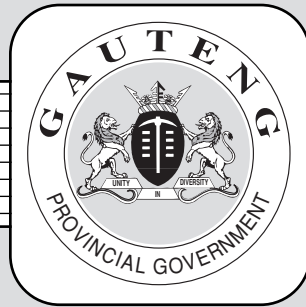


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

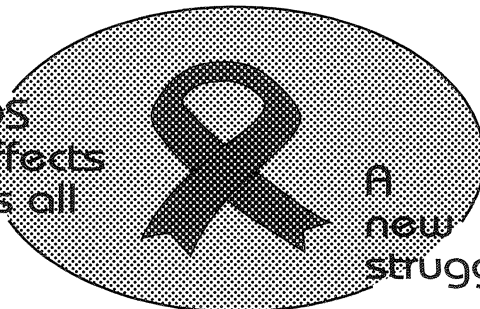
Vol. 19

PRETORIA, 27 JUNE  
JUNIE 2013

No. 177

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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## LOCAL AUTHORITY NOTICE PLAASLIKE BESTUURSKENNISGEWING

### LOCAL AUTHORITY NOTICE 857

CITY OF TSHWANE

#### TSHWANE AMENDMENT SCHEME 328T

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 13, 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 328T.

(13/2/Monavoni x13 (328T))  
\_\_ June 2013

(Notice No 395/2013)

**Chief Legal Counsel**

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### PLAASLIKE BESTUURSKENNISGEWING 857

STAD TSHWANE

#### TSHWANE WYSIGINGSKEMA 328T

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 13, 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 kantooreure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 328T.

(13/2/Monavoni x13 (328T))  
\_\_ Junie 2013

(Kennisgewing No 395/2013)

**Hoofregsadviseur**

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CITY OF TSHWANE

#### DECLARATION OF MONAVONI EXTENSION 13 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 13 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Monavoni x13 (328T))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS PROPRIETY 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 139 (A PORTION OF PORTION 13) OF THE FARM BRAKFRONTEIN 399-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Monavoni Extension 13.

1.2 DESIGN

The township consists of erven, parks and streets as indicated on General Plan SG No 5910/2005.

### 1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, in Title Deed T.165426/03, but excluding -

1.3.1 the following condition which shall not be transferred to the township due to location:

- A. Die voormalige Resterende Gedeelte van die bogenoemde plaas Brakfontein Nr 399, groot sodanig 902,1251 hektaar (Gedeelte 13 waarvan hieronder gehou word) is onderworpe aan 'n Serwituut van deurgangsreg vir die geleiding van elektriese krag en bykomende regte ten gunste van die Stadsraad van Pretoria, soos meer ten volle sal blyk uit Notariële Serwituutakte van Deurgang Nr 739/1956-S.

1.3.2 the following conditions which appear as endorsements in Deed of Transfer 165426/2003 and shall not be transferred to erven in the township due to location:

- (i) The Remaining Extent of Portion 13 of the farm Brakfontein 399 JR is subject to a servitude for municipal purposes/ engineering services and a right of way in favour of the municipality vide S.G. no 2213/2012;
- (ii) The Remaining Extent of Portion 13 of the farm Brakfontein 399 JR is subject to a servitude for municipal purposes/ engineering services and a right of way in favour of the municipality vide S.G. no 486/2013;
- (iii) The Remaining Extent of Portion 13 of the farm Brakfontein 399 JR is subject to a servitude for municipal purposes/ engineering services and a right of way in favour of the municipality vide S.G. no 488/2013.

### 1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay as endowment a total amount of **R1 516 000,00** for an area of **4 827m<sup>2</sup>** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

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).

### 1.5 PRECAUTIONARY MEASURES

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

- (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.

1.5.2 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.

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

- (i) 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
- (ii) 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.

1.6 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

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

1.7 ACCESS

No ingress from Provincial Road K52 to the township and no egress to Provincial Road K52 from the township shall be allowed.

1.8 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K52 and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to this Department for approval at the time of the application, ie before Township Proclamation.

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.

1.9 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/ Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along Road K52 if and when the need arises to erect such screening.

1.10 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other 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.

1.11 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.

1.12 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 RESTRICTIONS ON THE ALIENATION OF LAND:

Regardless the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of condition 1.15.

### 1.15 THE DEVELOPER'S OBLIGATIONS

#### 1.15.1 OVERARCHING HOMEOWNERS ASSOCIATION ESTABLISHED IN RESPECT OF MONAVONI EXTENSION 13 AND 14

##### 1.15.1.1 ASSOCIATION AND STATUTES

The developer must register a non-profitable company (homeowners' association) in terms of the provisions of the Companies Act (Act 71 of 2008). All the owners of erven or of any subdivision thereof, or of any sectional title unit thereon or of any interest therein in Monavoni x13 and Monavoni x14 must become members of the company. A copy of the registered Memorandum of Understanding and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Understanding and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (roads and storm water sewers), security and landscaping of communal facilities, management and maintenance of the clubhouse and recreational area situated on Erf 742 and convey the right to all owners of residential units on Erven 742, 743 and 744, Monavoni x13 and Erven 746 and 747, Monavoni x14 the unrestricted right to make use of the aforementioned facilities. The developer is deemed to be a member of the non-profit company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

Each and every owner of Erven 742 to 744, Monavoni Extension 13 and Erven 746 to 747, Monavoni Extension 14 shall become members of the said Company upon transfer of the erf and remain a member until he or she ceases to be the registered owner of that erf.

