

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 122 OF 2016

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 465T

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 179, 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 465T.

(13/2/Irene x179 (465T))
 ___ SEPTEMBER 2016

SED: GROUP LEGAL SERVICES
 (Notice 251/2016)

PROKLAMASIE 122 VAN 2016

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 465T

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 179, 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 465T.

(13/2/Irene x179 (465T))
 ___ SEPTEMBER 2016

SUD: GROEP REGDIENSTE
 (Kennisgewing 251/2016)

CITY OF TSHWANE

DECLARATION OF IRENE EXTENSION 179 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 179 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Irene x179 (465T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY IRENE LAND CORPORATION (PTY) LTD, 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 741 (A PORTION OF PORTION 540) 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 179.

1.2 DESIGN

The township shall consist of erven as indicated on approved Layout Plan No CPD IRN x179/4 and General Plan SG No 5040/2014, as approved by the Surveyor General.

1.3 ACCESS

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

Ingress to and egress from the township shall be to and from the entrance road to Irene Farm Villages (Village Main), located on Erf 1239, Irene Extension 44, which intersects with Pierre Van Ryneveld Road on the eastern side of the township. In terms of condition of title 5 on page 4 of Deed of Transfer T105899/08 relevant to Erf 1239 Irene Extension 44 township, such erf is subject to a servitude of Right of Way over its entire extent in favour of the General Public and for municipal services in favour of the Municipality.

1.4 PRECAUTIONARY MEASURES

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

- (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 development area 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 body as may be relevant must be included, where relevant.

1.4.2 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.

1.4.3 The Applicant shall at own expense, make arrangements with the Municipality, in order to ensure that-

1.4.3.1 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

1.4.3.2 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.

1.5 RECEIPT AND DISPOSAL OF STORMWATER

The applicant shall cause the stormwater plan for the township to be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The applicant shall cause the low points in roads and the accumulation of stormwater in crescents, culs-de sac and lower lying erven to be drained to the satisfaction of the Municipality.

1.6 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 applicant.

1.7 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan 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.

1.8 REMOVAL OF LITTER

The applicant shall at his own expense have all litter within the township removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the Municipality.

1.9 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (PROPERTY OWNERS ASSOCIATION)

The following erven shall be transferred to the non profit Company by and at the expense of the township owner within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

Erven 4682 to 4690

A servitude for access and municipal services shall be registered over Erven 4682 to 4690 in favour of the Municipality as well as all the erven in the township.

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.

1.10 NOTARIAL LINKING OF ERVEN

The township owner shall at his own expense have Erf 1672, Irene Extension 36 notarially tied to Erf 4686 in Irene x 179 for parking purposes.

1.11 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.

1.12 CONSOLIDATION OF ERVEN

The applicant shall at his own expense after promulgation of the township but prior to the development of any erf in the township consolidate Erven 4678 and 4679 to the satisfaction of the Municipality. The city of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation of Erven 4678 and 4679 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.

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 Metropolitan Municipality 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 (property owners' 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 Metropolitan Municipality.

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

2.3.2 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 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.

2.3.3 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.

2.3.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the Municipality 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 stormwater 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 non profit 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, before the commence date of the contract and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

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.

4. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven in the township shall be made subject and, where relevant, entitled to existing conditions and servitudes, if any but:

4.1 Excluding Condition A on page 2 of Certificate of Registered Title T59767/2008 which does not affect the township due to geographic location and reads as follows:

"A. The Remaining Extent of Portion 5 of the said farm, measuring 1046,8662 hectares, a portion whereof is hereunder transferred, 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 No. 10851/1920.

4.2 Excluding Condition B on page 2 of Certificate of Registered Title T59767/2008 which does not affect the township due to geographic location and reads as follows:

"B. The former remaining extent of portion 5 of said farm measuring 953,9285 hectares, portion whereof is hereby transferred, is subject to an Order of the Supreme Court of South Africa, made on the 3rd July 1979 in Case No. M.1722/79. The said Order and Agreement, is filed under BC9566/83.

4.3 Excluding Condition C on page 2 of Certificate of Registered Title T59767/2008 which condition is pro non scripto and must not be passed on to the erven in the township and reads as follows:

"C. Subject to the reservation of all rights to minerals and precious stones in favour of IRENE ESTATE (PROPRIETARY) LIMITED NO 67/02815/07 as will more fully appear from Certificate of Rights to Minerals K4460/97RM which certificate was issued in respect of the remaining extent of portion 5 of the said farm DOORNKLOOF 391 JR Gauteng, measuring 939,0565 hectares (a portion whereof is hereby transferred)."

