

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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DEPARTMENT OF HEALTH

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**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 1001**

**CITY OF TSHWANE**

**PRETORIA AMENDMENT SCHEME 9875P**

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 Lotus Gardens Extension 16, 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 9875P.

(13/2/Lotus Gardens x16 (9875P))  
 \_\_\_ July 2014

**CHIEF LEGAL COUNSEL**  
 (Notice No 456/2014)

**PLAASLIKE BESTUURSKENNISGEWINGS 1001**

**STAD TSHWANE**

**PRETORIA WYSIGINGSKEMA 9875P**

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 Lotus Gardens Uitbreiding 16, 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 9875P.

(13/2/Lotus Gardens x16 (9875P))  
 \_\_\_ Julie 2014

**HOOFREGSADVISEUR**  
 (Kennisgewing No 456/2014)

**CITY OF TSHWANE**

**DECLARATION OF LOTUS GARDENS EXTENSION 16 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 Lotus Gardens Extension 16 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Lotus Gardens x16 (9875P))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY STABILO INVESTMENTS (PROPRIETARY) LIMITED 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 536 (A PORTION OF PORTION 468) OF THE FARM PRETORIA TOWN AND TOWNLANDS 351JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. **CONDITIONS OF ESTABLISHMENT**

1.1 **NAME**

The name of the township shall be Lotus Gardens Extension 16.

1.2 **DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 4998/2011.

## 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 –

1.3.1 including the following servitude, which affect Erven 7731, 7732 and 7733, Lotus Gardens Extension 16 in the township only, which condition should be carried forward to the township title:

(i) “A. SUBJECT to the conditions and stipulations of the Town Lands Ordinance 1904.”

1.3.2 Excluding the following servitudes, which do not affect Erven 7731, 7732 and 7733, Lotus Gardens Extension 16 in the township only, due to the locality of these three erven:

(i) “B. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3308,7324 (‘n gedeelte waarvan hierkragtes getranspoteer word) is kragtes Notariële Akte K 628/1968 S gedateer 15 FEBRUARIE 1968 en 5 MAART 1968 onderhewig aan ‘n serwituut vir ‘n kraglyn en skakelkas met meegaande regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA soos meer volledig sal blyk uit genoemde Notariële Akte.”

(ii) “C. THE former remaining extent of portion 6 of the said farm in extent 3103, 2795 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K 1276/1977 S dated 23<sup>rd</sup> MARCH 1977, subject to a servitude in perpetuity together with ancillary rights along a strip of ground 2493 square metres in extent as indicated by figure A B C D E F J K on diagram S.G. No. A 6406/1973 annexed thereto as will more fully appear on reference to the said notarial deed registered on 18 APRIL, 1977.”

(iii) “D. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3015,9551 hektaar (‘n gedeelte waarvan hierkragtes getranspoteer word) is kragtes Akte van Sessie K 3335/1997 S gedateer 1 NOVEMBER 1977, onderhewig aan –

(a) ‘n PYPLYNSERWITUUT aangedui deur die lyn A B C op kaart LG Nr A 2137/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy AMINISTRASIE VAN SPOORWEE EN HAWENS.

(b) ‘n PYPLYNSERWITUUT aangedui deur die lyn A B C D E F G H J K L op kaart L.G. Nr. A 2393/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy AMINISTRASIE VAN SPOORWEE EN HAWENS.”

(iv) “E. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 2797,5346 hektaar (‘n gedeelte waarvan hierkragtes getranspoteer word) is kragtes Notariële Akte K 1386/1983 S onderhewig aan die reg aan ESKOM verleen om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte en onderworpe aan voorwaardes soos meer volledig sal blyk uit gesegde akte en kaart geregistreer op 24 MEI 1983.”

(v) “F. DIE voormalige resterende gedeelte van gedeelte 6 van gemelde plaas groot 1766,4013 hektaar (‘n gedeelte waarvan hierkragtes getranspoteer word) is kragtes Notariële Akte K 476/1988 S gedateer 1 FEBRUARIE 1988, onderhewig aan ‘n waterpyleiding serwituut soos aangedui deur die figuur A B C D E F op kaart L.G. Nr. A 568/1976 ten gunste van die RAND WATERRAAD soos meer volledig sal blyk uit gemelde Notariële Akte.”

