 comprises of 2 erven. Erf 2 (Use Zone 6) is zoned "Business 2" including a taxi rank is subject to the following development controls:



residents living in close proximity. The petrol filling station site will share the same access as the convenience shopping centre site. A right of way servitude will be registered over the shopping centre site to provide access to the petrol filling station site. No direct access will be permitted off the provincial Road K91 or Cosmopolitan Drive.

The petrol filling station site is conveniently located off Road K91 which is a major carrier of traffic being the most important link road between Watervalsspruit and Tokoza and Katlehong. The proposed petrol filling station site at the Sky City Mall will mainly cater for north bound traffic whereas this proposed centre will cater for south bound traffic.

The proposed petrol filling station site can easily and safely be accessed by motor vehicles. The site in question is highly visible as it is situated on a straight stretch of road adjacent to Road K91 giving motorists enough time to slow down and turn into the site via Cosmopolitan Drive and Rice Eel Street.

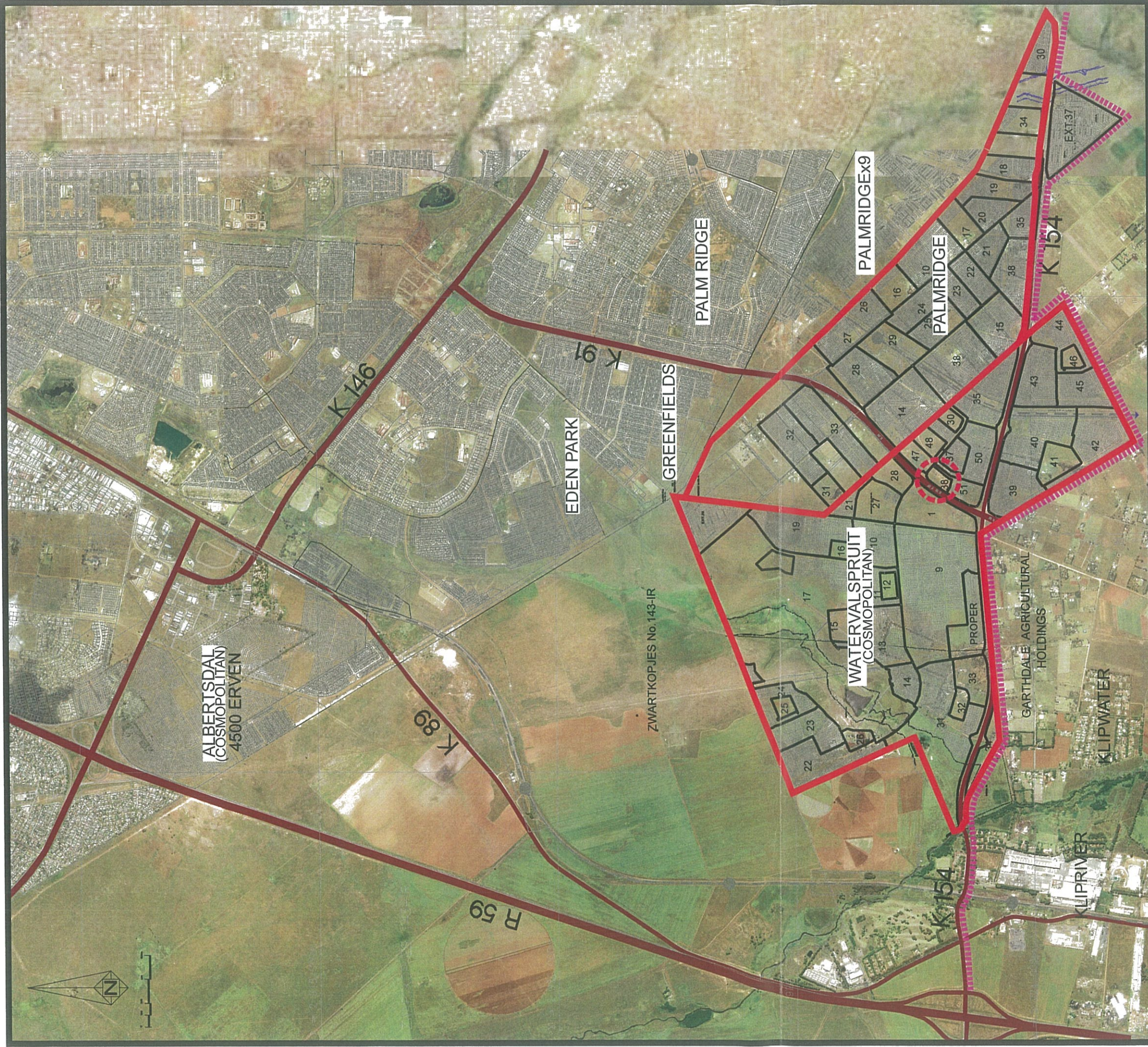
- 3.5** The size of the site is more than sufficient to accommodate the necessary buildings pump islands and traffic movements in an acceptable manner without negative impacts on adjacent properties and traffic flow.
- 3.6** Convenience stores have become an important component of any successful filling station as they provide a convenient service to motorists filling their cars up with fuel.
- 3.7** A comprehensive feasibility study motivating the need and desirability of the petrol filling station site is being undertaken by Dhubecon Consulting Engineers and will be submitted within the next two weeks

