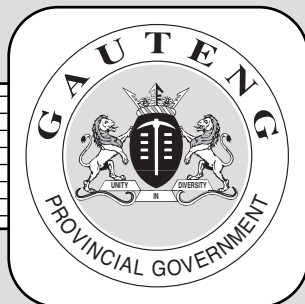


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

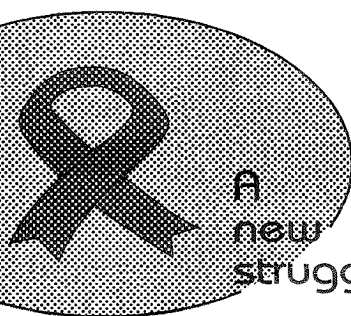
Vol. 18

PRETORIA, 15 AUGUST
AUGUSTUS 2012

No. 237

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1139

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 256T

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 Highveld Extension 108, 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 256T.

(13/2/Highveld x108 (256T))
__ August 2012

(Notice No 408/2012)

Chief Legal Counsel

PLAASLIKE BESTUURSKENNISGEWING 1139

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 256T

Hierby word ingeolge 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 Highveld Uitbreiding 108, 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 256T.

(13/2/Highveld x108 (256T))
__ Augustus 2012

Hoofregsadviseur
(Kennisgewing No 408/2012)

CITY OF TSHWANE

DECLARATION OF HIGHVELD EXTENSION 108 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 Highveld Extension 108 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Highveld x108 (256T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD IN TERMS OF THE PROVISIONS OF CHAPTER III: PART A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORION 186 (A PORTION OF PORTION 60) OF THE FARM BRAKFONTein 390JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Highveld Extension 108.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 7208/2009.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding -

1.3.1 the following conditions in Title Deed T74351/2002, which do not affect the township due to location:

- (a) Kragtens Notariële Akte van Serwituut K.4200/1993-S gedateer 15 Maart 1993 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 349,2487 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n reg om stormwater by wyse van pyplyn of op enige ander wyse uit te laat deur die veerduikweg onder die Ben Schoeman Hoofweg op die dienende eiendom ten gunste van; (1) Resterende Gedeelte van Gedeelte 20 ('n gedeelte van Gedeelte 2) van die plaas Brakfontein 390, JR; en (2) Gedeelte 42 van die plaas Brakfontein 390 JR soos meer ten volle sal blyk uit bogenoemde Notariële Akte.
- (c) Kragtens Notariële Akte van Serwituut nr K.3561/1982S gedateer 29 November 1982 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan die ewigdurende reg ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit om 'n substasie vir elektriese kragleiding op te rig en om elektrisiteit te gelei deur middel van drade en/of kables of ander toebehore ondergronds en/of bo-gronds langs roetes deur die letters ABCDE en FGHJKLM op die Diagram LG Nr 6202/1981 en AB en BC op Digram LG Nr 3167/1982 hierby aangeheg, soos meer volledig sal blyk uit gemelde Notariële Akte van Serwituut.
- (d) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit vir munisipale doeleindes vir 'n kraglyn oor 'n serwituutgebied 3 meter wyd waarvan die oostelike grens aangedui word deur die lyn AB op die Serwituut Kaart LG Nr A.5069/1984, en welke reg van serwituut sal insluit die reg om 'n kraglyn bogronds of ondergronds in die serwituutgebied aan te lê, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr. K.214/1995-S.
- (e) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit vir munisipale doeleindes, vir elektrisiteitsgeleiding, vir stormwaterafvoer, watertoevoer en vir die installasie en onderhoud van 'n rioolpyplyn, oor 'n serwituutgebied soos aangedui deur die letters ABCDEFGHJKLM op die Serwituut Kaart LG Nr A.6652/1989 en verder deur 'n aangrensende 4 meter wyd serwituutgebied soos aangedui deur die verwysingslyn NPQRSTUWVX en meegaande rigtingswysers op die Serwituut Kaart LG Nr A.6652/1989, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr K.215/1995S.

