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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1440 OF 2022****CITY OF TSHWANE METROPOLITAN MUNICIPALITY****TSHWANE AMENDMENT SCHEME 5456T**

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Rooihuiskraal Noord Extension 51, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 5456T.

(CPD 9/1/1/1-RHKNx51 571 (Item 31151))
(CPD 9/2/4/2-5456T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ AUGUST 2022
(Notice 126/2022)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY**DECLARATION OF ROOIHUISKRAAL NOORD EXTENSION 51 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 Rooihuiskraal Noord Extension 51 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-RHKNx51 571 (Item 31151))
(CPD 9/2/4/2-5456T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED (Registration number 2003/023822/07), UNDER 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 186 OF THE FARM BRAKFORTEIN 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Rooihuiskraal Noord Extension 51.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2720/2019.

1.3 LAND FOR MUNICIPAL PURPOSES

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall provide or pay endowment in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane for the provision of opens spaces and parks as follows:

- 1.3.1 For Rooihuiskraal Noord x50 an area of 7357sqm (306 x 24 = 7 357m²)
- 1.3.2 For Rooihuiskraal Noord x51 an area of 6072sqm (253 x 24 = 6 072m²)
- 1.3.3 For Heuweloord x22 (or phases thereof) an area of 479sqm (479 x 18 = 8 622m²)

The total functional open space area required is therefore 2,2051ha.

The following erven zoned 'Public open space' shall be transferred to the City of Tshwane by and at the expense of the township owner:

Rooihuiskraal Noord Extension 51 (Erf 4843) and
Heuweloord Extension 22 (Erf 1897),

in total 15,1727ha of which 4,2637ha is beyond the 1:100 year floodline and not encumbered by the power line servitude. This exceeds the required 2,2051ha.

The applicant shall not pay any amount in lieu of open space provision as sufficient open space has been provided. Should any land-use change take place or any intensity thereof in the above townships, the Municipality will re-calculate the provision of open space, and may insist on the provision of open space and/or endowment in lieu thereof, payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.4 PRECAUTIONARY MEASURES

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

1.4.1.1 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

1.4.1.2 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.

1.5 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 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 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane 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.

1.8 REMOVAL OF LITTER

The township owner shall at his own expense have all litter and building rubble within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the Municipality.

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.

1.9 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.

1.10 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.

1.11 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.

1.12 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF LENCHEN AVENUE AND CAPENSIS AVENUE

1.12.1 Provision shall be made for pedestrian movement along the street to the satisfaction of the City of Tshwane.

1.12.2 The sidewalk and entrances along the street shall be landscaped and planted with trees to the satisfaction of the City of Tshwane.

1.12.3 A taxi lay-by with adequate space for two (2) taxis shall be provided in the township to the satisfaction of the City of Tshwane.

1.13 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

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

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 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 RESTRICTIONS ON THE TRANSFER OF LAND

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane Municipality has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 PROVISION OF DETAILED ENGINEERING DRAWINGS:

2.3.1.1 The developer must submit to the City of Tshwane complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

2.3.1.2 The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.

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

2.3.1.4 A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

2.3.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane 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 may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the City of Tshwane an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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.

2.4 MASTER LANDSCAPE DEVELOPMENT PLAN - ROOIHUISKRAAL NOORD EXTENSION 51 (ERF 4843) AND HEUWELOORD EXTENSION 22 (ERF 1897)

The Applicant shall submit a Master Landscape Development Plan to the Municipality for acceptance, to be drafted by a qualified professional Landscape Architect (to include existing tree and future indigenous tree structure, treatment of natural and manicured open space system, water systems, environmentally sensitive storm water management system, planting policy and palette, rehabilitation plan for ecological sensitive areas etc) to be approved by Environmental Planning Division.

The landscaping, in terms of the Landscape Development Plan, shall be completed prior to the transfer of the erven to the City of Tshwane by and at the expense of the township owner.

2.5 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of the any erf/unit in the township, notarially tie the following erven to the satisfaction of the Municipality:

2.5.1 Erf 4841, Rooihuiskraal Noord x51 with Erf 4842, Rooihuiskraal Noord x51.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

3.1 All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T97572/2012, if any,

3.1.1 excluding the following servitudes which do not affect the township due to the locality thereof:

- "C. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 544,0793 (five hundred and forty four comma zero seven nine three) hectares is subject to:

Kragtens Notariële Akte No 779/1988S gedateer 26 Februarie 1988 is die hierin vermelde eiendom onderhewig aan 'n ewigdurende reg om elektrisiteit te voorsien ten gunste van die Stadsraad van Verwoerdburg, met bykomende regte, oor 'n servituutgebied ABCd soos aangedui op diagram SG No A5034/1986, soos meer volledig sal blyk uit die gemelde Notariële Akte.

- D. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 449,7611 (four hundred and forty nine comma seven six one one) hectares is subject to:

Kragtens Notariële Akte No K2704/2003S gedateer 7 April 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en welke servituut 6,00 meter wyd soos aangedui deur middel van die lyn x y z aa ab ac op die aangehegte kaart LG No 713/2002 ten opsigte van GASKOR met bykomende regte soos meer volledig sal blyk uit die gemelde Notariële Akte.

- E. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 514,3246 (five hundred and fourteen comma three two four six) hectares is subject to:

Subject to a servitude for municipal purposes and a right of way, 7634 square metres in extent, as indicated by the figure ABCDEFGJKLMNP QA on SG Diagram 7820/2000 in favour of the City of Tshwane with ancillary rights as will more fully appear from Notarial Deed K4575/2001S.

