

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 83 OF 2016

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 467T

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 Rooihuiskraal Noord Extension 46, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the SED: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 467T.

(13/2/Rooihuiskraal Noord x46 (467T))
2016 (Notice 248/2016)

SED: GROUP LEGAL SERVICES __ August

PROKLAMASIE 83 VAN 2016

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 467T

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 Rooihuiskraal Noord Uitbreiding 46, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die SUD: Groep Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 467T.

(13/2/Rooihuiskraal Noord x46 (467T))
Augustus 2016

SUD: GROEP REGSDIENSTE —
(Kennisgewing 248/2016)

CITY OF TSHWANE DECLARATION OF ROOIHUISKRAAL NOORD EXTENSION 46 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 Rooihuiskraal Noord Extension 46 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Rooihuiskraal Noord x46 (467T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED, UNDER 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 174 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 Rooihuiskraal Noord Extension 46.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 5552/2014.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane by and at the expense of the township owner:

Parks (public open space): Erven 4812 and 4813.

Municipal: Erf 4811

1.4 PRECAUTIONARY MEASURES

1.4.1 The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-

1.4.1.1 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 to the satisfaction of the Municipality; and

1.4.1.2 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.

1.5 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.

1.6 ACCESS

No ingress from Provincial Road N14 to the township and no egress to Provincial Road N14 from the township shall be allowed.

1.6.1 Ingress from Road K73 to the township and egress to Road K73 from the township shall be restricted to the intersection of Capensis Avenue with such road.

1.6.2 The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Roads and Transport.

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 Roads N14 and K73 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 Head of the Department: Department of Roads and Transport 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 lying erven must be drained to the satisfaction of the Municipality.

1.8 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/ Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along Provincial Roads N14 and K73 if and when the need arises to erect such screening.

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 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.

1.10 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 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 and building rubble within the township area removed to the satisfaction of the City of Tshwane, 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 township owner.

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 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 the Gauteng Department of Agriculture and Rural Development, 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.

1.16 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF LENCHEN AVENUE AND CAPENSIS AVENUE

1.16.1 Provision shall be made for pedestrian movement along the street to the satisfaction of the City of Tshwane.

1.16.2 The sidewalk and entrances along the street shall be landscaped and planted with trees to the satisfaction of the City of Tshwane.

1.16.3 A taxi lay-by with adequate space for two (2) taxis shall be provided in the township to the satisfaction of the City of Tshwane.

1.17 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION 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 stormwater 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 REGISTRABLE

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 PROVISION OF DETAILED ENGINEERING DRAWINGS:

2.3.1.1 The developer must submit to the CoT complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

- 2.3.1.2 The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.
- 2.3.1.3 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.
- 2.3.1.4 A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

2.3.2 SITE DEVELOPMENT PLAN:

A complete Site Development Plan for the whole development must be submitted before any building 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.

2.3.3 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.

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

3.1 All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T97572/2012, if any, -

3.1.1 excluding the following servitudes which does/do not affect the township due to the locality thereof:

- "D. Kragtens Notariële Akte No K2704/03S gedateer 7 April 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en welke serwituu 6,00 meter wyd soos aangedui deur middel van die lyn x y z aa ab ac op die aangehegte kaart LG No 713/2002 ten opsigte van GASKOR met bykomende regte soos meer volledig sal blyk uit die gemelde Notariële Akte.
- E. Subject to a servitude for municipal purposes and a right of way, 7 634m² in extent, as indicated by the figure ABCDEFGJKLMNPQA on SG Diagram 7820/2000 in favour of the City of Tshwane with ancillary rights as will more fully appear from Notarial Deed K4575/2001S.
- F. Subject to a perpetual servitude for municipal purposes 242 (Two hundred and forty two) square metres in extent indicated by the figure ABCDA on diagram SG no 6104/2001 in favour of the City of Tshwane as will more fully appear from Notarial Deed No K4828/2002S.
- G. Subject to a perpetual servitude for sewerage purposes 3,00 (three) metres wide, the centre line of which servitude is indicated by the figure a C yy on diagram SG No 1601/2005 as will more fully appear from the said Notarial Deed K4829/2002S.
- H. Subject to a perpetual servitude for municipal purposes 10 (Ten) m² in extent indicated by the figure A B C D E A on diagram SG no 6106/2001 as will more fully appear from Notarial Deed No K4830/2002S
- I. Subject to a perpetual servitude for municipal purposes 30 (Thirty) m² in extent indicated by the figure ABCDA on diagram SG No 6109/2001 as will more fully appear from the Notarial Deed No K4831/2002S.
- J. Subject to a perpetual servitude for municipal purposes in extent 2,7660 hectares, as indicated by the figure Hbcdefg and hiABaDEFGH and jklmnopqrstuvwxyz attached to diagram SG 1601/2005 and as will more fully appear from Notarial Deed K4832/2002S.
- K. By virtue of Notarial Deed No K2703/2003 dated 1st April 2003 the withinmentioned property is subject to a pipeline servitude for municipal purposes 20,50 metres wide, against the northern boundary of which servitude is indicated by the lines AB, BC, CD, DE, EF, FG, GH, HJ, JK, KL and LM on diagram SG no A712/2002 in favour of the City of Tshwane as will more fully appear from the abovementioned Notarial Deed.

