

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 21

PRETORIA, 2 APRIL 2015

No. 98

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE**LOCAL AUTHORITY NOTICE 508****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 409T**

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 Die Hoewes Extension 218, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 409T.

(13/2/Die Hoewes x218 (409T))
__ March 2015

(Notice No 221/2015)

CHIEF LEGAL COUNSEL

PLAASLIKE BESTUURSKENNISGEWING 508

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 409T

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 Die Hoewes Uitbreiding 218, 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 409T.

(13/2/Die Hoewes x218 (409T)
__ Maart 2015

HOOFREGSADVISEUR
(Kennisgewing No 221/2015)

CITY OF TSHWANE

DECLARATION OF DIE HOEWES EXTENSION 218 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 Die Hoewes Extension 218 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Die Hoewes x218 (409T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CALIBER 293 PROPRIETARY LIMITED, 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 260 OF THE FARM LYTTELTON 381JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Die Hoewes Extension 218.

1.2 DESIGN

The township shall consist of 2 erven as indicated on Plan no K13/2/DIE HOEWES218/10 and General Plan SG963/2008.

1.3 PRECAUTIONARY MEASURES

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

1.3.1.1 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.

1.3.1.2 A DOLOMITE RISK MANAGEMENT PLAN, specific to the development. The legal transfer of the responsibility for the management of the Risk Management Plan, to a representative Body Corporate or similar as applicable must be included.

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-

1.3.3.1 water will not accumulate to the effect 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

1.3.3.2 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 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.

1.6 CONSOLIDATION OF ERVEN

The township owner shall, at his own costs, after proclamation of the township but prior to the development of any erf/unit in the township, consolidate Erven 743 and 744 to the satisfaction of the local authority.

The local authority hereby grants its consent for the consolidation of Erven 743 and 744 in terms of section 92(1)(b) of Ordinance 15 of 1986, which consolidation shall only come into operation on proclamation of the township and subject to the section 82 certificate being issued by the City of Tshwane.

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 City of Tshwane Metropolitan Municipality.

1.8 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.

1.9 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, as well as any other applicable provisions, in terms of the provisions of the EIA, 2010, (GN R.544 or R.545) published under the National Environmental Management Act (NEMA) (Act No 107 of 1998) (as amended) as the case may be.

1.10 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.

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 THE DEVELOPER'S OBLIGATIONS

2.2.1 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 roads and stormwater infrastructure as well as water and electricity services, for approval prior to the commencement of the construction of the said services. The detail design drawings will only be evaluated after the required Services Reports have been approved.

2.2.2 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. 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.

2.2.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the local authority has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services i.e. water, sewerage, electricity, and the road and storm water sewers have been completed.

A retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the local authority for an amount that is equal to 10% of the contract cost, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

2.2.4 ERVEN SUBJECT TO SPECIAL CONDITIONS

The owner of Erven 743 and 744 must be made 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 home owner understands how to manage dolomite stability risk responsibility. The height of the buildings shall not exceed 5 storeys.

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 servitude which shall not be transferred to the erven in the township due to location;

(h) "The holding shall be subject to Deed of Servitude No 285/1934S, with reference to a right of way leave for electric energy in favour of the City Council of Pretoria."

3.2 Including the following conditions in Deed of Transfer T28874/2014, which affects all erven in the township:

"B. Onderhewig aan die volgende voorwaardes opgelê deur die Administrateur van Transvaal, ingevolge die bepalings van die Ordonnansie op die verdeling van grond 1973 (Ordonnansie 19 van 1973):

Behalwe met die toestemming van die plaaslike bestuur na raadpleging met die Direkteur van Geologiese Opname word geen stapelriool op die gedeelte toegelaat nie en waar sodanige stapelriool of septiese tenks toegelaat word, moet die eienaar van die gedeelte –

(a) Sodanige septiese tenk of stapelriool op die dalende helling van die grond vanaf die woonhuis plaas en wel in so 'n posisie dat geen gevaar daardeur geskep sal word vir paaie, dienste of aangrensende eiendomme nie, indien 'n sinkgat ontstaan;

(b) Die rioolpyp wat na die septiese tenk toe voer van buigbare lasse voorsien oor die totale lengte daarvan;

(c) Die gebied waar die septiese tenk geleë is, sowel as 'n verdere gebied van 5 meter in deursnee daaromheen te alle tye afgekamp hou."

3.3 including the following servitude which affects erf 743 only:

"C. Kragtens Notariele Akte van Serwituut K.1167/2010 gedateer 18 Augustus 2009. Die binnegemelde eiendom is onderhewig aan 'n ewigdurende serwituut van Reg van weg oor daardie gedeelte van gedeelte 1 van Hoewe 157 Lyttelton Landbouhoewes Uitbreiding 1, Registrasie Afdeling J.R., Provinsie Gauteng 541 vierkante meter groot soos aangetoon deur die figure ABCDEA op Kaart LG No 12934/07 gehëg aan gemelde Notariele Akte van Serwituut K1167/2010, oor Resterende Gedeelte van Gedeelte 221 van die plaas Lyttelton 381, Registrasie Afdeling J.R., Provinsie Gauteng 5076 vierkante meter groot, gehou kragtens T43753/1993 asook Hoewe 470 en 471 Die Hoewes Uitbreiding 168;. Soos aangedui in die Notariele Akte van Serwituut".

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 METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

4.1.1 ALL ERVEN

4.1.1.1 The erf shall be subject to a servitude, 3m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting 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.

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 from thereof.

4.1.1.3 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 necessary, 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 services and other works.
