

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 1637

#### CITY OF TSHWANE

#### PERI-URBAN AMENDMENT SCHEME 67PU

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 Nokeng Local Council has approved an amendment scheme with regard to the land in the township of Gem Valley Extension 1, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

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 Peri-Urban Amendment Scheme 67PU.

(13/2/Gem Valley x1 (67PU))  
\_\_ November 2013

**Chief Legal Counsel**  
(Notice No 689/2013)

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### PLAASLIKE BESTUURSKENNISGEWING 1637

#### STAD TSHWANE

#### PERI-URBAN WYSIGINGSKEMA 67PU

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 Nokeng Plaaslike Raad 'n wysigingskema met betrekking tot die grond in die dorp Gem Valley Uitbreiding 1, synde 'n wysiging van die Peri-Urban dorpsbeplanningskema, 1975, 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 Peri-Urban wysigingskema 67PU.

(13/2/Gem Valley x1 (67PU))  
\_\_ November 2013

**Hoofregsadviseur**  
(Kennisgewing No 689/2013)

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#### CITY OF TSHWANE

#### DECLARATION OF GEM VALLEY EXTENSION 1 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Nokeng Local Council hereby declares the township of Gem Valley Extension 1 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Gem Valley x1 (67PU))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY COSMOPOLITAN PROJECTS TSHWANE (PTY) LTD UNDER 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 197 (A PORTION OF PORTION 208) OF THE FARM FRANSPOORT 332JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Gem Valley Extension 1.

##### 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 1241/2009.

### 1.3 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:

Municipal: Erf 2547

### 1.4 ENDOWMENT

No endowment is payable to the City of Tshwane Metropolitan Municipality.

### 1.5 PRECAUTIONARY MEASURES

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

1.5.1.1 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

1.5.1.2 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.

### 1.6 ACCESS

No direct access to or from Erf 2794, Erven 2803 to 2828, Erf 2837 & Erf 2882, adjacent to Letoaba Avenue, shall be allowed and no direct access to or from Erf 2892, Erf 2509, Erven 2521 to 2548 and Erf 2604, adjacent to Ibhenxa Street shall be allowed.

### 1.7 RECEIVING AND DISPOSAL OF STORMWATER

The Service Report containing the stormwater design proposal must be submitted to the Head of the Department: Department of Public Transport and Roads for approval at the time of the application, i.e. before Township Proclamation.

### 1.8 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.

### 1.9 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.

### 1.10 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.

### 1.11 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.

### 1.12 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.

### 1.13 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.

### 1.14 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.

### 1.15 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

The township owner shall fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be alienated or transferred into the name of a purchaser/developer prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

## 2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

### 2.1 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.

### 2.2 THE DEVELOPER'S OBLIGATIONS

#### 2.2.1 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.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

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

#### 2.2.2 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.

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.

### 2.2.3 MAINTENANCE PERIOD AND GUARANTEE

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 Municipality 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.

### 2.2.4 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane Metropolitan Municipality, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane Metropolitan Municipality must be notified of this without delay.

## 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, as contained in Deed of Transfer No T35707/2012 -

### 3.1 excluding the following conditions, which do not affect the township

- B. The property hereby transferred is further subject to a Electric Power line Servitude in favour of ESKOM as will more fully appear from Notarial Deed of Servitude K.5281/2005 and the route of such servitude of 55 metres wide is indicated on Diagram SG 9476/2007 and SG No 9475/2007 attached to Notarial Deed of Servitude K.13/2010S and which is represented by the lines k l s m and m n on attached Consolidation diagram SG No 1240/2009.
- C. The property hereby transferred is subject to a Power line Servitude in favour of ESKOM as indicated on Diagram S.G. No. 9477/2007 and as will more fully appear from Notarial Deed of Servitude K 2393/2012S and which is represented by the line 1m 1n on attached Consolidation diagram S.G. No 1240/2009
- D. The property hereby transferred is subject to a sewer servitude of 6 (six) metre wide as indicated on Diagram S.G. No. 3757/1999, which servitude is in favour of The City of Tshwane Metropolitan Municipality and will more fully appear from Notarial Deed of Servitude K.2395/2012S, which is represented by the lines p q and r s t on attached Consolidation diagram S.G. No. 1240/2009.
- G. The property hereby transferred is subject to a Servitude to convey sewerage under the surface by means of a Pipeline below ground level, as indicated on diagram SG No 1734/99 in favour of the City Council of Pretoria and as will more fully appear from Notarial Deed K.5577/1999 and which is represented by the line 1d 1f on attached Consolidation diagram SG No 1240/2009.

### 3.2 excluding the following servitudes, which will only affect Ibhenza Street:

- E. The property hereby transferred is subject to a sewer servitude of 6 (six)metre wide as indicated no Diagram SG No 3758/1999, which servitude is in favour of The City of Tshwane Metropolitan Municipality and will more fully appear from Notarial Deed of Servitude K.2396/2012S which is represented by the line t u v w x y z 1a on attached Consolidation diagram SG No 1240/2009.
- F. The property is further subject to a Sewer Line Servitude 6 metre wide in favour of The City of Tshwane Metropolitan Municipality, as indicated on diagram SG No 3759/1999 and as will more fully appear from Notarial Deed of Servitude K.2394/2012S which is represented by the line 1a 1b 1c 1d 1e on attached Consolidation diagram SG No 1240/2009.

3.3 excluding the following servitudes, which will only affect Letoaba Avenue:

- H. The property hereby transferred is subject to a Servitude to convey and transmit stormwater by means of a Pipeline below ground level, an open channel and suitable dissipation area as shown on Diagram SG No 1733/1999 in favour of the City Council of Pretoria as will more fully appear from Notarial Deed K.5576/1999 and which is represented by the line 1g 1h on attached Consolidation diagram SG No 1240/2009.
- (l) The property hereby transferred is subject to a Servitude to convey and transmit stormwater by means of a Pipeline below ground level, an open channel and suitable dissipation area as shown on Servitude Diagram SG No 1273/2007 which is represented by figure A B C D E in favour of the City Council of Pretoria which is represented by the figure d 1j 1k 1r on attached Consolidation diagram SG No 1240/2009 and which will only affect Letoaba Avenue as depicted on general plan, as will more fully appear from Notarial Deed K1479/2013S.

#### 4. CONDITIONS OF TITLE

4.1 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)

4.1.1 ALL ERVEN WITH THE EXCEPTION OF ERVEN REFERRED TO IN CLAUSE 1.3

4.1.1.1 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, 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.

4.1.1.2 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 thereof.

4.1.1.3 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.