#### **4. SUMMARY AND CONCLUSION**

- The application in terms of Section 96 of the Town Planning and Townships Ordinance (No 15 of 1986) is for the establishment Watervalsspruit Extension 38 and which will make provision for convenience retail, a taxi rank and petrol filling station site.
- The proposal will ensure that the land will be optimally utilized within its urban context.

# **ANNEXURE A**

## **LOCALITY PLANS**



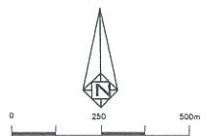
# LOCALITY PLAN

-  WATERVALSPRUIT EXT.38
-  URBAN DISTRICT BOUNDARY



DATE: \_\_\_\_\_  
MEASUREMENTS: \_\_\_\_\_

# WATERVALSPRUIT EXT.38



DATE	AMENDMENTS



P.O. Box 1435  
Ferreter Glen 0043  
Tel: (012) 348 5081

Date: OCTOBER 2015  
Scale: 1 : 5 000  
Plan No: COMP/PWS/4

# **ANNEXURE B**

## **DEED OF TRANSFER**

MAKE  
THINGS  
HAPPEN



NEDBANK  
CIB

Our Fax No: 011- 295 4808  
Our Direct Tel.No.: 011- 294 4808  
Our Ref: : A Khan/30151555  
Your Ref : Shirlene Fyall

22 September 2015

PER EMAIL

Dear Shirlene

**BORROWER: COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED**

**ESTABLISHMENT OF TOWNSHIPS ON FARM PORTIONS:**

**REMAINING EXTENT OF PORTION 44 OF THE FARM WATERVAL 150 IR  
REMAINING EXTENT OF PORTION 2 OF THE FARM RIETSPRUIT 152 IR  
PORTION 31, PORTION 32, PORTION 33, PORTION 56 AND PORTION 58 OF THE FARM RIETSPRUIT 152 IR**

We refer to the email dated 15 September 2015 and advise that the Bank has consented to the establishment of a township/townships on the above farm portions listed in Deed of Transfer T106002/2014.

Assuring you of our best attention at all times.

Yours faithfully

ADMINISTRATOR

NEDBANK AFFORDABLE HOUSING

OPERATIONS MANAGER

NEDBANK AFFORDABLE HOUSING

**Division**

Block F, 5th Floor, Nedbank 135 Rivonia Campus, 135 Rivonia Road, Sandton, Sandton, 2196  
PO Box 1144, Johannesburg, 2000, South Africa Tel 011 294 4808 Fax 011 295 4808  
nedbank.co.za

Directors: V Naidoo (Chairman) MWT Brown (Chief Executive) DKT Adomakoh (Ghanaian) TA Boardman BA Dames ID Gladman (British) PB Hanratty (Irish) PM Makwana  
Dr MA Matoane NP Mnxasana RK Morathi (Chief Financial Officer) JK Netshtenzhe MC Nkuhlu (Chief Operating Officer) JVF Roberts (British) MI Wyman (British)  
Company Secretary: TSB Jali 11.05.2015

Nedbank Corporate and Investment Banking is a division of Nedbank Limited Reg No 1951/000009/06. Authorised financial services and registered credit provider (NCRCP16).

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VAN DER MERWE DU TOIT INC  
BROOKLYN PLACE  
Chr. BRONKHORST & DEY STREETS  
BROOKLYN  
(012) 452 1300

Prepared by me



CONVEYANCER  
BARBARA COETZEE

SEELREG..... /
STAMP DUTY
FOOI... R 4000-00
FEEs

Paras 1-7:

<b>VERBIND</b>		<b>MORTGAGED</b>	
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## DEED OF TRANSFER

**BE IT HEREBY MADE KNOWN THAT**

**ANTIONETTE ROELOFSE**

appeared before me, **REGISTRAR OF DEEDS AT PRETORIA**, she the said Appearer being duly authorised thereto by a Power of Attorney signed at JOHANNESBURG on 26 NOVEMBER 2014 and granted to her by