4.4 Excluding Condition F on page 2 of Certificate of Registered Title T59767/2008 which does not affect the township due to geographic location and reads as follows

"F. Die Resterende Gedeelte van Gedeelte 5 van die plaas DOORNKLOOF 391, Registrasie Afdeling J.R., Provinsie van Gauteng, groot 939,0565 Hektaar, (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) is onderhewig aan Onteieningskennisgewing Ex 347/98."

5. CONDITIONS OF TITLE

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

5.1.1 ALL ERVEN

5.1.1.1 The erf is subject to a servitude, 3m wide, in favour of the Municipality, 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 for municipal services, 1m wide across the access portion of the erf, if and when required by the Municipality: Provided that the Municipality may dispense with any such servitude.

5.1.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

5.1.1.3 The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area any material as may be excavated by them during the course of the construction, maintenance or removal of such works as it in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such works being made good by the Municipality.

5.1.2 Erven 4665 up to and including 4668, 4682, 4671, 4679, 4684, 4672 and 4674

The erf is subject to a sewer servitude, 5 metres wide in favour of the Municipality as indicated on the General Plan and no walls / fences / palisades or any structures may be erected in or on the roadside boundary of the servitude and the municipality must at all times be granted access to this servitude.

5.1.3 Erf 4663, 4672, 4674, 4675, 4673 and 4680

The erf is subject to a sewer servitude, 1 meter wide in favour of the Municipality as indicated on the General Plan and save for the midblock erf boundary, no walls / fences / palisades or any structures may be erected in or on the boundary of the servitude and the municipality must at all times be granted access to this servitude.

5.1.4 Erf 4664, 4672, 4673, 4676 and 4681

The erf is subject to a sewer servitude 4 meters wide in favour of the Municipality as indicated on the General Plan and save for the midblock erf boundary, no walls / fences / palisades or any structures may be erected in or on the boundary of the servitude and the municipality must at all times be granted access to this servitude..

5.1.5 Erven 4664 up to and including 4672, 4674, 4675, 4676, 4678, 4679, 4681 4682, 4683, 4684 and 4688

The erf is subject to a 2 metre wide stormwater servitude in favour of the Municipality as indicated on the General Plan.

5.1.6 Erven 4678 and 4679

The erf is subject to a 3 meter wide sewer servitude in favour of the Municipality as indicated on the General Plan and save for the midblock erf boundary, no walls / fences / palisades or any structures may be erected in or on the roadside boundary of the servitude and the municipality must at all times be granted access to this servitude.

5.1.7 Erf 4686

The erf is subject to a 3m wide servitude for conveyance of electricity in favour of the Municipality as indicated on the General Plan.

5.1.8 Erf 4688

The erf is subject to a sewer servitude in favour of the Municipality as indicated on the General Plan.

5.2 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:

5.2.1 ERVEN 4663 up to and including 4681

The erven are subject to the following conditions in favour of the non profit company to be created on transfer of the erven to any purchaser:

Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the Landowners' Association (non profit Company) for the development (hereinafter referred to as the 'Association') and the township owner shall procure that each erf be made subject to the following conditions in favour of the Association:

5.2.1.1 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.

5.2.1.2 Transfer of the erf to a third party is allowed only with the consent of the Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.

5.2.1.3 The owner of the erf is hereby made aware of the risk involved in developing on dolomite. A list of precautionary measures and monitoring schedules, in order to ensure that the owner understands how to manage dolomite stability risk responsibility is held and maintained by the Owners' Association of which the owner of the erf is a member.

5.2.2 Erven 4682, 4683, 4684 and 4687 up to and including 4690

The erf is subject to a servitude over its entire extent in favour of all the other erven in Irene Extension 179, for right of way and the conveyance of engineering services and the Municipality shall at all times be granted access to this servitude.

5.2.3 Erven 4685 and 4686

The erf is subject to a servitude for parking over its entire extent in favour of all other erven in Irene Extension 179 and the Owner's Association.

5.2.4 Erven 4663, 4665 up to and including 4671, 4673, 4682 up to and including 4684

The erf is subject to a servitude for parking, 4 meters wide in favour of the Property Owners Association for parking purposes, as indicated on the General Plan.

5.2.5 Erven 4663 up to and including 4672, 4674 up to and including 4681

The erf is subject to a servitude for parking, 2.5 meters wide in favour of the Property Owners Association for parking purposes, as indicated on the General Plan.

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