

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 137 OF 2016**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 3537T**

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 Eldoraigne Extension 84, 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 3537T.

(13/2/Eldoraigne x84 (3537T))
28 OCTOBER 2016

SED: GROUP LEGAL SERVICES
(Notice 265/2016)

PROKLAMASIE 137 VAN 2016**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 3537T**

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 Eldoraigne Uitbreiding 84, 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 3537T.

(13/2/Eldoraigne x84 (3537T))
28 OKTOBER 2016

SUD: GROEP REGSDIENSTE
(Kennisgewing 265/2016)

CITY OF TSHWANE**DECLARATION OF ELDORAIGNE EXTENSION 84 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 Eldoraigne Extension 84 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Eldoraigne x84 (3537T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS 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 712 OF THE FARM ZWARTKOP 356JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Eldoraigue Extension 84.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 4196/2015.

1.3 LAND FOR MUNICIPAL PURPOSES

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

Municipal: Erf 4792

1.4 PRECAUTIONARY MEASURES

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

1.4.1.1 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 designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

1.4.1.2 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.

1.4.2 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 township owner shall at its 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 to the satisfaction of the Municipality; 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 to the satisfaction of the Municipality.

1.5 RECEIVING AND DISPOSAL OF STORMWATER

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.

- 1.6 **ACOUSTIC SCREENING MEASURES/NOISE BARRIER**
- The applicant/Municipality shall be responsible for any costs involved in the erection of acoustic screening along adjacent roads, if and when the need arises to erect such screening.
- 1.7 **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.
- 1.8 **DEMOLITION OF BUILDINGS AND STRUCTURES**
- When required by the City of Tshwane Metropolitan Municipality 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.
- 1.9 **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 Metropolitan Municipality, when required to do so by the Municipality.
- 1.10 **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.
- 1.11 **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.
- 1.12 **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 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.
- 1.13 **NON-PROFIT COMPANY**
- 1.13.1 The Eldoraigne Retirement Estate Home Owners' Association NPC must be established in terms of the Companies Act whereas such association shall be responsible for the management of the security village in general.
- 1.13.2 Erf 4793 must be registered in the name of the Eldoraigne Retirement Estate Home Owners' Association NPC.
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

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T67772/2014, if any, but excluding –

3.1 the following conditions or servitudes registered against Portion 456:

3.1.1 which affects Erven 4791 and 4792 in the township and will be registered as such:

“1. The former Portion 62 of the said farm Zwartkop (of which the property hereby transferred forms a portion) is subject to a right of way leave over it in favour of the City Council of Pretoria for the purpose of conveying electricity by means of high or low tension or other underground cables or overhead transmission lines etc, with certain ancillary rights and subject to certain conditions, as will more fully appear from Notarial Deed No 664/1934S.

3. By virtue of Notarial Deed Number K810/1996S, registered on 12th February 1996, the property hereby transferred is subject to a servitude for municipal purposes 4 (four) meters wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE the Western boundary of which is indicated by the line FA on Diagram LG Number 5865/1995 annexed to Certificate of Registered Title T10865/1996, as will more fully appear on reference to the said Notarial Deed and Diagram.”

3.1.2 which affects Erf 4792 in the township and will be registered as such:

“2. By virtue of Notarial Deed Number K7278/1994S, registered on 22nd December 1994, the property hereby transferred is subject to a servitude for sewerage pipeline 3 (three) meters wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE the centre line of which is indicated by the line ab on Diagram LG number 5865/1995 annexed to Certificate of Registered Title T10865/1996, as will more fully appear on reference to the said Notarial Deed and Diagram.”

3.2 the following conditions or servitudes registered against Portion 457:

3.2.1 which affects Erven 4791 to 4793 in the township and will be registered as such:

“1. The former Portion 62 of the said farm Zwartkop (of which the property hereby transferred forms a portion) is subject to a right of way leave over it in favour of the City Council of Pretoria for the purpose of conveying electricity by means of high or low tension or other underground cables or overhead transmission lines etc, with certain ancillary rights and subject to certain conditions, as will more fully appear from Notarial Deed No 664/1934S.

5. By virtue of Notarial Deed Number K812/1996S, registered on 12th February 1996, the property hereby transferred is subject to a servitude of right of way 13 (thirteen) meters wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE, the southern boundary of which is indicated by the line EF of Diagram LG number 5866/1995 annexed to Certificate of Registered Title T10865/1996, as will more fully appear on reference to the said Notarial Deed and Diagram.”

3.2.2 which affects Erven 4791 and 4792 in the township and will be registered as such:

"2. By virtue of Notarial Deed Number K7278/1994S, registered on 22nd December 1994, the property hereby transferred is subject to a servitude for sewerage pipeline 3 (three) meters wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE the centre line of which is indicated by the line abcd on Diagram LG number 5866/1995 annexed to Certificate of Registered Title T10865/1996, as will more fully appear on reference to the said Notarial Deed and Diagram.

4. By virtue of Notarial Deed Number K810/1996S, registered on 12th February 1996, the property hereby transferred is subject to a servitude for municipal purposes 5 (five) metres wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE the reference line being 4,5 (four comma five nought) metres south west of the centre line of the said servitude as indicated by the line EFG on Diagram LG number 5866/1995 annexed to Certificate of Registered Title T10865/1996S, together with ancillary rights, as will more fully appear on reference to the said notarial Deed and Diagram."

3.2.3 which affects Erven 4792 and 4793 in the township and will be registered as such:

"3. By virtue of Notarial Deed Number K810/1996S, registered on 12th February 1996, the property hereby transferred is subject to a servitude for municipal purposes 4 (four) meters wide in favour of the CENTURION METROPOLITAN SUBSTRUCTURE the Western boundary of which is indicated by the line FA on Diagram LG Number 5866/1995 annexed to Certificate of Registered Title T10865/1996, as will more fully appear on reference to the said Notarial Deed and Diagram."

3.3 the following conditions or servitudes registered against Portions 456 and 457:

3.3.1 which affects all erven in the township and will be registered as such:

"1. By virtue of notarial deed of tie agreement K6954/2015S dated 13th November 2015 the within mentioned properties are notarially tied to Erf 4789 Eldoraighne Ext 76 JR. None of the properties shall be transferred, disposed of or otherwise alienated separately without the prior written consent of the City of Tshwane Metropolitan Municipality as will more fully appear from the said notarial deed of tie agreement, with ancillary rights.

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 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 local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3 m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority 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 2 m 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 4791

The erf is subject to a stormwater servitude, 3 m wide, in favour of the local authority as indicated on the General Plan.

4.1.3 ERVEN 4791 TO 4793

The erf is subject to a stormwater servitude, 3 m wide, in favour of the local authority 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 ERF 4791

4.2.1.1 As this erf forms part of the area that is underlain by dolomite, the owner/developer shall make any prospective buyer/tenant 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/tenant understands how to manage dolomite stability risk responsibility.

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