

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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DEPARTMENT OF HEALTH

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## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 1461

CITY OF TSHWANE

#### PRETORIA AMENDMENT SCHEME 9891P

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 Kirkney Extension 31, being an amendment of the Pretoria Town-planning Scheme, 1974.

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 Pretoria Amendment Scheme 9891P.

(13/2/Kirkney x31 (9891P))  
 \_\_\_ October 2013

**Chief Legal Counsel**  
 (Notice No 614/2013)

### PLAASLIKE BESTUURSKENNISGEWING 1461

STAD TSHWANE

#### PRETORIA WYSIGINGSKEMA 9891P

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 Kirkney Uitbreiding 31, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, 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 Pretoria-wysigingskema 9891P.

(13/2/Kirkney x31 (9891P))  
 \_\_\_ Oktober 2013

**Hoofregsadviseur**  
 (Kennisgewing No 614/2013)

CITY OF TSHWANE

#### DECLARATION OF KIRKNEY 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 Kirkney Extension 31 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kirkney x31 (9891P))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY FIRST AONE TRADE AND INVEST 1 (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 301 (A PORTION OF PORTION 191) OF THE FARM ZANDFONTEIN 317JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Kirkney Extension 31.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2135/2012.

## 1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

1.3.1 the following conditions which do not affect the township:

A. The property transferred is entitled to rights of way indicated on the General Plan of the said Western Portion of the said farm ZANDFONTEIN filed in the Deeds Office Pretoria.

B. Die VOORMALIGE RESTERENDE GEDEELTE van Gedeelte 162 (gedeelte van Gedeelte 47) van die plaas ZANDFONTEIN Nr 317 Registrasie Afdeling J.R., Transvaal, Groot 26,5525 hektaar, aange-  
toon deur die figuur NMQRHN op Kaart LG Nr A2739/1985 aange-  
heg by Sertifikaat van Verenigde Titel T20366/85 is onderhewig aan  
die volgende voorwaarde:

“Aan n serwituut van deurgang 31 meter wyd ten gunste van die STADSRAAD VAN PRETORIA vir geleiding van elektriese krag deur middle van hoogspanningsmiddele, tesame met bykomende regte en onderhewig aan voorwaardes soos meer ten volle sal blyk uit Notariele Akte van Serwituut van Deurgang K990/77s met kaart daaraan geheg, gedateer 22 Maart 1977 en soos meet ten volle sal blyk uit die figure Zabc op Kaart LG A2739/1985 aangeheg by Sertifikaat van Verenigde Titel T20366/85”.

C. DIE VOORMALIGE GEDEELTE 171 van die plaas ZANDFONTEIN Nr 317, Registrasie Afdeling J.R. Transvaal, Groot 21,4133 hektaar, soos aangetoon deur die figuur BkurweCDEPeKB op die Kaart LG Nr. A2739/1985 geheg aan Sertifikaat van Verenigde Titel T20366/85 is onderhewig aan die volgende voorwaardes:

(a) Onderhewig aan n Kraglyn serwituut 31 meter wyd gesedeer aan die STADSRAAD VAN PRETORIA onder Akte van Sessie K2124/1985 geregistreer op 6 September 1978 en soos meer ten volle sal blyk uit die figure WXY op Kaart LG Nr A2739/1985 geheg aan Sertifikaat van Verenigde Titel T20366/85.

(b) Onderhewig aan n serwituut vir Munisipale doeleindes 6,00 meter wyd ten gunste van die STADSRAAD VAN PRETORIA soos meer volledig sal blyk uit Notariele Akte K3993/1984 geregistreer op 26 November 1984 en soos meer volledig sal blyk uit die figure UV op kaart LG Nr A2739/1985 geheg aan Sertifikaat van Verenigde Titel T20366/85.

D. DIE VOORMALIGE RESTERENDE GEDEELTE VAN GEDEELTE 47 (n gedeelte van Gedeelte 17) van die plaas ZANDFONTEIN 317, Registrasie Afdeling J.R. Transvaal, Groot 24,4389 hektaar soos aangetoon deur die figure LePFGRQL op Kaart LG Nr A2739/1985 aangeheg by Sertifikaat van Verenigde Titel T20366/85 is onderhewig aan die volgende voorwaardes:

“Onderhewig aan n Kraglyn serwituut 31 meter wyd gesedeer aan die STADSRAAD VAN PRETORIA onder Akte van Sessie K3024/1978S gerigistreer op 7 Desember 1978 en soos meer ten volle sal blyk uit die figure YZ op die Kaart LG Nr A2739/1985 aange-  
heg by Serwituut van Verenigde Titel T20366/85”.

## 1.4 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner simultaneously with the first transfer of any erf in the township:

Parks (public open space): Erf 1081

## 1.5 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.

#### 1.6 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.

#### 1.7 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 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 Public Transport, Roads and Works, has granted consent for the development.

#### 1.11 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 Public Transport, Roads and Works, 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.

#### 1.12 ACCESS

No ingress from Provincial Road K20 to the township and no egress to Provincial Road K20 from the township shall be allowed.

#### 1.13 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 K20 and he shall receive and dispose of the storm water running off or being diverted from the road.

#### 1.14 THE DEVELOPER'S OBLIGATIONS

##### 1.14.1 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.

##### 1.14.2 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.

#### 1.14.3 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 storm water sewers 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 Section 21 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, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

## 2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS 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 WITH THE EXCEPTION OF THE ERF REFERRED TO IN CLAUSE 1.4

2.1.1.1 The erven 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 local authority, 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 local authority: Provided that the local authority 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 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 ERVEN 910 to 916

2.1.2.1 The erf shall be subject to a servitude 2m wide for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

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 2m therefrom.

2.1.2.3 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.

2.1.3 ERF 917

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

2.1.3.2 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 2m therefrom.

2.1.3.3 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.

2.1.4 ERVEN 1054 and 1065

2.1.4.1 The erf shall be subject to a servitude 2m wide for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.4.2 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 2m therefrom.

2.1.4.3 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.

