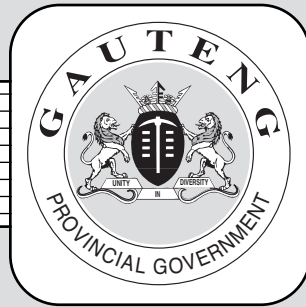


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

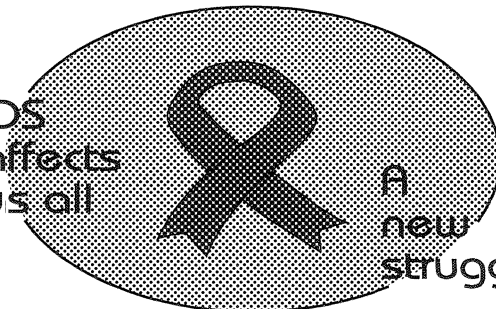
**Vol. 19**

PRETORIA, 1 OCTOBER 2013  
OKTOBER

**No. 285**

**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

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### LOCAL AUTHORITY NOTICE 1400

#### CITY OF TSHWANE

#### TSHWANE AMENDMENT SCHEME 265T

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 Die Hoewes Extension 286, 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 265T.

(13/2/Die Hoewes x286 (265T))  
\_\_ September 2013

**Chief Legal Counsel**  
(Notice No 574/2013)

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### PLAASLIKE BESTUURSKENNISGEWING 1400

#### STAD TSHWANE

#### TSHWANE WYSIGINGSKEMA 265T

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 Die Hoewes Uitbreiding 286, 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 265T.

(13/2/Die Hoewes x286 (265T))  
\_\_ September 2013

**Hoofregsadviseur**  
(Kennisgewing No 574/2013)

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#### CITY OF TSHWANE

#### DECLARATION OF DIE HOEWES EXTENSION 286 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 Die Hoewes Extension 286 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Die Hoewes x286 (265T))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WEST END TRUST 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 269 OF THE FARM LYTTELTON 381JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Die Hoewes Extension 286.

## 1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 153/2010.

## 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 affects Erf 804 and a street in the township only:

"B.2 By virtue of Notarial Deed of Servitude K2421/1992S registered on 12<sup>th</sup> May 1992, the property is subject to a servitude of right of way in favour of the Town Council of Verwoerdburg over a portion of the land indicated by the figure e,C,f,g,h,j,e on Diagram SG No 147/2010 and a servitude for municipal purposes in favour of the said Council over a portion of the land indicated by the figure p, q, r, s, t, D, dd, middle of Six Mile Spruit, xx,p on Diagram SG No 147/2010 as will more fully appear from the said deed."

## 1.3.2 The following servitudes which does not affect erven in the township area due to location:

"A. The property shall be subject to Deed of Servitude No 285/1934S with reference to a right of way-leave for electric energy in favour of the City Council of Pretoria."

"C. The former Portion 259 of the farm LYTTELTON NO 381, REGISTRATION DIVISION JR as indicated by the figure A, B, d, xx middle of Six Mile Spruit ee A on diagram SG No 147/2010 held by Deed of Transfer T58621/2007 are subject to the following condition:

1. By virtue of Notarial Deed of Servitude No. K3461/1993S, the property is subject to a servitude for municipal purposes in favour of the Town Council of Verwoerdburg as defined by the figures A,B,d,c,b,a,A on Diagram SG No 147/2010 in extent 9 361 (NINE THOUSAND THREE HUNDRED AND SIXTY ONE) square meters; and k,l,m,n,af,p,xx, centre of Six Mile Spruit, ee,k on Diagram SG No 147/2010 in extent 6 077m<sup>2</sup> (SIX THOUSAND AND SEVENTY SEVEN) square meters."

## 1.3.3 The following servitude which affects Erven 804, 805 and a street in the township only:

The servitude on page 7 of Certificate of Consolidated Title:

"By Notarial Deed of Servitude K01931 12(S) dated 28/02/2012, the route of the servitude, contained in condition B.2. of the within-mentioned property, which servitude has been amended by virtue of Notarial Deed of Amendment of servitude No K3028/1979S dated 14 March 1979, are hereby replaced with the following single route:

The figure A B C D E F G H J K L M N P O R S T U V W X Y on the annexed diagram SG 148/2010 represents 544 square metres of land being a Pipe Line, electrical power line and pump house servitude over PORTION 267 OF THE FARM LYTTELTON 381, Registration Division JR., Gauteng Province, in favour of Holding 88 LYTTELTON AGRICULTURAL HOLDINGS EXTENSION 1, Registration division JR, Gauteng Province.

as will more fully appear on reference to the said notarial deed."

#### 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:

General: Erf 804

#### 1.5 PRECAUTIONARY MEASURES

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

- (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 ROADS AND TRANSPORT

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 entrances to or exits from Road P158-1 (West Avenue) to 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 adjacent roads and he shall receive and dispose of the storm water running off or being diverted from the road.

