

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

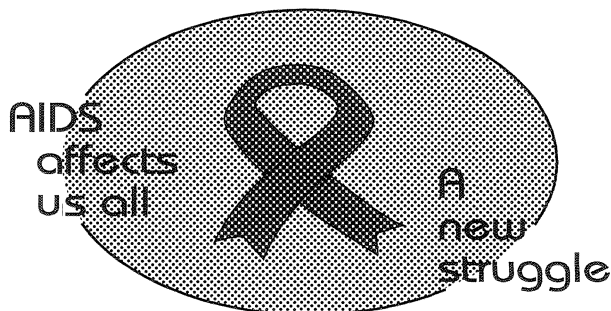
**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 20

**PRETORIA, 17 OCTOBER
OKTOBER 2014**

No. 295

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1538

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 274T

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 Irene Extension 86, 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 274T.

(13/2/Irene x86 (274T))
__ October 2014

CHIEF LEGAL COUNSEL
(Notice No 605/2014)

PLAASLIKE BESTUURSKENNISGEWING 1538

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 274T

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 Irene Uitbreiding 86, 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 274T.

(13/2/Irene x86 (274T))
__ October 2014

HOOFREGSADVISEUR
(Kennisgewing No 605/2014)

CITY OF TSHWANE

DECLARATION OF IRENE EXTENSION 86 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 Irene Extension 86 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Irene x86 (274T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE IRENE LAND CORPORATION 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 830 (A PORTION OF PORTION 539) OF THE FARM DOORNKLOOF 391JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Irene Extension 86.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 827/2011 and Layout Plan CPD IRNx86/1.

1.3 PRECAUTIONARY MEASURES

1.3.1 The applicant shall appoint a competent person(s) to prepare the following:

- (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 erf sizes, risk classification and D designation for each erf 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.

1.3.2 The applicant is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management plan legally to any successor in title, as may be applicable.

1.3.3 The applicant shall at its own expense, make arrangements with the Municipality, in order to ensure that-

1.3.3.1 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

1.3.3.2 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.

1.4 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 which the Gauteng Department of Roads and Transport has granted consent for the development:

1.4.1 Lines of no access shall be applicable to the eastern and north-eastern boundaries of the township, adjacent to the proposed PWV 6 provincial road and road P157/1 (R21), as well as up to the points of approved access to the township on Nellmapius Road and Pierre van Ryneveld Road.

1.4.2 No direct access to road PWV 6 will be allowed from a public garage (filling station) site. If access to a filling station is required, a separate application there for, must be submitted to the Department.

1.4.3 No advertisements that may be visible from Road P157/1 (R21) and the proposed PWV 6 shall be displayed without the written approval of the Gauteng Department of Roads and Transport and the Municipality.

1.4.4 Along the boundary of the township adjacent to the proposed PWV6 provincial road, a building line of 20 meters shall apply to any non-residential building and a building line of 30 meters shall apply to any residential building.

1.5 ACCESS

Ingress to and egress from the development area shall be to and from Mezereon Crescent and access from Nellmapius Road and Van Ryneveld Avenue is limited to the approved intersections on the said roads to the satisfaction of the Municipality.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

1.6.1 The storm water plan for the development area shall be integrated with the greater storm water plan for the surrounding area to the satisfaction of the Municipality.

1.6.2 The low points in roads and the accumulation of storm water in crescents and cul-de-sac must be drained to the satisfaction of the Municipality.

- 1.6.3 The applicant shall arrange for the drainage of the township to fit in with that of Road P157/1 (R21) and the proposed PWV 6 provincial road and for all stormwater running off or being diverted from Road P157/1 (R21) and the proposed PWV 6 provincial road to be received and disposed of.

1.7 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 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.

1.8 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 CONSOLIDATION OF ERVEN

The applicant shall at own expense after proclamation of the township but prior to the development of any erf in the township consolidate Erven 4264 and 4265 to the satisfaction of the Municipality. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation of Erven 4264 and 4265 in terms of Section 92(1)(b) of Ordinance 15 of 1986, which consolidation shall only come into operation on proclamation of the township and subject to the Section 82 certificate being issued by the City of Tshwane.

1.10 NOTARIAL TIE

The aforesaid consolidated erven in Irene Extension 86 shall be notarially tied with consolidated erf 4305, Irene Extension 60 to the satisfaction of the Municipality before the submission of building plans. On registration of the notarial tie there will be no building lines or building restriction areas applicable along common boundary separating the erven and, in terms of an approved site development plan, such common boundary will not be deemed to exist in physical terms and will not affect the siting or configuration of buildings on the combined site area of the erven forming the subject of the notarial tie. The Municipality shall be a party to the notarial tie agreement. The erven which form the subject of the notarial tie shall not be sold separately without the written consent of the Municipality.

