

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>LOCAL AUTHORITY NOTICE</b>		
928	Town-planning and Townships Ordinance (15/1986): City of Tshwane: Tshwane Amendment Scheme 290T .....	3	182

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 928 CITY OF TSHWANE

#### TSHWANE AMENDMENT SCHEME 290T

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 Celtisdal Extension 61, 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 290T.

(13/2/Celtisdal x61 (290T))  
\_\_ July 2014

(Notice No 450/2014)

CHIEF LEGAL COUNSEL

### PLAASLIKE BESTUURSKENNISGEWING 928

#### STAD TSHWANE

#### TSHWANE WYSIGINGSKEMA 290T

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 Celtisdal Uitbreiding 61, 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 290T.

(13/2/Celtisdal x61 (290T))  
\_\_ Julie 2014

HOOFREGSADVISEUR  
(Kennisgewing No 450/2014)

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#### CITY OF TSHWANE

#### DECLARATION OF CELTISDAL EXTENSION 290 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 Celtisdal Extension 61 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Celtisdal x61 (290T))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE MAK'S TRUST IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C (OR CHAPTER IV) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 111 OF THE FARM SWARTKOP 383-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Celtisdal Extension 61.

##### 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 4346/2010.

## 1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any,—

1.3.1 The following condition will not be passed on to the erven in the township;

- (i) Condition a and b on page 2 and 3 of Deed of Transfer T70661/2000
- “a) *All rights to minerals and precious stones are reserved by Josef Johannes Gouws, Jacoba Margaretha Basson, Aletta Adriana Baard, Rasmus Elardus Erasmus and Johanna Catharina Lochner and their successors in title to such rights.*
- b) *All rights which may be or become vested in the freehold owner to share in any proceeds which may accrue to the State from the disposal of the undermining rights of the land, and also the share of claim license moneys and any share of rental or profits which may accrue to any owner under any mining lease granted in respect of the land covered by the Agricultural Holdings and the like, are severed by Josef Johannes Gouws, Jacoba Margaretha Basson, Aletta Adriana Baard, Rasmus Elardus Erasmus and Johanna Catharina Lochner and their successors in title to such rights.”*

1.3.2 Including the following condition which affect Erven 1299 and 1307 and Baard Street in the township;

- (i) Condition c on page 3 of Deed of Transfer T70661/2000
- “c) *Die binnegemelde eiendom is onderhewig aan 'n ewigdurende reg om water te neem en te voer deur middel van pyleidings ten gunste van Randwaterraad soos meer ten volle sal blyk uit Notariële Akte K243/1993S.”*

1.3.3 Including the following condition which affect all the erven in the township;

- (i) Condition d on page 3 of Deed of Transfer T70661/2000
- “d) *Die binnegemelde eiendom is geregtig op 'n reg van weg oor Gedeelte 114 van die plaas Swartkop soos aangedui deur lyn BC op kaart No 12318/1998 geheg aan akte van Transport T8122/1999.”*

1.3.4 Including the following condition which affect Erven 1308 and 1309 in the township;

- (i) Condition e on page 3 of Deed of Transfer T70661/2000
- “e) *Kragtens Notariële Akte van Serwituut K439/1999S is die binnegemelde eiendom onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes ten gunste van die Stadsraad van Centurion oor daardie gedeelte van die eiendom aangetoon deur figuur Abe middel van stroom d op Kaart SG 12317/1998 daarby aangeheg, welke serwituutgebied 4281 vierkante meter groot is.”*

1.3.5 Including the following condition which affects Erven 1300 and 1307 in the township;

- (i) Condition as set out in 4(1)(b) application to T70661/2000.
- “f) *Die Resterende Gedeelte van Gedeelte 111 van die plaas Swartkop 383 Registrasie Afdeling JR Provinsie van Gauteng, is onderhewig aan 'n serwituut vir rioolgeleiding 3 (DRIE) meter wyd ten gunste van Gedeelte 114 ('n Gedeelte van Gedeelte 111) van die plaas Swartkop 383 Registrasie Afdeling J.R. Provinsie van Gauteng, die Suidelike grens waarvan aangetoon word deur die lyn DE op Kaart SG Nommer 12318/1998.*

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:

Public Open Space: Erf 1309

1.5 PRECAUTIONARY MEASURES

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

1.5.1.1 compile a complete RISK MANAGEMENT PLAN and WET SERVICES PLAN; and

1.5.1.2 conduct and compile a construction report to ensure that the conditions on site and the positioning of structures and wet services are accordingly certified.