**GREENFIELDS GARDENS PROPRIETARY LIMITED**

**Registration Number: 2007/006985/07**

**AND** the Appearer declared that her said principal had truly and legally sold on **20 NOVEMBER 2014** and that she, the said Appearer, in her capacity aforesaid, did, by these presents, cede and transfer to and on behalf of

**COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED**

**Registration Number: 2005/013577/07**

its Successors in Title or assigns, in full and free property:

**ONE**

**REMAINING EXTENT OF PORTION 44** of the farm **WATERVAL 150**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 469,7243 (FOUR HUNDRED AND SIXTY NINE comma SEVEN  
TWO FOUR THREE) Hectares;

**FIRST REGISTERED BY** Certificate of Consolidated Title T14383/1960 with  
diagram L.G. No. A.3297/58 annexed thereto and held by Deed of Transfer  
T146724/2007.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Portion A of the said farm (whereof that portion of the property held hereunder forms a portion), is subject and entitled to the following condition:
  - A. SUBJECT to a servitude in favour of the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED, to convey electricity over the property held hereunder along a Power Line represented by the line c d on the diagram annexed thereto, together with certain ancillary rights and subject to certain conditions as will more fully appear from Notarial Deed No. 703/1945S registered on the 2<sup>nd</sup> November 1945.





6. By Notarial Deed No. 503/71-S, the right has been granted to ESCOM to convey electricity over the property held hereunder, together with certain ancillary rights, as will more fully appear from reference to the said Notarial Deed.
7. A pipeline servitude with restrictions of 3,15 metres on either side, as it appears on diagram L.G. No. A 805/78 has been ceded to REPUBLIC OF SOUTH AFRICA by Deed of Cession No. K 1693/1978-S, registered on the 19<sup>th</sup> July 1978.
8. The erf shall be subject to a servitude for sewerage and other municipal purposes in favour of the Ekurhuleni Metropolitan Municipality, Germiston, 6 metres wide, as will more fully appear from Deed of Cession No. K 943/1989.

**AND SUBJECT FURTHER** to such conditions as are mentioned or referred to in the aforesaid Deeds.

**TWO**

**REMAINING EXTENT OF PORTION 2** of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 228,6355 (TWO HUNDRED AND TWENTY EIGHT comma SIX  
THREE FIVE FIVE) Hectares;

**FIRST TRANSFERRED** by Deed of Transfer T900/1914 with diagram annexed thereto and held by Deed of Transfer T132173/2007.



**SUBJECT TO THE FOLLOWING CONDITIONS:**

- (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.
- (b) Subject to Deed of Cession K 1697/1976 whereby a pipeline servitude with restrictions of 3 metres was ceded to the Republic of South Africa (in its Railways and Harbours Administration).

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.

**THREE**

**PORTION 31** (a portion of portion 27) of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 8,5653 (EIGHT comma FIVE SIX FIVE THREE) Hectares;

**FIRST REGISTERED** by Certificate of Registered Title T31194/1996 with Diagram S.G. No. 3775/1962 annexed and held by Deed of Transfer T56653/2008.

**SUBJECT to the following conditions and servitudes:**

- A. Portion 27 of the aforesaid farm, measuring 488,0188 hectares (a portion of which is held hereunder) together with the Remaining Extent of Portion A called "WELVERDIEND" of the farm RIETSPRUIT 152, Registration Division I.R., measuring as such 3,0010 hectares, held under Deed of Transfer 17638/1951 is entitled to the rights and subject to the conditions and servitudes regarding rights in and to dams, water and water-furrows on the farm Rietspruit as fully described in Deed of Servitude 22/1914-S.

B. SUBJECT to Notarial Deed of Servitude 960/1965-S registered on the 4<sup>th</sup> of August, 1965, in terms whereof the property held hereunder is subject to a servitude of right of way 15,74 metres wide in favour of the General Public as will more fully appear from the said Notarial Deed and Diagram S.G. No. A 3825/62 thereto annexed.

C. SUBJECT to the following conditions imposed in terms of Act 21 of 1940:

Except with the written approval of the Controlling Authority:

(i) The land may not be subdivided;

(ii) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.

(iii) No store or place of business or industry whatsoever may be opened or conducted on the land.

D. THE former Portion 1 of Portion A called "WELVERDIEND" of the aforesaid farm (of which the property transferred hereunder forms a portion) is subject to the following condition:

SUBJECT to Deed of Servitude 315/1946-S, registered on the 13<sup>th</sup> May 1946, in terms whereof the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED, its Successors, Assigns or Licences shall have the right in perpetuity to convey electricity across the property by means of wires and/or cables or other appliances.

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.



