

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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DEPARTMENT OF HEALTH

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CONTENTS • INHOUD*No.**Page
No. Gazette
 No.***LOCAL AUTHORITY NOTICE**

1343 Town-planning and Townships Ordinance (15/1986): City of Tshwane: Centurion Amendment Scheme 1584C 3 278

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1343

CITY OF TSHWANE

CENTURION AMENDMENT SCHEME 1584C

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 Olievenhoutbos Extension 31, being an amendment of the Centurion Town-planning Scheme, 1992.

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 Centurion Amendment Scheme 1584C.

(13/2/Olievenhoutbos x31 (1584C)
__ September 2013

Chief Legal Counsel
(Notice No 573/2013)

PLAASLIKE BESTUURSKENNISGEWING 1343

STAD TSHWANE

CENTURION WYSIGINGSKEMA 1584C

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 Olievenhoutbos Uitbreiding 31, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, 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 Centurion-wysigingskema 1584C.

(13/2/Olievenhoutbos x31 (1584C)
__ September 2013

Hoofregsadviseur
(Kennisgewing No 573/2013)

CITY OF TSHWANE

DECLARATION OF OLIEVENHOUTBOS EXTENSION 31 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 Olievenhoutbos Extension 31 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Olievenhoutbos x31 (1584C)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED IN TERMS OF THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 339 (A PORTION OF PORTION 321) 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 Olievenhoutbos Extension 31.

1.2 DESIGN

The township consists of erven, parks and streets as indicated on General Plan SG No 579/2008.

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 servitude which does not affect the township due to the location

"1. Kragtens Notariële Akte No K.2217/85 gedateer 28 Junie 1985 is binne-gemelde eiendom onderhewig aan 'n serwituut ten gunste van ESKOM, sy Opvolgers en Regverkrygendes om elektrisiteit oor die eiendom te lei deur 12 transmissielyn waarvan die hartlyne van die oorhoofse transmissielyn met ondergrondse kables die eiendom deurkruis langs die roetes aangedui deur die lyne abc, def, ghj, klm, npqr, uvwx, a'b'c'd', k'j'h'g, rst, xyz, d'e'f en k'l'm'n' op Kaart L.g.No A.1726/88 hierby aangeheg en soos meer volledig sal blyk uit gemelde Notariële Akte.

2. Die voormalige Resterende Gedeelte van die plaas Olievenhoutbosch 389, Registrasie Afdeling JR, Transvaal, groot 254,6984 (Twee Vyf Vier komma Ses Nege Agt Vier) hektaar aangedui deur die figuur A B C H G F A op die aangehegte kaart LG No.A1726/88 is onderhewig aan die volgende voorwaarde naamlik: Kragtens Notariële Akte No K829/1976S is die reg aan ESKOM verleen om elektrisiteit oor die hierinvermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaards soos volledig sal blyk uit gesegde Notariële Akte.

3. Die voormalige Gedeelte 8 van die plaas Olievenhoutbosch 389, Registrasie Afdeling JR, Transvaal, aangedui deur die figuur G H D E G op die aangehegte kaart LG No A.1726/88 is onderhewig aan die volgende voorwaarde naamlik: Kragtens Notariële Akte No K.320/1971S is die reg aan ESKOM verleen om elektrisiteit oor die hierinvermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes, soos meer volledig sal blyk uit gesegde Akte, welke Notariële Akte kragtens Notariële Akte van Wysiging van Serwituut No K.2875/1976S gewysig is, die middellyne van welke serwituut aangedui word deur die lyne abc, def, ghj, klm, op kaart LG No A.1726/88 hierby aangeheg en soos meer volledig sal blyk uit die gemelde Notariële Aktes."

"By virtue of Notarial Deed No K.005891/03S, the withinmentioned property is subject to a perpetual servitude for telecommunication and other related purposes in favour of ESKOM Holdings Ltd as agreed upon as will more fully appear from registered Notarial Deed."

1.3.2 the following servitude and the following condition which affects Erf 10912 in the township only:

"1. Die hieringemelde eiendom is onderhewig aan 'n rioolpyplynserwituut ten gunste van die City of Tshwane Metropolitan Municipality, die middellyn aangedui deur die figuur S1S2535455565758 op Onderverdelingskaart LG Nr 3162/2007 en verder aangedui deur die lyn d.a.b.c. wat die middellyn aandui van die getrokke Serwituut op die aangehegte Onderverdelingskaart LG Nr 576/2008."

1.4 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner, after the erf has been rehabilitated to the satisfaction of the Municipality.

Parks (public open space): Erf 10912

1.5 PRECAUTIONARY MEASURES

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

1.5.1 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; and

1.5.2 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.

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 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.

1.8 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.

1.9 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.

1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development including 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 this township.

1.11 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.

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

Erven 10910 and 10911 shall be transferred to the Non-Profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever ever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 10910 in favour of all the erven in the township.

1.13 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 1.14.

1.14 THE DEVELOPER'S OBLIGATIONS**1.14.1 MEMORANDUM OF UNDERSTANDING**

The developer must register a Non-profit Company (homeowners' association) in terms of Schedule 1 of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the Non-profit Company. A copy of the registered Memorandum of Understanding must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Understanding must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. roads and storm water sewers).

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.

1.14.2 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.

1.14.3 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 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 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 Service Delivery Department.

1.14.4 MAINTENANCE PERIOD AND GUARANTEE

All internal and external water-, sanitation and electricity infrastructure will be maintained by the Municipality and not by the Non-profit Company. The developer must furnish the City of Tshwane Metropolitan Municipality with a 100% guarantee of the estimate contract cost, issued by a recognized financial institution before the commence date of the contract.

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

1.14.4.1 furnish the Non-profit company with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater sewers, which guarantee must be for an amount that is equal to 10% of the contract cost of the electrical services, and proof of this must be submitted to the Municipality.

1.14.4.2 furnish the Municipality with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and / or materials with regard to the sewer, water and electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services.

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 EXCLUDING ERVEN 10910 AND 10912

2.1.1.1 The erf shall be subject to a servitude, 2m 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. Where the erf is actually affected by a Municipal sewer line it must be protected by a 3 metre wide 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 2m from it.

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 10910

2.1.2.1 The entire erf shall be subject to a servitude for engineering services in favour of the City of Tshwane Metropolitan Municipality.

2.1.2.2 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 meters there from.

2.1.3 ERF 10911

The line 51.52 represents the eastern boundary of a stormwater servitude 2.00 meters wide in favour of the City of Tshwane Metropolitan Municipality as indicated on the General Plan.

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 10910

2.2.1.1 The erf is subject to a servitude of right of way and the use of engineering services in favour of Erven 10711 to 10909 as depicted on the General Plan 579/2008.

2.2.1.2 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 metre there from without the written consent from the City of Tshwane Metropolitan Municipality.

2.2.1.3 The servitude must be notarially executed and registered prior or simultaneously with the first transfer of an erf in the Township.

2.2.2 ERVEN 10711 to 10909

2.2.2.1 Upon transfer, the owner of each erf must automatically become a member of the Non-Profit Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

2.2.2.2 These erven are entitled to a servitude for Right of Way and the use of engineering services over Erf 10910 as depicted on General Plan 579/2008.

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