- (f) Kragtens Notariële Akte van Serwituut Nr K216/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes vir watergeleiding oor 'n serwituutgebied 3 meter wyd, waarvan die oostelike grens aangedui word deur die lyn ABC op Kaart LG Nr A8857/1994 met bykomende regte ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit, soos meer volledig sal blyk uit gemelde Notariële Akte en Diagram.
- (g) Kragtens Notariële Akte van Serwituut Nr K217/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes, naamlik paddoeleindes oor 'n serwituutgebied aangedui deur die letters DEFGHJKLMNPQRS op Kaart LG Nr A8857/1994, ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit, soos meer volledig sal blyk uit gemelde Notariële Akte en Kaart.
- (h) Die Resterende Gedeelte van Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 257,6664 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is onderhewig aan die volgende voorwaardes:
- (ii) 'n serwituutgebied 1 meter wyd, waarvan die middellyn aangetoon word deur die lyn genommer KLMNLP'Q op Serwituut Diagram SG Nr 5284/1996.
 - (iii) 'n serwituutgebied 2 meter wyd, waarvan die middellyn aangetoon word deur die lyn gemerk NR op die Serwituut Diagram SG Nr 5284/1996 vir die installering en oprigting van katodiese beskermingstoerusting en werke en die reg om katodiese beskermingstoerusting en werke van tyd tot tyd te patrolleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlê.

Ten gunste van die Suid-Afrikaanse Gasdistribusiekorporasie Beperk Nr 64/06005/06 soos meer volledig sal blyk uit Notariële Serwituut Akte Nr K.3517/1997S met aangehegte Serwituut Diagram SG Nr 5284/1996.

The following condition which appears as an endorsement on page 6 of Title Deed T.74351/2002:

By Notarial Deed of Servitude K.8556/2003, the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 218,9431 (of which the within mentioned property forms a part) is subject to a servitude for laying of stormwater, pipe/sewerage pipe/ electrical cable of 5 metres wide and a right of access for inspection, maintenance, repairs in favour of the City of Tshwane Metropolitan Municipality, the centre line of which is indicated by the line ABCDEFGHJKLMNPQRSTUWV on diagram SG No 6101/1998 and will more fully appear from the said Notarial Deed of Servitude.

The following condition which appears as an endorsement on page 9 of Title Deed T.74351/2002:

By Notarial Deed of Servitude K.7177/2006, the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 188,3849 (of which the within mentioned property forms a part) is subject to a servitude, in extent 2,3765 hectares, in favour of the City of Tshwane Metropolitan Municipality for municipal purposes/ engineering services and a right of way, as indicated by the figure ABCDEFGHJKLMNPQRSTU on servitude diagram SG No 5816/2006 and will more fully appear from said Notarial Deed of Servitude.

The following endorsement which appears on Page 10 of the Title Deed:-

In terms of Section 24(1) of Act 8/2001 Notice of Expropriation No EX61/2008 dated the 17 March 2008 a certain portion of the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 5,8362 hectares, was expropriated by the Department of Public Transport, Roads and Works, for public purposes.

1.3.2 the following condition in Title Deed T74351/2002, which affects Erven 3123 and 3124 in the township only:

(b) Kragtens Notariële Akte van Serwituut Nr.K91/1982S gedateer 5 November 1981 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende reg om eletrisiteit te voorsien deur middel van drade en/of kables en ander toebehore ondergronds en/of bogronds langs roete aangedui deur letters ABC en EFGHJKLMNOPQ op Diagram LG Nr A.5338/1978 ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit.

(h) Die Resterende Gedeelte van Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 257,6664 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, is onderhewig aan die volgende voorwaardes:

(i) 'n ewigdurende serwituut oor 'n gebied waarbinne die pyplyn en werke geakkomodeer sal word, welke gebied 6 meter wyd is en waarvan die middellyn aangetoon word deur die lyn ABCDEFGHJ op Serwituut Diagram SG 5284/1996 vir die installering en oprigting van die pyplyn en werke van tyd tot tyd te patrolleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlê."