**FOUR**

**PORTION 32** (a portion of portion 27) of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 8,5653 (EIGHT comma FIVE SIX FIVE THREE) Hectares;

**FIRST REGISTERED** by Certificate of Registered Title T31194/1966 with  
diagram annexed thereto and held by Deed of Transfer T93649/2008.

**SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. Portion 27 of the aforesaid farm, measuring 488,0188 hectares (a portion of which is held hereunder) together with the Remaining Extent of Portion A called "WELVERDIEND" of the farm RIETSPRUIT 152, Registration Division I.R., measuring as such 3,0010 hectares, held under Deed of Transfer 17638/1951 is entitled to the rights and subject to the conditions and servitudes regarding rights in and to dams, water and water-furrows on the farm Rietspruit as fully described in Deed of Servitude 22/1914-S.
- B. SUBJECT to Notarial Deed of Servitude 960/1965-S registered on the 4<sup>th</sup> of August, 1965, in terms whereof the property held hereunder is subject to a servitude of right of way 15,74 metres wide in favour of the General Public as will more fully appear from the said Notarial Deed which right of way is indicated by the figure ABEF on Diagram S.G. No. A 3776/62 attached to Certificate of Registered Title No. 31194/66.
- C. SUBJECT to the following conditions imposed in terms of Act 21 of 1940:

Except with the written approval of the Controlling Authority:

- (i) The land may not be subdivided;

- (ii) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
- (iii) No store or place of business or industry whatsoever may be opened or conducted on the land.

D. THE former Portion 1 of Portion A called "WELVERDIEND" of the aforesaid farm (of which the property transferred hereunder forms a Portion) is subject to the following condition:

SUBJECT to Deed of Servitude No. 315/1946-S, registered on the 13<sup>th</sup> May 1946, in terms whereof the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED, its Successors, Assigns or Licences shall have the right in perpetuity to convey electricity across the property by means of wires and/or cables or other appliances.

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.

**FIVE**

**PORTION 33** (a portion of portion 27) of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 8,5653 (EIGHT comma FIVE SIX FIVE THREE) Hectares;

**FIRST REGISTERED** by Certificate of Registered Title T31194/1966 with  
diagram annexed thereto and held by Deed of Transfer T93649/2008.



**SUBJECT TO THE FOLLOWING CONDITIONS:**

- A. Portion 27 of the aforesaid farm, measuring 488,0188 hectares (a portion of which is held hereunder) together with the Remaining Extent of Portion A called "WELVERDIEND" of the farm RIETSPRUIT 152, Registration Division I.R., measuring as such 3,0010 hectares, held under Deed of Transfer 17638/1951 is entitled to the rights and subject to the conditions and servitudes regarding rights in and to dams, water and water-furrows on the farm Rietspruit as fully described in Deed of Servitude 22/1914-S.
- B. SUBJECT to Notarial Deed of Servitude No. 960/1965-S registered on the 4<sup>th</sup> of August 1965, in terms whereof the property held hereunder is subject to a servitude of right of way 15,74 metres wide in favour of the General Public as will more fully appear from the said Notarial Deed which right of way is indicated by the figure ABEF on Diagram S.G. No. A 3777/62 attached to Certificate of Registered Title No. 31194/66.
- C. SUBJECT to the following conditions imposed in terms of Act 21 of 1940:

Except with the written approval of the Controlling Authority:

- (i) The land may not be subdivided;
- (ii) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
- (iii) No store or place of business or industry whatsoever may be opened or conducted on the land.



- D. The pipeline servitude as shown on diagram No. 4080/75 together with ancillary rights has been ceded to the Republic of South Africa (Railways & Harbours Administration) by virtue of Deed of Cession No. K2860/1976-S registered on 1<sup>st</sup> October 1976.

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.

**SIX**

**PORTION 56** (a portion of portion 27) of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 8,5653 (EIGHT comma FIVE SIX FIVE THREE) Hectares;

**FIRST REGISTERED** by Certificate of Registered Title T31194/1966 with  
diagram annexed thereto and held by Deed of Transfer T57782/2008;

**SUBJECT TO THE FOLLOWING CONDITIONS AND SERVITUDES:**

1. Portion 27 of the aforesaid farm, measuring 488,0188 hectares (a portion of which is held hereunder) together with the Remaining Extent of Portion A called "WELVERDIEND" of the farm RIETSPRUIT 152, Registration Division I.R., measuring as such 3,0010 hectares, held under Deed of Transfer 17638/1951 is entitled to the rights and subject to the conditions and servitudes regarding rights in and to dams, water and water-furrows on the farm Rietspruit as fully described in Deed of Servitude 22/1914-S.