The Company shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.

All buildings and structures to be erected shall be made subject to the provisions of the Development Framework, Monavoni x3 and 4, 2004, and any and all amendments to the said document as may be affected and approved by the owners association. Building plans shall only be submitted to the Municipality for final approval once the said plans have been evaluated and approved by the Trustees of the association.

**1.15.1.2 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 the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

**1.15.1.3 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 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 sewers. 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.

**1.15.1.4 MAINTENANCE PERIOD AND GUARANTEE**

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (road and stormwater services) have been completed. The developer must:

- (a) furnish the non-profitable company with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the roads which guarantee must be for an amount that is equal to 10% of the contract cost of the roads and stormwater services and proof of this must be submitted to the Municipality.
- (b) Furnish the Municipality with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the sewerage, water and electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

**1.16 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND ESTHETICAL TREATMENT OF GRANITE CRESCENT**

- (i) Provision shall be made for pedestrian movement along Granite Crescent to the satisfaction of the City of Tshwane Metropolitan Municipality.
- (ii) The sidewalks and entrances along Granite Crescent shall be landscaped and planted with trees to the satisfaction of the Municipality.
- (iii) Taxi lay-by's shall be provided at the entrance of Erf 745 onto Granite Crescent to the satisfaction of the Municipality.

**1.17 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.

1.18 LAND TO BE TRANSFERRED TO THE NON-PROFITABLE COMPANY (STONE GATE HOME OWNERS ASSOCIATION NPC, Registration number 2005/019340/08)

Erf 745 shall be transferred to the non-profitable company (STONE GATE HOME OWNERS ASSOCIATION NPC, Registration number 2005/019340/08), established in respect of both Monavoni x13 and 14 within a period of 6 months after proclamation of the first township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 745 (excluding figure a-b-c-d-a on the General Plan), in favour of the Municipality and all the erven in Monavoni x13 and Monavoni x14.

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

2. CONDITIONS OF TITLE

2.1 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)

2.1.1 ALL ERVEN

2.1.1.1 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.

2.1.1.2 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 2 m from thereof.

2.1.1.3 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.

2.1.2 ERF 745

2.1.2.1 The entire erf, except for figure a-b-c-d-a (representing the gate-house), is subject to a servitude for access and general municipal purposes (water, electricity, stormwater and sewerage) in favour of the Municipality, as indicated on the General Plan SG No 5910/2005.

2.1.2.2 The entire erf, except for figure a-b-c-d-a (representing the gate-house), is subject to a right of way servitude in favour of the Municipality, as indicated on the General Plan SG No 5910/2005.

2.1.3 ERF 742 and 743

The erf is subject to a servitude for electrical purposes (6m x 3m) in favour of the Municipality, as indicated on the General Plan SG No 5910/2005.



2.2 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:

2.2.1 ERF 745

2.2.1.1 The entire erf, except for figure a-b-c-d-a (representing the gatehouse) is subject to a servitude of right of way in favour of Erven 742 to 744, Monavoni Extension 13 and Erven 746 to 747, Monavoni Extension 14, as indicated on the General Plan SG No 5910/2005.

2.2.1.2 The entire erf, except for figure a-b-c-d-a (representing the gatehouse) is subject to a servitude for engineering services in favour of Erven 742 to 744, Monavoni Extension 13 and Erven 746 to 747, Monavoni Extension 14, as indicated on the General Plan SG No 5910/2005.

2.2.2 ERVEN 742 TO 744

2.2.2.1 These erven are entitled to a right of way servitude over Erf 745 except for figure a-b-c-d-a representing the gatehouse, as indicated on the General Plan SG No 5910/2005.

2.2.2.2 These erven are entitled to a servitude for engineering services over Erf 745 except for figure a-b-c-d-a representing the gatehouse, as indicated on the General Plan SG No 5910/2005.

2.2.2.3 Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the Homeowners' Associations for the development (STONE GATE HOME OWNERS ASSOCIATION NPC, Registration number 2005/019340/08) and the township owner shall procure that each erf be made subject to the following conditions in favour of the Associations.

Each and every owner of Erven 742 to 744, Monavoni Extension 13 and Erven 746 and 747, Monavoni Extension 14 shall become a member of the said Company upon transfer of the erf and remain a member until he or she ceases to be the registered owner of that erf. The objective of such company shall be contained in the Memorandum of Understanding and Statutes. This includes full responsibility for the functioning and proper maintenance of the guardhouse, landscaping and security on Erf 745, Monavoni Extension 13.