1.5.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the 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-

1.5.3.1 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; and

1.5.3.2 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.

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 the Gauteng Department of Roads and Transport when consent was granted for the development.

1.7 ACCESS

Ingress to and egress from the township shall be to and from Baard Road.

No access will be allowed from Road P102-1 (K52).

1.8 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 Gauteng 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.

1.9 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.

The Service Report containing the stormwater design proposal must be submitted to the Municipality for approval at the time of the application, i.e. before Township Proclamation.

**1.10 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.

**1.11 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.

**1.12 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.

**1.13 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.

**1.14 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 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.

**1.16 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.

**1.17 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)**

The following erven shall be transferred to the Section 21 Company within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner:

Erven 1307 and 1308

A servitude for access and municipal services shall be registered over Erf 1307 in favour of all the erven in the township.

The erf may not be transferred thereafter by the Section 21 Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

**1.18 RESTRICTION ON THE ALIENATION OF ERVEN**

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 Municipality certifies that the developer has complied with the provisions of condition 2.19.

## 1.19 THE DEVELOPER'S OBLIGATIONS

### 1.19.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of erven and/or units in the township must become members of the Section 21 Company. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, roads and storm water services). The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

### 1.19.2 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.

### 1.19.3 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.

### 1.19.4 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.

### 1.19.5 PROVISION OF SITE DEVELOPMENT PLAN

A complete Site Development Plan for the whole Section 21 Development must be submitted before any building or construction may commence, at the cost of the applicant, for the approval of the Division: Roads and Stormwater. Engineers Drawings with details regarding access, parking layout and stormwater drainage must be submitted with the Site Development Plan.

## 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 WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.4

2.1.1.1 The erf shall be subject to a servitude, 3m 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 2 m from it.

2.1.1.3 The 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 ERF 1302, 1305 AND 1308

2.1.2.1 The erven shall be subject to a servitude 3m wide for municipal services (stormwater) in favour of the 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 there from.

2.1.2.3 The 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the 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 1306

2.1.3.1 The erf is subject to a right of way servitude 3,5m wide in favour of Erven 1299 to 1305, 1308 and 1309 as indicated on the general plan.

2.1.3.2 Erf 1299 to 1305, 1308 and 1309 is entitled to a right of way servitude 3,5 m wide over Erf 1306 as indicated on the general plan.

2.1.4 ERF 1306

The erf is subject to a right of way servitude 3,5m wide in favour of the Municipality as indicated on the general plan.



2.1.5 ERF 1307

2.1.5.1 The entire erf shall be subject to a servitude for access, access control and engineering services (water, electricity and sewerage) in favour of all erven, excluding Erf 1307, within the township as indicated on the general plan.

2.1.5.2 Erf 1299 to 1306 and 1308 to 1309 is entitled to a servitude for access, access control and engineering services (water, electricity and sewerage) over Erf 1307 in the township as indicated on the general plan.

2.1.6 ERF 1307

The entire erf shall be subject to a servitude for access, access control and engineering services (water, electricity and sewerage) in favour of the City of Tshwane as indicated on the general plan.

2.1.7 ERF 1308

The erf is subject to a right of way servitude 3,5m wide in favour of the 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

2.2.1 ERVEN 1299 UP TO AND INCLUDING 1306

Upon transfer, the owner of each erf must automatically become a member of the Section 21 Company (Home Owners Association) 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 ERVEN 1299 UP TO AND INCLUDING 1308

The owner of each erf must be made 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 home owner understands how to manage dolomite stability risk responsibility.













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