#### 1.9 ACOUSTIC SCREENING/NOISE BARRIER

The Applicant shall be responsible for any costs involved in the erection of Acoustic Screening along Road P158-1 and the Rapid Rail 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 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 DEMOLITION OF BUILDINGS AND STRUCTURES**

When required by the 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.

**1.13 REMOVAL OF LITTER**

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

**1.14 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.

**1.15 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.

**1.16 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT**

The township owner shall at his own expense comply with all the conditions imposed by 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.

**1.17 COMPLIANCE WITH CONDITIONS IMPOSED BY GAUTRAIN**

1.17.1 Where there are no acoustic or vibration mitigating measures provided for the Gautrain in compliance with the Environmental Records of Decision for the Gautrain Project, or the acoustic or vibration mitigating measures provided are not appropriate to the development under consideration, the Applicant shall be responsible for the provision of any acoustic mitigating measures necessary to ensure compliance with the Standard prescribed by legal requirements. The Applicant shall be responsible for any costs associated with the provision of additional acoustic or vibration mitigating measures which may be required.

1.17.2 The Applicant shall ensure that the nature of the development does not impact on the electromagnetic receptivity or emissivity of the Gautrain Rapid Rail Link. Should the Applicant wish to embark on such a development, the Applicant /Local Authority shall submit to the Department of Roads and Transport and engineering report which clearly describe the impact of such development on the Gautrain Rapid Rail Link's system, how immunisation would be achieved and what the related costs would be. These arrangements would have to be approved by the Gauteng Department of Roads and Transport in consultation with the Gautrain Rapid Rail Link Concessionaire. All costs related to the immunisation would be the responsibility of the Applicant.

- 1.17.3 Any development / upgrading must comply with the requirement: APPROPRIATE DEVELOPMENT OF INFRASTRUCTURE ON DOLOMITE (PW344), as published by the Department of Public Works.

## 2. CONDITIONS OF TITLE

- 2.1 THE ERVEN MENTIONED HEREUNDER ARE SUBJECT TO THE CONDITIONS AS INDICATED, IMPOSED BY THE MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986:

### 2.1.1 ALL ERVEN

2.1.1.1 The erven are subject to a servitude, 3 metres wide, in favour of the Municipality 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 3 metres wide across the access portion of the erf, if and when required by the Municipality: Provided that the Municipality may dispense with any such servitude.

2.1.1.2 No building or other structure shall be erected within the aforesaid area and no large-rooted trees shall be planted within the area of such servitude or within 2 (two) metres thereof.

2.1.1.3 The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitudes such material as may be excavated by it during the course of the construction, maintenance or removal of such sewerage mains and other work 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 Municipality.

### 2.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 2.1.1 above, the under-mentioned erven shall be subject to the conditions as indicated:

#### 2.1.2.1 ERF 805

2.1.2.1.1 The erf shall be subject to a servitude (3 meters wide) for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.2.1.2 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 metres thereof.

2.1.2.1.3 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 essential, 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 main sewer pipelines and other works.

#### 2.1.2.2 ERVEN 804 AND 805

2.1.2.2.1 The erf shall be subject to a servitude with a variable width for municipal services (stormwater and sewer) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.2.2.2 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 metres thereof.

2.1.2.2.3 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 essential, 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 main sewer pipelines and other works.

#### 2.1.2.3 ERVEN 804 AND 805

2.1.2.3.1 The erf shall be subject to a servitude (3 meters wide) for municipal services (water) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.2.3.2 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 metres thereof.

2.1.2.3.3 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 essential, 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 main sewer pipelines and other works.

#### 2.1.2.4 ERF 805

2.1.2.4.1 The erf shall be subject to a servitude 3m x 6m for municipal services (electrical) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.2.4.2 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 metres thereof.

2.1.2.4.3 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 essential, 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 main sewer pipelines and other works.



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 805

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.

2.2.2 ERVEN 804 AND 805

2.2.2.1 The erf is subject to a servitude of right of way, access control and the use of engineering services in favour of Die Hoewes Extension 285 and Die Hoewes Extension 287.

2.2.2.2 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 thereof.

2.2.3 ERF 805

The erf is subject to a servitude of right of way, 12,28m wide, to provide access along a route, or routes to be determined, in favour of Portion 266 of the farm Zwartkop 356 JR and the Remaining Extent of Portion 58 of the farm Zwartkop 356 JR, provided that the final route shall only be determined and the servitude shall only be capable of being exercised upon the Gauteng Department of Roads and Transport proceeding with the development of Road P158/1 in accordance with the land alignment as at February 2009, which would result in, upon completion of the road, the mentioned farm portions will have no access to a public road.

Should the Municipality, however advise the Registrar of Deeds in writing that the development of Road P158/1 will not be proceeded with as planned and will be replaced with a new development of the Rabie Street/West Avenue intersection, which would provide access to the said farm portions, this condition shall lapse.