2. SUBJECT to Notarial Deed of Servitude No. 960/1965-S registered on the 14<sup>th</sup> of August 1965, in terms whereof the property held hereunder is subject to a servitude of right of way 15,74 metres wide in favour of the General Public as will more fully appear from the said Notarial Deed and diagram S.G. No. A 3825/62 thereto annexed.
  
3. SUBJECT to the following conditions imposed in terms of Act 21 of 1940:
  - (i) The land may not be subdivided;
  
  - (ii) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
  
  - (iii) No store or place of business or industry whatsoever may be opened or conducted on the land.

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.

**SEVEN**

**PORTION 58** (a portion of portion 27) of the farm **RIETSPRUIT 152**,  
Registration Division I.R., PROVINCE OF GAUTENG;

**MEASURING:** 8,5653 (EIGHT comma FIVE SIX FIVE THREE) Hectares;

**FIRST REGISTERED** by Certificate of Registered Title T31194/1966 with  
diagram annexed thereto and held by Deed of Transfer T56628/2008.





**SUBJECT TO THE FOLLOWING CONDITIONS AND SERVITUDES:**

- A. Portion 27 of the aforesaid farm, measuring 488,0188 hectares (a portion of which is held hereunder) together with the Remaining Extent of Portion A called "WELVERDIEND" of the farm RIETSPRUIT 152, Registration Division I.R., measuring as such 3,0010 hectares, held under Deed of Transfer 17638/1951 is entitled to the rights and subject to the conditions and servitudes regarding rights in and to dams, water and water-furrows on the farm Rietspruit as fully described in Deed of Servitude 22/1914-S.
- B. SUBJECT to Notarial Deed of Servitude No. 960/1965-S registered on the 4<sup>th</sup> of August 1965, in terms whereof the property held hereunder is subject to a servitude of right of way 15,74 metres wide in favour of the General Public as will more fully appear from the said Notarial Deed and Diagram S.G. No. A 3825/62 thereto annexed.
- C. SUBJECT to the following conditions imposed in terms of Act 21 of 1940:
- Except with the written approval of the Controlling Authority:
- (i) The land may not be subdivided;
  - (ii) The land shall be used solely for residential and agricultural purposes. The number of buildings on the land, or on any duly approved subdivision thereof, shall not exceed one residence together with such outbuildings as are ordinarily required to be used in connection therewith and such further buildings and structures as may be required for purposes of agriculture.
  - (iii) No store or place of business or industry whatsoever may be opened or conducted on the land.



- D. THE former Portion 1 of Portion A called "WELVERDIEND" of the aforesaid farm (of which the property transferred hereunder forms a Portion) is subject to the following condition:

SUBJECT to Deed of Servitude No. 315/1946-S, registered on the 13<sup>th</sup> May 1946, in terms whereof the VICTORIA FALLS AND TRANSVAAL POWER COMPANY LIMITED, its Successors, Assigns or Licences shall have the right in perpetuity to convey electricity across the property by means of wires and/or cables or other appliances.

**AND FURTHER SUBJECT** to such conditions as are mentioned or referred to in the aforesaid Deed/s.

**WHEREFORE** the Appearer, renouncing all right and title which the said

**GREENFIELDS GARDENS PROPRIETARY LIMITED**

**Registration Number: 2007/006985/07**

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**COSMOPOLITAN PROJECTS JOHANNESBURG PROPRIETARY LIMITED**


**Registration Number: 2005/013577/07**

its Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R142 500 000,00 (ONE HUNDRED AND FORTY TWO MILLION FIVE HUNDRED THOUSAND RAND)**.

**IN WITNESS WHEREOF**, I the said Registrar, together with the Appearer q.q., have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

**THUS DONE AND EXECUTED** at the Office of the **REGISTRAR OF DEEDS AT PRETORIA** on

19 12 14

  
\_\_\_\_\_

q.q.

In my presence,

  
**REGISTRAR OF DEEDS**



# **ANNEXURE C**

## **POWER OF ATTORNEY AND COMPANY RESOLUTION**

**RESOLUTION OF THE DIRECTORS**

**COSMOPOLITAN PROJECTS JOHANNESBURG (Pty) Ltd**

Taken at: .....MIDRAND..... on .....15, May 2019.....2019

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**RESOLVED:**

1. That the director(s) of the Company resolved to appoint, nominate and instruct Alex van der Schyff of Aeterno Town Planning (Pty) Ltd, PO Box 1435, FAERIE GLEN, 0043 to apply on behalf of Cosmopolitan Projects Johannesburg (Pty) Ltd to Ekurhuleni Metropolitan Municipality for the Phasing Application of Watervalspruit Extension 36 as well as Township Establishment Application on Watervalspruit Ext 38 and Ext 51.
2. That **ANTON CROUSE** in his capacity as director, is hereby authorized to sign any documentation on behalf of Cosmopolitan Projects Johannesburg (Pty) Ltd which may be deemed necessary to give effect to this resolution.

