

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 45

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 375T

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 15, 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 375T.

(13/2/Monavoni x15 (375T))
__ January 2014

CHIEF LEGAL COUNSEL
(Notice No 190/2014)

PLAASLIKE BESTUURSKENNISGEWING 45

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 375T

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 15, 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 375T.

(13/2/Monavoni x15 (375T))
__ Januarie 2014

HOOFREGSADVISEUR
(Kennisgewing No 190/2014)

CITY OF TSHWANE

DECLARATION OF MONAVONI EXTENSION 15 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 15 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Monavoni x15 (375T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS PROPRIETY LIMITED, UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 141 (A PORTION OF PORTION 13) OF THE FARM BRAKFONTein 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Monavoni Extension 15.

1.2 DESIGN

The township consists of erven as indicated on General Plan SG No 5912/2005.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township.

If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.4 GAUTENG PROVINCIAL GOVERNMENT CONDITIONS

1.4.1 Should the development of the township not been completed before 29 June 2014, the application to establish the township, shall be resubmitted to the Gauteng Department of Roads and Transport for reconsideration.

1.4.2 If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfilment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

1.4.3 The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No. MONX15-4. The erection of such physical barrier and the maintenance thereof shall be done to the satisfaction of the said Department.

1.4.4 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 29 June 2004.

1.4.5 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.

1.5 CONDITIONS IMPOSED BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the 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 section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 ACCESS

1.6.1 Access to or egress from the township shall be provided to the satisfaction of the local authority and the Provincial Department of Roads and Transport.

1.6.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No MONX15-5.

1.6.3 No access to or egress from the township shall be permitted via the Provincial Road K52.

1.7 ACCEPTANCE 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 stormwater 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, i.e. 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 laying erven must be drained to the satisfaction of the Municipality.

1.8 PRECAUTIONARY MEASURES

1.8.1 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.

1.8.2 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.

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

1.8.3.1 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

1.8.3.2 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.

1.9 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 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, should it be deemed necessary.

1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

1.12 RESTRICTION ON THE TRANSFER OF AN ERF

Erf 750 shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to Stone Mill Estate Home Owners Association (Registration number 2005/018886/08) which organization shall have full responsibility for the functioning and proper maintenance of the said erf and the engineering services within the said erf.

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 ASSOCIATION AND STATUTES

All the owners of erven or of any subdivision thereof, or of any sectional title unit thereon or of any interest therein in Monavoni x 15 must become members of the Stone Mill Estate Home Owners Association (Registration number 2005/018886/08). 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. 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 748 to 749 Monavoni Extension 15 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.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to a NPC for purposes of access and engineering services.

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.

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

1.15.1 Provision shall be made for pedestrian movement along Granite Crescent to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.15.2 The sidewalks and entrances along Granite Crescent shall be landscaped and planted with trees to the satisfaction of the Municipality.

1.15.3 Taxi lay-by's shall be provided at the entrance of Erf 750 onto Granite Crescent to the satisfaction of the Municipality.

1.16 ENDOWMENT

No endowment is payable, as the applicant has agreed to the provision of the following areas on the erven to be developed and kept free of structures as must be indicated on the individual Site Development Plans:

Erf 748: 1 512m²

Erf 749: 1 386m²

If these areas are not available for open space purposes, the developer or the successors in title will pay endowment as prescribed in Regulation 44 of the Ordinance.

1.17 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

1.17.1 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed; and

1.17.2 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

1.17.3 Notwithstanding the provisions of Clause 4 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (b) and/or (c) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser neither shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

2. 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 -

- 2.1 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 deurgangreg 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.
- 2.2 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 399JR 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 399JR is subject to a servitude for municipal purposes/engineering services and a right of way in favour of the municipality vide SG no 488/2013.
- 2.3 The following condition which appears as an endorsement in Deed of Transfer 165426/2003 which affects a street in the township:
- "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."

3. CONDITIONS OF TITLE

3.1 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

3.1.1 ALL ERVEN

3.1.1.1 Each erf is subject to a servitude, 3m wide, in favour of the local authority, 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 3m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

3.1.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

3.1.1.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works 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 local authority.

3.1.2 ERF 750

3.1.2.1 The entire erf, except for figure a-b-c-d-a representing the gatehouse, is subject to a servitude for general municipal purposes (water, electricity, stormwater and sewerage) in favour of the Municipality as indicated on General Plan SG No 5912/2005.

3.1.2.2 The entire erf, except for figure a-b-c-d-a representing the gatehouse, is subject to a right of way servitude in favour of the Municipality as indicated on General Plan SG No 5912/2005.

3.1.3 ERF 748

The erf is subject to a servitude for electrical purposes (6mx3m) in favour of the Municipality as indicated on General Plan SG No 5912/2005.

3.1.4 ERVEN 748 and 749

The erven are subject to a servitude 5m wide for municipal purposes (sewer and stormwater) in favour of the Municipality as indicated on General Plan SG No 5912/2005.

3.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/CREATED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED**3.2.1 ERF 750**

The entire erf, except for figure a-b-c-d-a representing the gatehouse, is subject to a right of way servitude in favour of Erven 748 and 749 as indicated on General Plan SG No 5912/2005.

3.2.2 ERVEN 748 AND 749

The erven are entitled to a right of way servitude over Erf 750, except for figure a-b-c-d-a representing the gatehouse, as indicated on General Plan SG No 5912/2005.
