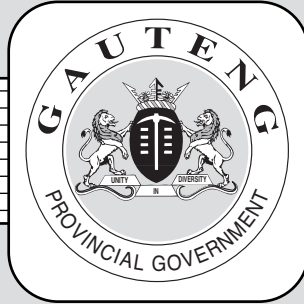


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

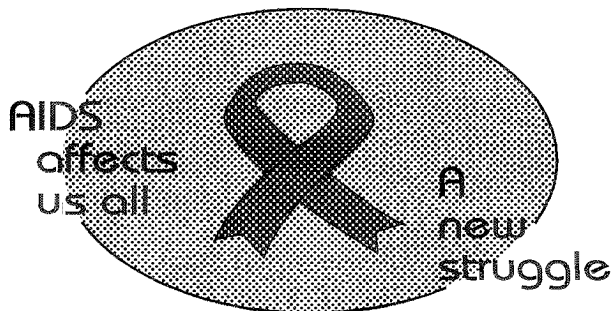
Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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PRETORIA, 24 MAY
MEI 2013

No. 139

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 695

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 267T

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 Monavoni Extension 58, 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 267T.

(13/2/Monavoni x58 (267T))
 ___ May 2013

(Notice No 330/2013)

Chief Legal Counsel

PLAASLIKE BESTUURSKENNISGEWING 695

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 267T

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 Monavoni Uitbreiding 58, 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 267T.

(13/2/Monavoni x58 (267T))
 ___ Mei 2013

(Kennisgewing No 330/2013)

Hoofregsadviseur

CITY OF TSHWANE

DECLARATION OF MONAVONI EXTENSION 58 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 Monavoni Extension 58 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Monavoni x58 (267T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BILLION PROPERTY DEVELOPMENTS (PTY) LTD, 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 391 (A PORTION OF PORTION 93) OF THE FARM OLIEVENHOUTBOSCH 389JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Monavoni Extension 58.

1.2 DESIGN

The township consists of erven as indicated on Plan Monavoni x58/3 and General Plan SG No 5000/2011.

1.3 ENDOWMENT

The applicant shall not pay any amount in lieu of open space provision as sufficient open space (Erf 1124, Monavoni Extension 58) is provided within the township to address the requirements of both, Monavoni Extension 58 and Monavoni Extension 59, or any phase thereof. Should any land-use change take place or any intensity thereof, 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.

1.4 PRECAUTIONARY MEASURES

1.4.1 The township owner shall appoint a competent professional engineer to design foundations and other structural elements of buildings and structures to the satisfaction of the Municipality in order to prevent possible damage to buildings and structures.

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

1.4.2.1 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

1.4.2.2 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.

1.4.3 Provision of Engineering drawings:

1.4.3.1 The Applicant shall submit to the Municipality complete detail design drawings in respect of water and sewerage, roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

1.4.3.2 The Applicant shall appoint a Professional Engineer at his own cost for the completion of a Service Report for roads and stormwater services, design, submission of design drawings and for the supervision of the installation of the civil engineering services.

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

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

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT AND ROADS (GAUTRANS) AND/OR SOUTH AFRICAN NATIONAL ROADS AGENCY (SANRAL)

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport and/or South African National Road Agency has granted consent for the development.

1.5.1 The access to the township and improvements to all affected Provincial Roads will be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by the Department of Roads and Transport (hereafter referred to as Gautrans). All improvements to the affected roads shall be constructed simultaneously to the development taking place.

1.5.2 Lines of no access will be applicable alongside Road P158/2 (N-14) as indicated on Layout Plan No Monavoni X58/3.

- 1.5.3 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of the Gauteng Provincial Government (Department of Roads and Transport) will be erected along the lines of no access on the boundary of the development area fronting on provincial roads.
- 1.5.4 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m from the boundaries of the erven abutting on Road P158/2(N14), nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of the Gauteng Provincial Government (Department of Roads and Transport).
- 1.5.5 In terms of EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, the following building lines are applicable:
- 20m building line along Road P158/2(N14) affecting Erven 1123 and 1124, Monavoni Extension 58.
- 1.5.6 The applicant shall arrange for the drainage of the township to fit in with that of Provincial Road P158/2(N14) and for all stormwater running off or being diverted from Provincial Road P158/2(N14) to be received and disposed of.
- 1.5.7 No advertisements that may be visible from Provincial Road P158/2(N14) and shall be displayed without the written approval of the Gauteng Department of Roads and Transport and the Municipality.
- 1.5.8 The Services Report containing the stormwater design proposals shall be approved by the Gauteng Department: Roads and Transport.
- 1.6 RECEIVING AND DISPOSAL OF STORMWATER
- 1.6.1 The stormwater plan for the township must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas.
- 1.6.2 The low points in roads and the accumulation of stormwater in crescents, cull-de sacs and lower lying erven must be drained to the satisfaction of the local authority.
- 1.6.3 The Service Report containing the stormwater design proposal must be submitted to the South African National Roads Agency and/or Head of the Department: Department of Roads and Transport for approval.
- 1.7 ACOUSTIC SCREENING/ NOISE BARRIER
- The applicant shall at his own expense implement the noise attenuation barriers as determined by the Noise Impact Study. The noise management Policy of Tshwane should be used as the main guideline for addressing the potential noise impact on the township.
- 1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER
- The township owner shall at his own expense erect a fence or other physical barrier along proposed Road P158/2(N14) to the satisfaction of the South African National Roads Agency and/or 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.