**CERTIFIED A TRUE EXTRACT**

\_\_\_\_\_  
Director: **ANTON CROUSE**

**SPECIAL POWER OF ATTORNEY**

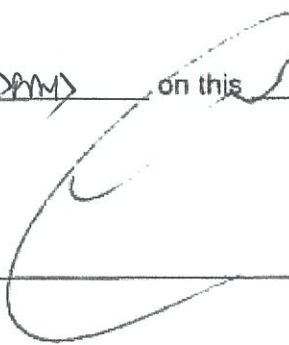
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I, **ANTON CROUSE**, authorised director to sign any documentation on behalf of Cosmopolitan Projects Johannesburg (Pty) Ltd, being the registered owner of the Remaining Extent of Portion 2 of the Farm Rietspruit 152 IR (Watervalspruit Ext 36 & 38) do hereby nominate, constitute and appoint Alex van der Schyff of Aeterno Town Planning (Pty) Ltd, PO Box 1435, Faerie Glen, 0043 as my Town Planner or Agent with power of substitution to be our lawful representative to prepare and submit an application to Ekurhuleni Metropolitan Municipality in terms of the Town Planning and Townships Ordinance, 1986 read with Spatial Planning and Land Use Management Act, 2013 for the phasing of an approved township (Ext 36) as well as submission of township establishment applications on Ext 38 and Ext 51.

In addition to apply for such amendments of any Town Planning Schemes as may be deemed necessary and to make any other necessary applications and further to represent me at any inquiry to the above-mentioned matters and generally do whatever may be necessary or desirable to procure the approval of the application, by virtue of these present and whatever our said representatives have to date done herein.


We undertake responsibility for the payment of all professional fees and other expenses charged and incurred by our Town Planner(s) or Agent(s) in the preparation and processing of the above-mentioned mandate including all legal fees and expenses (including collection commission) incurred by the Town Planner(s) or Agent(s) attorneys in collecting the same.

Signed at MIDRAND on this 19 day of August 2019.

  
\_\_\_\_\_  
**ANTON CROUSE**

**AS WITNESSES:**

1.   
\_\_\_\_\_

2.   
\_\_\_\_\_

# **ANNEXURE D**

## **LAND USE PLANS**





# **ANNEXURE E**

**LETTER FROM ENGINEERING GEOLOGIST**



Dhubecon Consulting Engineers (Pty) Ltd  
Reg No 2011/130532/07

tel: 012 667 5531  
fax: 086 678 8470  
mobile: 082 413 7235

e-mail: admin@dhubecon.co.za  
website: www.dhubecon.co.za

2<sup>nd</sup> Floor Soetdoring Building  
Soetdoring Office Park  
Cnr Lupin Ave & Protea Str  
Doringkloof, CENTURION  
Gauteng RSA

PostNet Suite No 178  
Private Bag X1028  
Lyttelton  
0140

Our Ref: dce-P0249\_L63

Your Ref:

**Date: 03 September 2019**

Aeterno Town Planning  
P O Box 1435, Faerie Glen, 0043  
[alex@aeternoplanning.com](mailto:alex@aeternoplanning.com)

**Attention: Mr Alex van der Schyff**

Dear Sir,

**WATERVALSPRUIT EXTENSION 38**

**Traffic Impact Assessment**

This letter has been prepared to accompany the town planner's application for an amendment to the approved township known as Watervalspruit Extension 38. It can be noted that our company undertook a full Traffic Impact Assessment (TIA) for the Watervalspruit Townships (dated May 2015), which included Watervalspruit Extension 38 and which had been approved by the City of Ekurhuleni (CoE) and Gautrans (GPDRT). For ease of reference, the site location of the Watervalspruit Townships is shown in attached **Figure 1**, which also indicates the relative position of Ext. 38.

At the time of the previously approved TIA of May 2015, the subject township comprised two erven, for which 'Public Open Space' and 'Social Node' zonings were proposed, respectively. However, given the changes in market demands in recent years, it has become the intention of the developer to amend the previously approved land use rights. Therefore, the objective of this application is to amend the land use rights from 'Public Open Space' and 'Social Node' to 'Business 2' and 'Special' for a filling station. The proposed new land use rights will form part of a commercial strip development within the Watervalspruit Townships.