- (vi) "G. DIE resterende gedeelte van gedeelte 6 van die plaas PRETORIA TOWN AND TOWNLANDS 351, groot 1309,7584 hektaar (waarvan 'n gedeelte hierkragtens getranspoteer word) is –
- (a) KRAGTENS Notariële Akte K 94/1998 S gedateer 3 JULIE 1997, onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n pyplyn en werke 6 (ses) meter wyd waarvan die middellyn aangedui word deur die lyne A B C D E, F G H en J K L M N P Q R S T U V W X Y Z op kaart LG No 2219/1997 met meegaande regte en 'n tydelike serwituutgebied vir die duur en die konstruksie van die pyplyn en werke ten gunste van die SUID-AKFRIKAANSE GASDISTRIBUSIE-KORPORASIE BEPERK (1964/006005/06) soos meer volledig sal blyk uit die gemelde Notariële Akte."
- (b) KRAGTENS Notariële Akte K 95/1998 S gedateer 11 NOVEMBER 1997 onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n drukverminderingstasie, pyplyn en werke met meegaande regte, welke –
- A. PYPLYN en werke 6 (ses) meter wyd is en waarvan die middellyn aangedui word deur die lyne A B C, D E F G H J K L M en N P Q en die
- B. DRUKVERMINDERINGSTASIE en werke 1794 vierkante meter groot is, aangedui deur figuur R S T U op kaart LG No 4107/1997
- sowel as 'n tydelike serwituut vir die duur van die konstruksie van die pyplyn en werke ten gunste van die SUID-AFRIKAANSE GASDISTRIBUSIE KORPORASIE BEPERK (1964/006005/06) soos meer volledig sal blyk uit die gemelde Notariële Akte."

#### 1.4 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 City of Tshwane Metropolitan Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

#### 1.5 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 City of Tshwane Metropolitan Municipality.

#### 1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by any reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

#### 1.7 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.

#### 1.8 PRECAUTIONARY MEASURES

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

- '(i) compile a complete RISK MANGEMENT PLAN and WET SERVICES PLAN; and

- (ii) conduct and compile a construction report to ensure that the conditions on site and the positioning of structures and wet services are accordingly certified.
- 1.8.2 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.
- 1.8.3 The township owner shall, at his own expense, make arrangements with the City of Tshwane Metropolitan Municipality, in order to ensure that:
  - 1.8.3.1 water will not accumulate to the effect that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen; 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.
- 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 GDARD

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, 1989 (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.
- 1.11 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.
- 1.12 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.
- 1.13 DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS: ACOUSTIC SCREENING MEASURES

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Provincial Road PWV9.
- 1.14 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.
- 1.15 ACCESS

No ingress from Provincial Road PWV9 to the township and no egress to Provincial Road PWV9 from the township shall be allowed.

1.16 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the storm water drainage of the township in such a way as to fit in with that of Provincial Road PWV9 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.17 THE DEVELOPER'S OBLIGATIONS

1.17.1 ASSOCIATION AND STATUTES

The developer shall 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.

1.17.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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.

1.17.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane 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 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 an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane with a guarantee issued by a recognized financial institution.

1.17.4 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.

1.17.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing 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, 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.

## 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 ORDINANCE 15 OF 1986

## 2.1.1 ALL ERVEN

2.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and storm water) (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, 2 m 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 City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

## 2.1.2 ERF 7731

2.1.2.1 The erf shall be subject to a servitude 4m wide for municipal services (sewerage) along its southern boundary in favour of the City of Tshwane, 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 from it.

2.1.2.3 The City of Tshwane 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 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.

## 2.1.3 ERVEN 7731 AND 7733

2.1.3.1 The erven shall be subject to a servitude 3 m wide for municipal services (stormwater) along their eastern boundary 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 2 m from it.

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 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.