1.9 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.

1.10 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.

1.11 REMOVAL OF LITTER

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

1.12 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.

1.13 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.

1.14 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.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE**2.1 MASTER LANDSCAPE DEVELOPMENT PLAN**

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 applicant shall rehabilitate and develop Erf 1124 in accordance with the approved Master Landscape Development Plan prior to the transfer of the erf to the Property Owners' Association who shall take full responsibility for the functioning and proper maintenance of the said erven in accordance with the Master Landscape Development Plan.

2.2 NON-PROFIT COMPANY IN TERMS OF COMPANIES ACT, 2008 (ACT 71 OF 2008)

The Applicant shall establish a non-profit company in terms of the Companies Act, 2008 (Act 71 of 2008) to manage and maintain certain open spaces and defined communal areas within the development area.

The Association and statutes of the company must clearly state what the main objective of the Property Owners Association is. The company must be committed to include the owners of erven in Monavoni extensions 59 or phases thereof, as well as the establishment of a review committee that shall be responsible for the management and implementation of the Master Development Framework for Monavoni extension 59, of phases thereof.

Copies of the Registered Deed of Association and company statutes must be submitted to the Municipality as proof of the compliance.

2.3 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 engineering service agreement in terms of Section 40 of the Development Facilitation Act (DFA) shall be regarded as an engineering service agreement in terms of Chapter V of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

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.

The Services Report containing the Stormwater design proposal shall be approved by the Gauteng Department of Public Transport, Roads and Works.

2.4 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 1124 shall be rehabilitated and developed in accordance with the approved Master Landscape Development Plan prior to the transfer of the erf to the non profit Company (homeowners' association) who shall take full responsibility for the functioning and proper maintenance of the said erf in accordance with the Master Landscape Development Plan.

The erf may not be transferred thereafter by the non profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

2.5 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council 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 stormwater have been completed.

A maintenance guarantee must be issued for the said period by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be issued in favour of the non profit Company for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, before the commence date of the contract and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any excluding the following conditions/servitudes that do not affect the township due to location and shall not be transferred to the new erven in the township:

Condition B in Deed of Transfer No T158510/2007:

"The property hereby transferred is further subject to a servitude of right in favour of ESCOM to convey electricity over the property together with ancillary rights, and subject to conditions as will more fully appear on reference to Notarial Deed No 1076/73 dated 12 September, 1972, and registered on the 27th July, 1973."

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, 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.
- 4.1.2 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 3m 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.

4.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

4.2.1 Erf 1123

- 4.2.1.1 The erf is subject to a right-of-way servitude with varying widths (i.e. 31,5m), in favour of the City of Tshwane Metropolitan Municipality, for an overhead 132kV electrical powerline as indicated on the General Plan.
- 4.2.1.2 The erf is subject to a servitude, 2m wide, in favour of the City of Tshwane Metropolitan Municipality for sewerage purposes, as indicated on the General Plan.
- 4.2.1.3 The erf is subject to a servitude, 3m wide, in favour of the City of Tshwane Metropolitan Municipality for stormwater purposes, alongside the southern boundary, as indicated on the General Plan.
- 4.2.1.4 The erf is subject to a servitude area, in favour of the City of Tshwane Metropolitan Municipality for right of way and the construction of a pedestrian bridge over Road P158/2 (N-14) to Olievenhoutbos Extension 36, as indicated on the General Plan. Upon submission of a certificate by the City of Tshwane Metropolitan Municipality to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.

4.2.2 ERF 1124

- 4.2.2.1 The entire Erf is subject to a general servitude in favour of the City of Tshwane Metropolitan Municipality for stormwater and municipal purposes.
- 4.2.2.2 The Erf shall be used for purposes of private open space, as indicated on the general plan, in lieu of an endowment payable to the local authority for purposes of the provision of open spaces for Monavoni extension 58 and Monavoni extension 59 or any phase thereof in terms of the Ordinance.

Should any land-use change take place or any intensity thereof, the local authority will re-calculate the provision of open space, and may insist on the provision of open space and/or endowment in lieu thereof, which condition must be included in the title deed of the Erf.

4.3 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/
CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

4.3.1 ERVEN 1123 AND 1124

The owner of each erf 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.

4.3.2 ERF 1123

The erf is subject to a servitude, 10m wide, for right-of-way and the use of engineering services in favour of Erf 1124. Upon submission of a certificate by the City of Tshwane Metropolitan Municipality to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.