With reference to the amended township layout plan submitted by the town planner, the subject site extends a total of 2.37ha and comprises two erven. Erf 1 (0.46ha) is zoned as 'Special' for a petrol filling station, while Erf 2 (1.91ha) is zoned as 'Business 2' for convenience retail, which will also include an on-site taxi rank. The convenience retail development will extend a maximum of 5,387 m<sup>2</sup> GLA, which represents a Floor Area Ratio (FAR) of 0.282. As the traffic engineer for the approved township, it is confirmed that we have already provided input to the amended township layout, as submitted by the town planner.

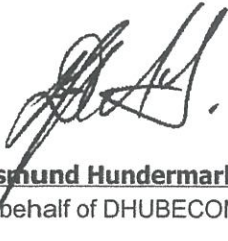
To note is that the previously approved land use rights are viewed as ancillary land uses, which will mostly provide an internal service to the primary land uses of the Watervalspruit Townships, such as the 'Residential' and 'Educational' land uses. Consequently, these ancillary land uses do not attract any significant traffic from outside the area and their external trip generations are therefore viewed as negligible. It has been estimated that the amended land use rights will generate approximately **26 and 145 external primary or new trips** during the AM and PM peaks, as a result of the 5,387 m<sup>2</sup> GLA convenience retail development. With regards to Watervalspruit Ext. 38, Erf 1, which comprises the proposed filling station, the site is located adjacent to a major route (K91) and therefore the assumption is made that its customer base would be mainly passing traffic along the K91 and internal trips; thus only intercepting existing traffic as oppose to generating new traffic. The new traffic generations are therefore negligible with respect to the larger road network.

From a traffic engineering perspective, the proposed amendments to the approved township will therefore increase the overall trip generations of the Watervalspruit Townships. It is acknowledged that this letter does not

present a full TIA by any means. We can confirm that our company had been appointed recently to undertake a TIA for Node 4 of the Watervalspruit Townships, which comprises a number of amended townships, including the subject township of Watervalspruit Ext. 38 (see **Figure 1**). The traffic impact as a result of the amended townships will be specifically addressed in this TIA. Updated traffic counts at the nearby affected intersections have already been done and a full TIA will be completed and submitted to CoE and GPDRT in due course.

Should you have any further queries, feel free to contact the undersigned.

Yours Faithfully



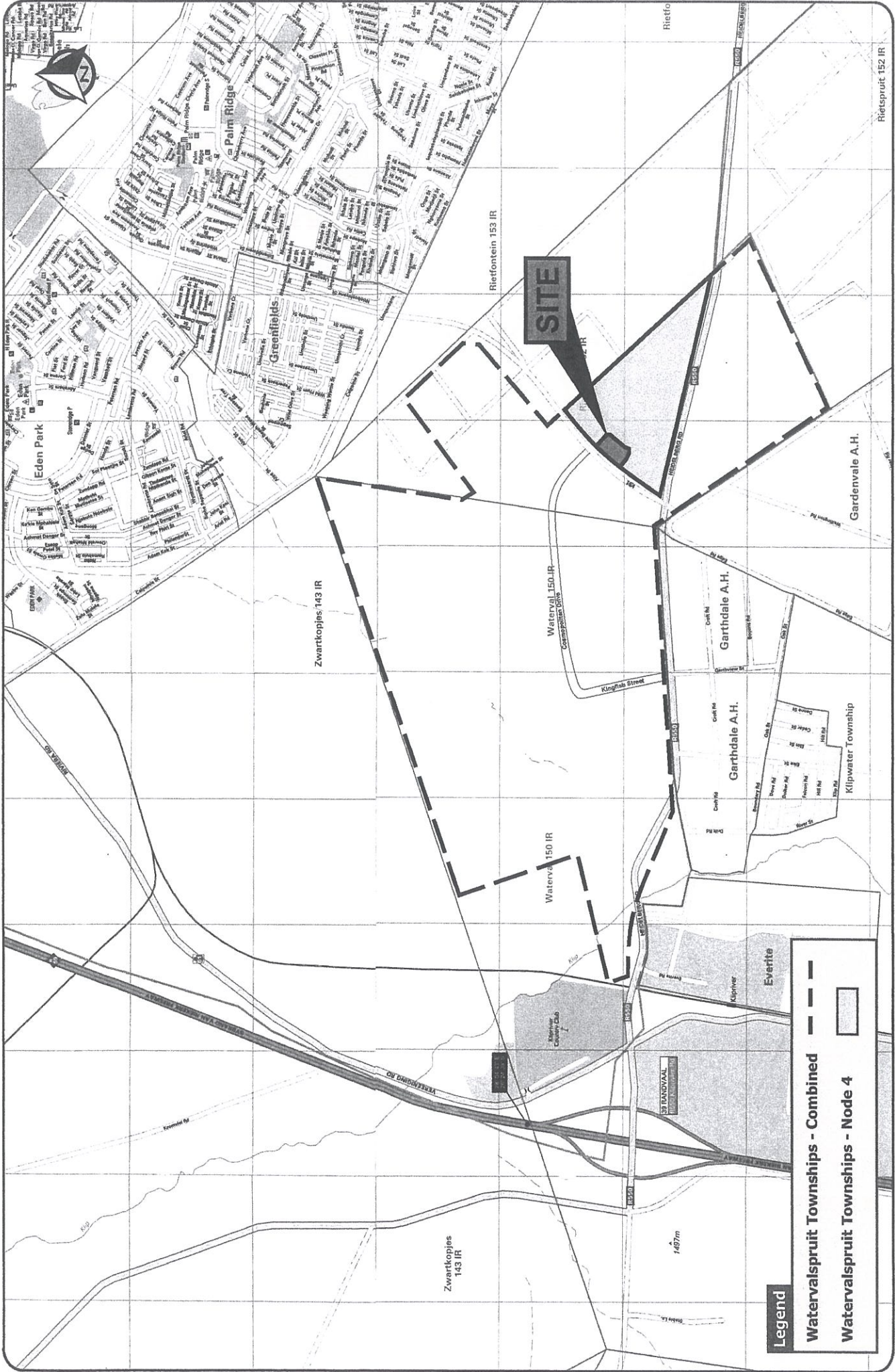
**Desmond Hundermark** (Pr Eng)

