

***THE PROVINCE OF  
GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

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# PROCLAMATION • PROKLAMASIE

## PROCLAMATION 43 OF 2018

### CITY OF TSHWANE

#### TSHWANE AMENDMENT SCHEME 4119T

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 Eldoraigne Extension 85, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Group Head: Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 4119T.

(CPD 9/2/4/2-4119T)  
(13/2/Eldoraigne x85 (4119T))

#### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

(Notice 176/2018)  
\_\_\_ MAY 2018

### STAD TSHWANE

#### TSHWANE WYSIGINGSKEMA 4119T

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 Eldoraigne Uitbreiding 85, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Groep Hoof: Ekonomiese Ontwikkeling en Ruimtelike Beplanning, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 4119T.

(CPD 9/2/4/2-4119T)  
(13/2/Eldoraigne x85 (4119T))

#### STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

(Kennisgewing 176/2018)  
\_\_\_ MEI 2018

### CITY OF TSHWANE

#### DECLARATION OF ELDORAIGNE EXTENSION 85 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 Eldoraigne Extension 85 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/2/4/2-4119T)  
(13/2/Eldoraigne x85 (4119T))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENT CONSTRUCTION CC, 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 378 (A PORTION OF PORTION 174) 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 Eldoraigne Extension 85.

##### 1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 6753/2016.

**1.3 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.

**1.4 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.

**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 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.

**1.7 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.

**1.8 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, 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.

**1.10 NATIONAL HERITAGE RESOURCE ACT**

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

**1.11 PRECAUTIONARY MEASURES**

1.11.1 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. 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.

1.11.2 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.

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

1.11.3.1 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

1.11.3.2 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.

## 1.12 ENDOWMENT/ PROVISION OF OPEN SPACE

The township owner has agreed to the provision of an open space area in lieu of open space provision for the township representing an area of 846m<sup>2</sup>, which shall be indicated on the Site Development Plan.

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).

## 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.

The township owner shall install and provide internal engineering services in the township as provided for in the services agreement.

The City of Tshwane Metropolitan Municipality 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 township owner must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design engineering drawings in respect of the internal road and stormwater sewers as well as water and electricity services, 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.

The township owner must obtain a way-leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

#### 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.

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.

### 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following –

3.1 Condition A(a)I up to and including II, A(d), B and C in Deed of Transfer T107877/2015, which reads as follows and which affects the township but will not be passed onto the erven in the township:

A. The former Remaining extent of Portion “d” of a portion of the said farm ZWARTKOP NO 356, Registration Division JR, District Pretoria, measuring 145,0537 hectares (whereof the property hereby transferred forms a part) is SUBJECT and ENTITLED to the following terms and conditions:

(a) The use and enjoyment of the water from the Hennops River to which–

- (1) The Remaining Extent of Portion “d” of a portion of the farm ZWARTKOP NO 356, Registration Division JR, district Pretoria, measuring as such 115,0537 hectares;
- (2) The Remaining Extent of the Western Portion of the said farm, measuring as such 364,8041 hectares;
- (3) The Remaining Extent of the Middle Portion of the said farm, measuring as such 167,2707 hectares;
- (4) Portion B of the Middle Portion of the said farm, measuring 577,7308 hectares;

are entitled and divided as follows:

I. The owner of the following three properties, namely:

- (a) Certain Portion 121 of Portion B of the Middle Portion of the said farm ZWARTKOP No356, Registration Division JR, District Pretoria, measuring 306,2476 hectares:
- (b) Certain Portion 122 of the Western Portion of the said farm ZWARTKOP, measuring, 9 250 hectares;
- (c) Certain Portion 123 of the Western Portion of the said farm ZWARTKOP, measuring 13,6049 hectares:

All as transferred by Deed of Partition Transfer No 18504/1939 on the 20<sup>th</sup> October 1939, shall be entitled to:

- i) The right to pump water from the Hennops River above the drift known as “Kalk Drift” and East of the Eastern Boundary of the said portion 121 for 4,2827 (Four comma two eight two seven) hectares of land, the quantity for such 4m2827 (Four comma two eight two seven) hectares to be determined by reference to the order of the Water Court dated the 24<sup>th</sup> day of October 1927.
- ii) The right to pump water from the Hennops River at the Swimming Bath upon the said portion 121 for forty eight (48) continuous hours per week for the purpose of filling the said bath and irrigation 1,7131 (One comma seven one three one) hectares of land west of the Bath, the quantity of water for which One comma Seven One Three One hectares to be determined by reference to the aforesaid Order of the Water Court, with the alternative right to irrigate the said land for twenty four (24) continuous hours per week by gravitation from the weir in the Hennops River.

II. The owners of the Remainder of the said four properties, namely:

- (a) The said Remaining Extent of Portion "d" of Portion of the said farm ZWARTKOP No 356, Registration Division JR, District Pretoria measuring as such 115,0537 (One Hundred and Fifteen comma Nought Five Three Seven) hectares;
- (b) The remaining Extent of the Western Portion of the said farm ZWARTKOP, measuring as such 350,2741 (THREE HUNDRED AND FIFTY comma TWO SEVEN FOUR ONE) hectares;
- (c) The Remaining Extent of the middle portion of the said farm ZWARTKOP, measuring as such 167,2707 (ONE HUNDRED AND SIXTY SEVEN comma two seven nought seven) hectares;
- (d) The Remaining Extent of Portion B of the middle portion of the said farm ZWARTKOP, measuring as such 271,4831 (ONE HUNDRED AND SEVENTY ONE comma FOUR EIGHT THREE ONE) hectares a; as transferred by Deed of Partition Transfer No. 18505/1939 shall be entitled to the balance of the said water.

A(d) SUBJECT to a servitude of Water Furrow across the atern corner thereof in favour of the aforementioned Portion 121 of Portion B of the Middle Portion.

The corner referred to would be the area of the triangle produced by extending the Western boundary of the former Remaining Extent of the Western portion of the said farm, measuring as such 364,8041 (THREE HUNDRED AND SIXTY FOUR comma EIGHT NOUGHT FOUR ONE) hectares to make contact with the Southern boundary of the former Remaining Extent of Portion "d" of the said farm, measuring as such 115,0537 (One hundred and Fifteen comma nought five three seven) hectares.

B. Gedeelte 174 van die plaas ZWARTKOP 356 ('n gedeelte waarvan hiermee getranspoteer word) is:

SPECIALLY SUBJECT to the condition that Holding 9, SUNDERLAND RIDGE AGRICULTURAL HOLDINGS, district Pretoria, held under Deed of Transfer No 10240/1950 dated 7<sup>th</sup> June, 1950, is entitled to the supply of potable water for domestic purposes of not less than 200 gallons per diem from the borehole situate on the former Remaining Extent of the Western Portion of the said farm ZWARTKOP NO 356, Registration Division JR, district Pretoria, measuring as such 298,5750 (Two hundred and Ninety Eight comma five seven five nought) hectares held under Deed of Transfer No 18505/1939, dated the 20<sup>th</sup> October, 1939, conveyed by means of the water piping across Portion 173 (a Portion of the Western Portion) of the said farm ZWARTKOP transferred under paragraph 1 hereof, to the reservoir situate on the property hereby transferred and thence to the aforesaid Holding 9, SUNDERLAND RIDGE AGRICULTURAL HOLDINGS, as will more fully appear from Notarial Deed No. 436.1950-S dated the 11<sup>th</sup> day of May 1950, and registered on the 7<sup>th</sup> day of June, 1950.