- F. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 476,9568 (four hundred and sixty seven comma nine five six eight) hectares is subject to:

- 1) Subject to a perpetual servitude for municipal purposes, with ancillary rights, in extent 242 (Two hundred and forty two) square metres as indicated by the figure ABCDA on diagram SG no 6104/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed No K4828/2002S.
- 2) Subject to a perpetual servitude for sewerage purposes, with ancillary rights, in extent 3,00 (three) metres wide, the centre line of which servitude is indicated by the figure ABCDEFGHJKLMN on diagram SG No 6105/2001, as will more fully appear from the said Notarial Deed K4829/2002S.
- 3) Subject to a perpetual servitude for municipal purposes, with ancillary rights, in extent 10 (Ten) metres wide as indicated by the figure A B C D E A on diagram SG no 6106/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed No K4830/2002S.
- 4) Subject to a perpetual servitude for municipal purposes, in extent 30 (thirty) square metres as indicated by the figure ABCDA on diagram SG No 6109/2001, in favour of the City of Tshwane, as will more fully appear from the Notarial Deed No K4831/2002S.

- G. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 449,7611 (four hundred and forty nine comma seven six one one) hectares is subject to:

- 1) By virtue of Notarial Deed No K2703/2003 dated 1st April 2003 the within mentioned property is subject to a pipeline servitude for municipal purposes, with ancillary rights, 20,50 metres wide against the northern boundary of the servitude is indicated by the line AB, BC, CD, DE, EF, GH, HJ, JK, KL and LM on diagram SG no A712/2002 in favour of the City of Tshwane as will more fully appear from the abovementioned Notarial Deed.

- H. The Remaining Extent of the farm BRAKFontein NO 399, Registration Division JR, Gauteng Province, measuring 362,4959 (three hundred and sixty two comma four nine five nine) hectares is subject to:

By virtue of Notarial Deed of Servitude K5950/2004 dated 27 November 2003 the within mentioned property is subject to a pipeline servitude, for sewerage purposes, 3 metres wide the centre line of which servitude is indicated by the lines Aa and BCDEFGHJKLMN on diagram SG No A8705/1984, in favour of the City of Tshwane, with ancillary rights as will more fully appear from the abovementioned Notarial Deed.

- I. The Remaining Extent of the farm BRAKFontein NO 399, Registration Division JR, Gauteng Province, measuring 519,4322 (five hundred and nineteen comma four three two two) hectares is subject to:

Kragtens Notariële Akte No K5010/1997 gedateer 22 Augustus 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en werke servituut 6,00 meter wyd soos aangedui deur middel van die lyn ABCDEF GHJKLMNPQRS op die kaart LG No 11886/1996 ten opsigte van GASKOR met bykomende regte, soos meer volledig sal blyk uit die gemelde Notariële Akte.

- J. The Remaining Extent of the farm BRAKFontein NO 399, Registration Division JR, Gauteng Province, measuring 300,9599 (three hundred comma nine five nine nine) hectares is subject to:

By virtue of Notarial Deed of Amended Servitude K132/2005S dated 15 December 2004, K4832/2002S has been amended by cancellation of Figures G2, H2, J2, K2, L2, M2 on servitude Diagram SG 6118/2001 and the registration of a new figure namely ABCDEFA in extent 1 083m² on SG Diagram 8661/2004 to replace the portion of the servitude figure being cancelled as will more fully appear from the said Notarial Deed.

- K. Subject to a servitude for electrical powerline with underground cables, as will appear from figures ABCDEFA in diagram SG 3397/2014 in favour of the City of Tshwane as will more fully appear from Notarial Deed of Borehole and Pipeline Servitude No K7485/2015S dated 3 December 2015."

- 3.1.2 The following servitude which do affect Erven 4841 and 4843 in the township and will be registered against the title deed of the erven:

- "F. The Remaining Extent of the farm BRAKFontein NO 399, Registration Division JR, Gauteng Province, measuring 476,9568 (four hundred and sixty seven comma nine five six eight) hectares is subject to:

- 5) Subject to a perpetual servitude for municipal purposes with ancillary rights, in extent 2,7660 hectares, as indicated by the figure A B C D E F G H J K L M N O P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 Y1 Z1 A2 B2 C2 D2 E2 F2 G2 H2 J2 K2 L2 M2 N2 O2 P2 Q2 R2 S2 T2 U2 V2 W2 X2 Y2 Z2 A3 B3 C3 D3 E3 F3 G3 H3 J3 K3 L3 M3 N3 P3 Q3 R3 S3 T3 U3 V3 W3 X3 Y3 Z3 A on diagram SG 6118/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed K4832/2002S."

- 3.1.3 The following servitude which do affect Erf 4843 in the township and will be registered against the title deed of the erf:

- G. The Remaining Extent of the farm BRAKFontein NO 399, Registration Division JR, Gauteng Province, measuring 449,7611 (four hundred and forty nine comma seven six one one) hectares is subject to:

- 2) By virtue of Notarial Deed of Servitude K2705/2003 dated 1 April 2003 the within mentioned property is subject to a pipeline servitude 6 metres wide, the centre line of which servitude is indicated by the line ABCDEFGHJKLMNPQRSTUVWXYZ and a 3 metre pipeline servitude, the centre line of which servitude is indicated by the line Nbcdefghijklmn on diagram SG No A201/1981 as will more fully appear from the abovementioned Notarial Deed.

- 4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)
- 4.1.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.3
- 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 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
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