On behalf of DHUBECON Consulting Engineers (Pty) Ltd

## Figures

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Figure 1      Locality Plan



Project No.	PO249
Figure	1
Project Name	Watervla Ext. 38
Description	Locality Plan

Client	
Notes	

**Our Ref: 3226/1**  
EDK/ZVB

**2019-08-28**

AETERNO TOWN PLANNING (PTY) LTD  
PO BOX 1435  
FAERIE GLEN  
0043

**For the Attention of: Mr Alex van der Schyff**  
Email: [alex@aeternoplanning.com](mailto:alex@aeternoplanning.com)

Sir,

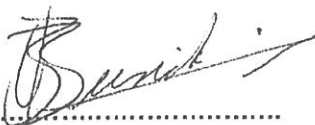
## **PROPOSED WATERVALSPRUIT EXT 38 & 51: AVAILABILITY OF BULK ELECTRICITY:**

1. The above mentioned proposed townships are located within the Ekurhuleni Metropolis Municipality - Alberton administrative area.
2. Bulk contribution is supplied, in accordance with the approved Overarching Service Level Agreement for the Watervalsspruit townships, from the Sefokabolea 88/11kV substation located in the Germiston administrative area. An 11kV Satellite station will be erected, located in the proposed Watervalsspruit Ext 49, from where the township will be supplied.
3. The anticipated electrical capacity required for the townships are as follows:

3.1. Watervalsspruit Ext 38	-	1266,4kVA
3.2. Watervalsspruit Ext 51	-	761,2kVA
4. Attached please find drawing 3226/1/EOS – Watervalsspruit & Palm Ridge Electrical Outline Scheme, indicating bulk infrastructure that will be provided in terms of the Overarching Service Agreement by the developer.

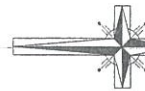
Yours faithfully,

**EKSTEEN & LE ROUX CC**



.....  
**Z. VAN BURICK**

NORTH



### LEGEND

- PALM RIDGE SATELLITE SWITCHING STATION SUPPLY AREA
- WATERVALSPRUIT SWITCHING STATION B SUPPLY AREA
- WATERVALSPRUIT SWITCHING STATION A SUPPLY AREA
- ..... 4 x 300mm<sup>2</sup> X 3-CORE AL PILC CABLE
- ..... 2 x 300mm<sup>2</sup> X 3-CORE AL PILC CABLE
- ..... 2 x 300mm<sup>2</sup> X 3-CORE AL PILC CABLE (Approx 3900m)

REV	DESCRIPTION	DATE
A	FOR CDR APPROVAL (ALERTING)	2018-08-29
B	FOR CDR APPROVAL (DEPARTMENT)	2018-08-12



SUPPORTED BY:  
**ELECTRICITY & ENERGY**  
 NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**ELR** Eksteen & Le Roux  
 ENGINEERS & ARCHITECTS  
**WATERVALSPRUIT & PALM RIDGE  
 ELECTRICAL OUTLINE SCHEME**

DWG: 3228/IEOS      REV: B  
 DRAWN: \_\_\_\_\_ CHECKED: \_\_\_\_\_  
 SCALE: 1:1000 (A4)      DESIGN DATE: \_\_\_\_\_  
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