1.11 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the municipality to do so, the applicant 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 and building rubble within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the Municipality.

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

1.13 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 applicant.

1.14 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 applicant.

1.15 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The applicant 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, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto (or any preceding legislation), as the case may be, for the development of this township.

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

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

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.

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 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 2.3.

2.3 GENERAL OBLIGATIONS OF THE APPLICANT

2.3.1 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 detail design 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.

2.3.2 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.

2.3.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the local authority 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 retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the local authority for an amount that is equal to 10% of the contract cost, 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 and, where relevant, entitled to existing conditions and servitudes, if any, namely:

Conditions A on page 2 of Deed of Transfer T103859/2004

- 'A. The remaining extent of portion 5 of the said farm, measuring 1046,8662 hectares, portion whereof is held hereunder, is subject and entitled to the following servitudes and conditions, namely:

SUBJECT to the terms of an Order of the Water Court, true copy marked "B" of which is annexed to Deed of Transfer T10851/1920.

Condition C on page 3 of Deed of Transfer T103859/2004

- 'C. The former remaining extent of portion 5 of the said farm measuring 953,9285 hectares, a portion of which is held hereunder, is subject to an Order of the Supreme Court of South Africa, made on the 3rd July 1979 in case no M1722/1979. The said order and agreement is filed under BC9566/1983.

And excluding the following conditions which do not affect the township due to geographic location:

Conditions B(1) and (2) on page 2 of Deed of Transfer T103859/04, pertaining to Notarial Deeds K2702/76S and K2703/26S which do not affect the development area due to geographic location, which reads as follows:

- "B. The former remaining extent of Portion 5 of the said farm, measuring 959,2555 hectares, portion whereof is held hereunder:

- (1) is by Notarial Deed K2702/76S subject to a servitude of pipeline, as indicated by the figure S20 S21 S22 S26 on diagram SG No 5724/1998 hereto annexed, in favour of the Rand Water Board, which servitude includes ancillary rights, and will more fully appear from reference to the said notarial deed;
- (2) is by Notarial Deed K2703/76S subject to a servitude of pipeline, 16 meters wide, as indicated by figure S26 S22 S23 S24 S25 on diagram SG No 5724/1998 hereto annexed, in favour of the Rand Water Board, which servitude includes ancillary rights as will more fully appear from reference to the said notarial deed."

Condition D(1) and D(2) on page 3 of the Deed of Transfer T103859/04 pertaining to Notarial Deed K1087/85S and Notarial Deed of Servitude K1414/90S

- "D. The former extent of portion 5 of the said farm measuring 953,9285 hectares, portion whereof is held hereunder is:

- (1) By Notarial Deed K 1087/85 subject in favour of the CITY COUNCIL OF CENTURION to a right of way 1410 square metres in extent, indicated by the figure G S17 S18 S19 F on Diagram SG No 5724/1998 annexed hereto and as will more fully appear from reference thereto.

- (2) By Notarial Deed of Servitude K 1414/90S subject to a perpetual servitude of right of way 5,0491 hectares in extent, indicated by the figure A S1 S2 S3 S4 S5 S6 S7 S8 S9 S10 S11 S12 S13 S14 S15 S16 Y Z a b c d e f g h j k l m on Diagram S.G. No. 5724/1998 annexed hereto in favour of the CITY COUNCIL OF CENTURION, together with ancillary rights, as will more fully appear from reference to the said notarial deed.

Condition F on page 4 of Deed of Transfer T103895/04

"F. Die Resteerende Gedeelte van Gedeelte 5 van die plaas Doornkloof 391, Registrasie Afdeling JR, Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvandie eiendom hierkragtens gehou n gedeelte uitmaak) is onderhewig aan Onteieningskennisgewing Ex 347/98".

4. CONDITIONS OF TITLE

4.1 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 THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

4.1.1 ALL ERVEN

4.1.1.1 The erf shall be subject to a servitude, 3 m wide, for municipal services (water, sewer, electricity and storm water) (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 it.

4.1.1.3 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.

4.1.2 ERF 4264 AND ERF 4265

The erf is subject to a servitude for pipelines, 4m wide in favour of the Municipality, as indicated on the General Plan.

4.2 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

4.2.1 ALL ERVEN

As this erf forms part of the area that is underlain by dolomite, the owner/developer shall make any prospective buyer 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 prospective buyer understands how to manage dolomite stability risk responsibly. Should it become known that the owner/developer has failed to comply with this condition, the sale/lease agreement shall be deemed to have lapsed.