

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 21

PRETORIA, 15 JANUARY 2015  
JANUARIE 2015

No. 11

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS • INHOUD**

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICE</b>		
18 Town-planning and Townships Ordinance (15/1986): City of Tshwane: Tshwane Amendment Scheme 438T: Monavoni Extension 14 .....	3	11

---

## LOCAL AUTHORITY NOTICE

---

### LOCAL AUTHORITY NOTICE 18

#### CITY OF TSHWANE

#### TSHWANE AMENDMENT SCHEME 438T

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 14, 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 438T.

(13/2/Monavoni x14 (438T))  
\_\_\_ January 2015

**CHIEF LEGAL COUNSEL**  
(Notice No 209/2015)

---

### PLAASLIKE BESTUURSKENNISGEWING 18

#### STAD TSHWANE

#### TSHWANE WYSIGINGSKEMA 438T

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 14, 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 438T.

(13/2/Monavoni x14 (438T))  
\_\_\_ Januarie 2015

**HOOFREGSADVISEUR**  
(Kennisgewing No 209/2015)

---

#### CITY OF TSHWANE

#### DECLARATION OF MONAVONI EXTENSION 14 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 14 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Monavoni x14 (438T))

#### 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 140 (A PORTION OF PORTION 13) OF THE FARM BRAKFRONTEIN 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Monavoni Extension 14.

##### 1.2 DESIGN

The township consists of erven, parks and streets as indicated on Lay-out plan CPD MVO x14/6 and General Plan SG No 591 1/2005.

### 1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality

The township owner shall pay as endowment a total amount of **R877 000,00**, for an area of **3 059m<sup>2</sup>** in terms of regulation 44(1) of the Town Planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for part 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).

The applicant has also agreed to the provision of the following areas on the erven to be developed and kept free of structures and must be indicated on the individual Site Development Plans:

Erf 746: 2 327m<sup>2</sup>

Erf 747: 2 600m<sup>2</sup>

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

### 1.4 GAUTENG PROVINCIAL GOVERNMENT CONDITIONS

1.4.1 The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport in a letter dated 2 December 2013 has granted consent for the development.

1.4.2 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 via the Provincial Roads K52 and K71.

### 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 K71 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 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, 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 Roads K52 and K71 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 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.

## 1.13 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 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 1.15.

## 1.15 THE DEVELOPER'S OBLIGATIONS

### 1.15.1 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 x13 and Monavoni x14 must become members of the Stone Gate Home Owners Association (Registration number 2005/019340/08) company. 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 and recreational area situated on Erf 742, Monavoni x13 and convey the right to all owners of residential units on Erven 742, 743 and 744, Monavoni x13 and Erven 746 and 747, Monavoni x14 the unrestricted right to make use of the aforementioned 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 742 to 744, Monavoni Extension 13 and Erven 746 to 747, Monavoni Extension 14 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.

### 1.15.2 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.

### 1.15.3 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 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.

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.

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

- 1.16.1 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

1.16.2 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

1.16.3 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. 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. 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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

3.1 All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, if any;

Excluding the following conditions in Title Deed T74351/2002, which do not affect the townships due to its location:

3.1.1 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 deurgangsreg 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.

3.1.2 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 SG no 2213/2012;

(ii) 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 SG no 488/2013;

(iii) The Remaining Extent of Portion 13 of the farm Brakfontein 399 JR is subject to a servitude for a right of way in favour of the General Public vide SG no 488/2013.

- 3.1.3 The following condition which appears as an endorsement in Deed of Transfer 165426/2003 and shall not be transferred to erven in the township due to location:

“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 SG no 486/2013.”

#### 4. CONDITIONS OF TITLE

- 4.1 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)

##### 4.1.1 ALL ERVEN

4.1.1.1 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 Municipality, 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 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 thereof.

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 746

The erf is subject to a servitude 8m wide for municipal purposes (sewer and stormwater) in favour of the Municipality as indicated on General Plan SG No 5911/2005.

- 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 ERVEN 746 AND 747

4.2.1.1 These erven are entitled to a right of way servitude over Erf 745, Monavoni x13 except for figure a-b-c-d-a representing the gate-house, as indicated on the General Plan SG No 5910/2005.

4.2.1.2 Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the Homeowners' Associations for the development (STONE GATE HOME OWNERS ASSOCIATION NPC, Registration number 2005/019340/08) and the township owner shall procure that each erf be made subject to the following conditions in favour of the Associations.

4.2.1.3 Each and every owner of Erven 742 to 744, Monavoni Extension 13 and Erven 746 and 747, Monavoni Extension 14 shall become a member 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. The objective of such company shall be contained in the Memorandum of Understanding and Statutes. This includes full responsibility for the functioning and proper maintenance of the guardhouse, landscaping and security on Erf 745, Monavoni Extension 13.