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Our Ref: 02-8209 (Magaliessig extension 61)

21 July 2009

Surveyor General
Private Bag X291
Pretoria
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Dear Sir,


**APPROVAL: STANDARD FORM OF CONDITIONS OF ESTABLISHMENT:
PROPOSED MAGALIESSIG EXTENSION 61**

In terms of section 98(1) of the Town planning and Township Ordinance 1986, an application was approved for the establishment of the above Township.

Please find attached herewith two copies of the Layout Plan no 02-8209/01 in respect of the Abovementioned Township for the purpose of compiling a general plan.

Your co-operation herein will be much appreciated.

Your Faithfully,


Ms Thoko Mzimela: Legal Administration
Development Planning and Urban Management

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY TANGMERE INVESTMENT CORPORATION (PTY) LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON A PORTION OF THE REMAINDER OF PORTION 230 FARM WITKOPPEN 194 IQ, HAS BEEN APPROVED.

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

(1) CANCELLATION OF EXISTING CONDITIONS OF TITLE

The township owner shall at its own costs, cause any restrictive conditions and/or servitudes to be cancelled or the township area to be freed therefrom.

(2) GENERAL

- (a) The township owner shall make arrangements with Corporate Geo-Informatics (CGIS) for the allocation of a street name for the public road (or street names for the public roads) in the township (to be indicated on the General Plan of the township) as well as the allocation of street numbers for the newly created erven in the township and shall submit a copy of the layout plan, indicating such name/s and numbers, to the local authority.
- (b) Authorisation/exemption to establish the township in terms of the National Environmental Act, 1998 (Act 107 of 1998) shall be obtained (or re-obtained) from the Department of Agriculture, Conservation and Environment and shall be submitted to the local authority.
- (c) The township owner shall, after approval of the General Plan of the township, submit the relevant Amendment Scheme to the local authority for approval, in order that it can be published simultaneously with the declaration of the township as an approved township.
- (d) The township owner shall comply with the provisions of sections 72(1), 75(1) and 101(1) of the Town Planning and Townships Ordinance, 1986.

2. CONDITIONS OF ESTABLISHMENT

(1) NAME

The name of the township shall be Magaliessig Extension 61

(2) DESIGN

The township shall consist of erven (or erven and a road/street/thoroughfare or roads/streets/thoroughfares) as indicated on layout plan No. 02-8209/01.

(3) PROVISION AND INSTALLATION OF ENGINEERING SERVICES

- (a) The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township, to the satisfaction of the local authority.
- (b) The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefore, and as agreed upon between the township owner and the local authority.

(4) ELECTRICITY

- (a) The local authority is not the bulk supplier of electricity in the township. The township owner shall in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) make the necessary arrangements with ESKOM, the licensed supplier of electricity in the township.
- (b) The local authority shall be advised in writing that satisfactory arrangements have been made in respect of the supply of electricity to the township and in this connection, the township owner shall submit the following to the local authority:

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21/07/09

- (1) A certified copy of the agreement in respect of the supply of electricity entered into with ESKOM; and/or
- (2) A certificate issued by ESKOM that acceptable financial arrangements with regard to (1) above, have been made by the township owner.

(5) GAUTENG PROVINCIAL GOVERNMENT

- (1) Should the development of the township not been commenced with, within a period of 2/ 5 years from date of authorisation or exemption, the application to establish the township, shall be resubmitted to the Department of Agriculture, Conservation and Environment for exemption/authorisation in terms of the Environment Conservation Act, 1989 (Act 73 of 1989), as amended.
- (2) (a) Should the development of the township not been completed within a period of ten years from 01 November 2007, the application to establish the township, shall be resubmitted to the Department of Public Transport, Roads and Works for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(6) ACCESS

- (a) Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd.

(7) ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road and all stormwater running off or being diverted from the road shall be received and disposed of.

(8) SAFEGUARDING OF UNDERGROUND WORKINGS

The township owner shall at its own costs, make adequate provision to the satisfaction of the Inspector of Mines (Gauteng Region), to prevent any water from entering underground workings through outcrop workings or shaft openings and if applicable, the existing stormwater drains shall be properly maintained and protected.

(9) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(10) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(12) DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

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21/07/09

(13) OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

(a) The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser, certifying to the Registrar of Deeds that these engineering services had been provided and installed; and

(b) The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefore, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

(c) Notwithstanding the provisions of clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (a) and/or (b) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

3. CONDITIONS OF TITLE

(A) CONDITIONS IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986).

(1) ALL ERVEN

(a) Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries 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 process 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.

(2) Erf 485

The erf is subject to a 3.5m wide servitude for road widening purposes as indicated on the General Plan

4. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE SANDTON TOWN PLANNING SCHEME, 1980

(1) GENERAL CONDITIONS

(Applicable to all erven)

(a) The erven in the township lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for approval shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions.

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21/07/09

These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

- (2) ERVEN 485 AND 486
- (a) Use Zone: XVI "Special"
- (b) Primary Rights: Special for places of refreshment, pubs, restaurants, shops, business, Offices, showrooms, residential buildings (including hotels plus ancillary uses) and other uses as may be permitted with the consent of the local authority.
- (c) Height: 4 storeys plus one additional storey in terms of a site development plan
- (d) Coverage: As per scheme, coverage shall not exceed 60%, provided that basement may not exceed 80%
- (e) F.A.R (or F.S.R): 0,6 provided shops shall not exceed 0.15
- (f) Parking: As per scheme
- (g) Building Lines: 5 meters on all boundaries provided it can be relaxable on the SDP
- (i) General:
1. The activities on the premises shall in no way be offensive, injurious or a danger to the health or cause a nuisance be it by noise, sight or smell
 2. A Site Development Plan shall be submitted to the local authority prior to any development on the site and prior to the approval of building plans.
 3. The property shall be landscaped and maintained to the satisfaction of the local authority.
 4. Ingress to and egress from the property shall be provided to the satisfaction of the local authority.

Drafted: 2009-01-26.
Amended 2009 - 07 - 21 Thoko

W. Daniels

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