C. Gedeelte 174 van die plaas ZWARTKOP 356 ('n gedeelte waarvan hiermee getranspoteer word, is:

SPECIALLY SUBJECT to the condition that Holding No 11 SUNDERLAND RIDGE AGRICULTURAL HOLDINGS, district Pretoria, held under Deed of Transfer No 2008/1951 dated 17<sup>th</sup> August, 1951, is entitled to a supply of potable water for domestic purposes of not less than 200 gallons per diem from the borehole situated on the former Remaining Extent of the Western Portion of the said farm ZWARTKOP NO 356, Registration Division JR, district Pretoria, measuring as such 298,5750 (Two hundred and Ninety Eight comma five seven five nought) hectares held under Deed of Transfer No 18505/1939, dated the 20<sup>th</sup> October, 1939 conveyed by means of piping water across the property hereby transferred to the reservoir situate on the property hereby transferred and thence to the aforesaid holding No. 11, SUNDERLAND RIDGE AGRICULTURAL HOLDINGS, as will more fully appear from Notarial Deed K663/1951-S, as dated the 17<sup>th</sup> day of July, 1951, and registered on the 16<sup>th</sup> day of August, 1951.



- 3.2 excluding the following entitlements which shall not be passed onto erven in the township;

Conditions A(b) and (c) in Deed of Transfer T107877/2015:

“A(b) ENTITLED to a right-of-way twelve comma five nine (12,59) metres wide over:

Portion 121 of Portion B of the middle portion of the said farm ZWARTKOP No. 356, Registration Division J.R., district Pretoria, measuring 306,2476 (THREE HUNDRED AND SIX comma TWO FOUR SEVEN SIX) hectares, as transferred by Deed of Partition Transfer No. 18504/1939 on the 20<sup>th</sup> October, 1939, so as to give access to the main road between Pretoria and Johannesburg via the existing road (or right of way) over:

Portion A of the middle portion of the said farm ZWARTKOP NO. 356, Registration Division J.R., District Pretoria:

A(c) ENTITLED to a servitude of the right to lay a pipeline over Portion 123 of the Western Portion of the said farm ZWARTKOP No. 356, Registration Division J.R., District Pretoria, measuring 13,6049 (Thirteen comma Six Nought Four Nine) hectares as transferred by Deed of Partition Transfer No. 18504/1939 aforesaid, and over Portion 121 of Portion B of the middle portion of the said farm ZWARTKOP NO 356, Registration Division J.R., district Pretoria, measuring 306,2476 (Three hundred and Six comma two four seven six) as transferred under the said Deed of Partition Transfer No. 18504/1939 along the Western Boundary of the said Portion 121 to the Remaining Extent of Portion B of the Middle Portion of the said farm ZWARTKOP MEASURING AS SUCH 271,4831 (Two hundred and Seventy One comma four eight three one) hectares:”

- 3.3 excluding the following servitude which affects Lion Avenue in the township only;

E. By Notarial Deed No. K453/08S dated 6 November 2007 the withinmentioned property is subject to a servitude for road and general municipal purposes in extent 612 square metres in favour of the City of Tshwane Metropolitan Municipality which servitude is indicated by the figure ABCD on the diagram SG No 6483/2007.

- 3.4 excluding the following servitude which will not be passed to the erven in the township due to its locality;

A. GEDEELTE 174 van die plaas ZWARTKOP 356 ('n gedeelte waarvan hiermee getranspoteer word) is ONDERHEWIG aan Notariele Akte K85/84 gedateer 20 November 1983 waarkragtens die eiendom onderhewig is aan 'n waterpypeleiding servituut 15 meter breed 1,1894 hektaar groot ewewydig met en langs die hele lengte van grens CA op Kaart SG no A7604/46 met bykomende regte soos meer volledig sal blyk uit gemelde Notariele Akte.

#### 4. CONDITIONS OF TITLE

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 ALL ERVEN

4.1.1 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, 2m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.

4.1.2 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.



- 4.1.3 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.
- 4.1.4 As this erf forms part of the area that is underlain by dolomite, the owner/developer shall make 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 understand how to manage dolomite stability risk responsibly.

4.2 ERF 4799

The erf shall be subject to a servitude or servitudes, 3m wide, for sewerage and stormwater drainage, in favour of the Municipality as shown on the General Plan.

4.3 ERF 4800

The erf shall be subject to a servitude, 3m wide, for a right of way and Municipal purposes, in favour of the Municipality, as indicated on the General Plan.





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