

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1087 CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 279T

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 Chantelle Extension 31, 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 279T.

(13/2/Chantelle x31 (279T))
__ August 2014

Chief Legal Counsel
(Notice No 360/2014)

PLAASLIKE BESTUURSKENNISGEWING 1087 STAD TSHWANE

TSHWANE WYSIGINGSKEMA 279T

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 Chantelle Uitbreiding 31, 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 279T.

(13/2/Chantelle x31 (279T))
__ Augustus 2014

Hoofregsadviseur
(Kennisgewing No 360/2014)

CITY OF TSHWANE

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

(13/2/Chantelle x31 (279T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTRAL PROPERTY DEVELOPMENT JOHANNESBURG PROPRIETARY LIMITED, REGISTRATION NR 2004/018352/07 UNDER 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 478 (A PORTION OF PORTION 65) OF THE FARM HARTEBEESTHOEK 303JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Chantelle Extension 31.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 11357/2006.

1.3 LAND FOR MUNICIPAL PURPOSES

Erven 2060 and 2061 shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner for municipal purposes.

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay as endowment a total amount of **R1 750 000,00** for an area of **6 344m²** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane. The amount of this area shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of Section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG 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.

1.6 ACCESS

No ingress from Provincial Road P106-1 (K14) to the township and no egress to Provincial Road P106-1 (K14) from the township shall be allowed.

1.7 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 P106-1 (K14) and he shall receive and dispose of the storm water running off or being diverted from the road.

1.8 ACOUSTIC SCREENING MEASURES/NOISE BARRIER

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Provincial Road P106-1 (K14) (Brits Road).

1.9 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.

1.10 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

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

1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane 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, when required to do so by the City of Tshwane.

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 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.

1.15 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (NPC)

Erven 2062 and 2063 shall be transferred to the Non Profit Company (NPC) by and at the expense of the developer prior to any other erf being transferred.

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

A servitude for access and municipal services shall be registered over Erven 2062 and 2063 in favour of all the erven in the township.

1.16 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local Authority may determine fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and storm water 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 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 REGISTERABLE

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.

The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 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 certifies that the developer has complied with the provisions of condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a non-profit company (homeowner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the non-profit company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane.

The Memorandum of Incorporation must clearly state that the main objective of the homeowner's association is the maintenance of the non-profit company's property and the internal engineering services of the development (ie water, sewerage, electricity, roads and stormwater sewers). 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.

2.2.1 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.

2.2.2 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 stormwater 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.

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 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.

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 excluding –

3.1 the following servitude in the Deed of Transfer T844/2014 which does not affect the township due to locality.;

“2. Kragtens Notariële Akte No 366/56S gedateer 31 Oktober 1955 en geregistreer op 28 Maart 1956 is die eiendom hieronder getranspoteer onderhewig aan 'n servituut van Deurgang ten gunste van die Stadsraad van Pretoria vir die geleiding van elektriese krag deur middel van hoogspannings- of ander lugdrade of ondergrondse kables of ander geskikte geleidingsmiddels, en die reg om na goeddunke van die genoemde Stadsraad al hierdie geleidingsdrade, kables geleidingstorings, pale, ankers transformators, meters en ander toebehore, toerusting, installasies en masjinerie wat die genoemde Stadsraad ook al nodig of dienlik of gerieflik ag vir die behoorlike geleiding van die elektriese krag van tyd tot tyd op te rig, aan te lê en te onderhou, te verander, te hernu, uit te brei en te verwyder, asmede die toegang en deurgangsreg vir die Raad, sy amptenare werknemers en andere deur hom behoorlik daartoe gemagtig, asook vir voertuie, diere en masjinerie, wat nodig of dienlik is by die oprigting, aanlê, onderhoud, herstelling, verandering, hernuwing, uitbreiding, verwydering en uitvoering van werksaamhede wat geoorloof is by en gepaard gaan met gemelde geleidingsdrade, kables, geleidingstorings, pale, ankers, transformators, meter en ander toebehore, toerusting, installasies en masjinerie van watter aard ook al op, onder, oor en deur die partye hiertoe ooreengekom te word en tesame met bykomstige regte soos meer sal blyk uit genoemde Notariële akte.”

4. CONDITIONS OF TITLE

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)

4.1 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

The following servitudes/conditions in favour of the Non-Profit Company (NPC) must notarially be executed and registered in the Office of the Registrar of Deeds before or simultaneously with the transfer of an erf in the township:

4.1.1 ERVEN 1949 UP TO AND INCLUDING 2059

Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association, which condition must be included in the title deed of the portion.

4.1.2 ERVEN 1949 UP TO AND INCLUDING 2058

4.1.2.1 The erf is subject to a servitude, 2m wide, in favour of the non-profit Company for sewerage and other engineering services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude, 2m wide across the access portion of the erf, if and when required by the Section 21 Company: Provided that the non-profit Company may dispense with any such servitude.

4.1.2.2 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.

4.1.2.3 The Non-Profit Company (NPC) 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 Non-Profit Company (NPC) shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Non-Profit Company (NPC) shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.3 ERVEN 1971, 2009 and 2028

4.1.3.1 The erf shall be subject to a servitude, 2m wide, for engineering services (storm water), in favour of the Non-Profit Company (NPC), as indicated on General Plan LG No 113657/2006.

4.1.3.2 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 from it.

4.1.3.3 The Non-Profit Company (NPC) 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 Non-Profit Company (NPC) shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Non-Profit Company (NPC) shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.4 ERVEN 2062 AND 2063

The erf is subject to a servitude, of right of way and for the use of engineering services in favour of Erven 1949 up to and including 2058 as depicted on the General Plan.

4.2 ERVEN 2059 AND 2060

The applicant shall at his own expense have a 12 meter servitude registered, along the southern boundary of Erven 2059 and 2060 as indicated on the General Plan SG 11357/2006 in favour of and to the satisfaction of the Gauteng Department of Transport and Public Works (Gautrans).

4.3 ERVEN 1949 TO 2058

The erven are entitled to a right of way and the use of engineering services over Erven 2062 and 2063 as indicated on the General Plan.