Ten gunste van die Suid-Afrikaanse Gasdistribusiekorporasie Beperk Nr 64/06005/06 soos meer volledig sal blyk uit Notariële Serwituut Akte Nr K.3517/97S met aangehegte Serwituut Diagram SG Nr 5284/1996."

1.4 PRECAUTIONARY MEASURES

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

1.4.1.1 compile a complete risk management plan and wet services plan for the entire township; and

1.4.1.2 compile a construction report confirming the conditions on site and the position of structures and wet services.

1.4.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the risk management plan legally to a representative Section 21 Company as applicable.

1.4.3 The township owner shall at its own expense, make arrangements with the Local Authority in order to ensure that -

1.4.3.1 water will not accumulate, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen; and

1.4.3.2 trenches and excavations for foundations, pipes cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 50mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF ROADS AND TRANSPORT

The township owner shall at his own expense comply with all the conditions imposed, with specific reference to correspondence Ref :1/1/3/1/3-17453, dated 5th December 2006, by which the Gauteng Department Roads and Transport, has granted consent for the development.

1.6 ACCESS

- 1.6.1 No ingress from National Road N1 to the township and no egress to National Road N1 from the township shall be allowed.
- 1.6.2 Ingress from Provincial Road K54 to the township and egress to Provincial Road K54 from the township shall be restricted to the intersection of Olievenhoutbosch Road with the said road.
- 1.6.3 The township owner shall at its own expense, submit a geometric design layout (scale 1:500) of the ingress and egress points referred to in 1.6.2 above, and specifications for the construction of the accesses, to the Department of Roads and Transport, for approval. The township owner shall after approval of the layout plan and specifications, construct the said ingress and egress points at its own expense to the satisfaction of the Department of Roads and Transport.
- 1.6.4 No access to the rail reserve will be allowed.

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of National Road N1, Provincial Road K54 and the Gauteng Rapid Railway Reserve, and for all stormwater running off or being diverted from the roads to be received and disposed of.

1.8 ACCOUSTIC SCREENING / NOISE BARRIERS

The applicant shall be responsible for any costs involved in the erection of Acoustic Screening, if and when the need arises to construct such screening.

1.9 ERECTION OF A FENCE OR PHYSICAL BARRIER

The township owner shall at his own expense construct a fence or physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.10 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own expense 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 required by the local authority to do so.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Local Authority, when required to do so by the Municipality.

1.12 REMOVAL OR REPLACEMENT OF TELKOM SERVICES / ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing Telkom services / existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.13 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 provision of the Environmental Conservation Act, 73 of 1989 or the National Environmental Management Act, 107 of 1998 as the case may be.

1.14 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.

1.15 THE DEVELOPERS OBLIGATIONS

1.15.1 ASSOCIATION AND STATUTES

The developer must register a section 21 company (Ribbon Grass Homeowners Association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973).

All the owners of Erven 3123 and 3124 must become members of Section 21 Company (Ribbon Grass Homeowners Association). A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal road, water and sewerage services, as well as landscaping and security. The developer is deemed to be a member of the section 21 company (Ribbon Grass Homeowners Association), with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.15.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of the internal road, water and sewerage services, prior to the commencement of the construction of the said service.

1.15.3 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 the internal road, water and sewerage services, in which it is certified that this internal engineering service have been completed and that the engineers accept liability for the service. The City of Tshwane Metropolitan Municipality may at its own discretion allow an exception in respect of the internal road. 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 Service Delivery Department.

1.15.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the road has been completed. The developer must furnish the Section 21 Company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the road, water and sewerage services which guarantee must be for an amount that is equal to 10% of the contract cost of the civil service and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

2. CONDITIONS OF TITLE

2.1 CONDITIONS IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 15 OF 1986

2.1.1 ALL ERVEN

2.1.1.1 The erf is subject to a servitude, 3m 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.

2.1.1.2 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.

2.1.1.3 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 course 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.

2.1.2 ALL ERVEN

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