- M. By virtue of Notarial Deed of Servitude K5950/2004 dated 27 November 2003 the withinmentioned property is subject to a pipeline servitude for sewerage purposes, 3 metres wide the centre line of which servitude is indicated by the lines Aa and BCDEFGHJKLMN on diagram SG No A8705/1984 as will more fully appear from the abovementioned Notarial Deed.
- N. Kragtens Notariële Akte No K5010/1997 gedateer 22 Augustus 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en werke serwituut 6,00 metre wyd soos aangedui deur middel van die lyn ABCDEFGHJKLMNPQRS op die aangehegte kaart LG No 11886/1996 ten opsigte van GASKOR met bykomende regte soos meer volledig sal blyk uit die gemelde Notariële Akte.
- O. By virtue of Notarial Deed of amended servitude K132/2005S dated 15/12/2004, K4832/2002S has been amended by cancellation of Figures G2, H2, J2, K2, L2, M2 on servitude Diagram SG 6118/2001 and the registration of a new figure namely ABCDEFA in extent 1083m² on SG Diagram 8661/2004 to replace the portion of the servitude figure being cancelled as will more fully appear from the said Notarial Deed."

3.1.2 excluding the following servitudes which affect Erf 4813 in the township only and will be registered against the title deed of Erf 4813:

- "C. Kragtens Notariële Akte No 779/88S gedateer 26 Februarie 1988 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende reg om elektrisiteit te voorsien. Serwituutgebied ABCd soos op diagram LG No A5034/1986 het betrekking soos meer volledig sal blyk uit die gemelde Notariële Akte.
- L. By virtue of Notarial Deed of Servitude K2705/2003 dated 1 April 2003 the withinmentioned property is subject to a pipeline servitude 6 metres wide, the centre line of which servitude is indicated by the line ABCDEFGHJKLMNPQRSTUVWXYZ and a 3 metre pipeline servitude the centre line of which servitude is indicated by the line Nbcdefghijklm on diagram SG No A201/1981 as will more fully appear from the abovementioned Notarial Deed.
- P. An overhead electric powerline with underground cables servitude, in favour of the City of Tshwane, indicated by the lines A B C D E F A on Diagram S.G. No 3397/2014, which servitude represents 1,0911 (One Comma Zero Nine One One) Hectares of land, as will more fully appear from Notarial Deed of Servitude K7485/2015-S."

3.1.3 including the following servitudes which affect all erven in the township:

- "A. The former Remaining Extent of the abovementioned farm BRAKFRONTEIN 399, measuring as such 902,1251 hectares (a portion whereof is being transferred hereby) is subject to a servitude of Way Leave for the passage of electrical power and ancillary rights in favour of the CITY COUNCIL OF TSHWANE, as will more fully appear from Notarial Servitude of Way-Leave 739/56-S, registered on the 6th of July, 1956."

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 WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.3

- 4.1.1.1 The erf shall be subject to a servitude, 3 m 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, 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 thereof.
- 4.1.1.3 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.

4.1.2 ERF 4813

The erf is subject to a right of way servitude, 5 m wide, in favour of the local authority as indicated on the General Plan.

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