

**THE PROVINCE OF
GAUTENG**



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1190 OF 2017**CITY OF TSHWANE****CENTURION AMENDMENT SCHEME 1431C**

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 11, being an amendment of the Centurion Town-planning Scheme, 1992.

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

This amendment is known as Centurion Amendment Scheme 1431C.

(13/2/Monavoni x11 (1431C)
__ AUGUST 2017

GROUP LEGAL AND SECRETARIAT SERVICES
(Notice 248/2017)

PLAASLIKE OWERHEID KENNISGEWING 1190 VAN 2017**STAD TSHWANE****CENTURION WYSIGINGSKEMA 1431C**

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 11, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur Groep Regs en Sekretariaat Dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Centurion-wysigingskema 1431C.

(13/2/Monavoni x11 (1431C)
__ AUGUSTUS 2017

GROEP REGS EN SEKRETARIAAT DIENSTE
(Kennisgewing 248/2017)

CITY OF TSHWANE**DECLARATION OF MONAVONI EXTENSION 11 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 11 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Monavoni x11 (1431C))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD, UNDER THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 135 (A PORTION OF PORTION 13) OF THE FARM BRAKFORTEIN 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Monavoni Extension 11.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 5471/2005.

1.3 PROVISION OF OPEN SPACE AND/OR ENDOWMENT

The township owner has agreed to the provision of an open space area of 2 266 m² on Erf 734 and 1 650m² on Erf 735 in lieu of open space provision for Monavoni Extensions 11, and shall be indicated on the Site Development Plan.

If at any time, the area is not available for open space purposes, the developer or the successor in title shall pay in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations an endowment amount to the City of Tshwane Metropolitan Municipality. 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).

1.4 PRECAUTIONARY MEASURES

1.4.1 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.

1.4.2 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 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

1.4.3.2 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 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 P66-1 (K71) to the township and no egress to Provincial Road P66-1 (K71) from the township shall be allowed.

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 Road P66-1 (K71), 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.

1.8 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.

1.9 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.

1.10 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.

1.11 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.

1.12 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.

1.13 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.

1.14 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF GRANITE CRESCENT

- (a) Provision shall be made for pedestrian movement along Granite Crescent to the satisfaction of the City of Tshwane Metropolitan Municipality.
- (b) The sidewalk and entrances along Granite Crescent shall be landscaped and planted with trees to the satisfaction of the City of Tshwane Metropolitan Municipality.
- (c) Taxi lay-by shall be provided at the entrance of Erf 736 onto Granite Crescent to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.15 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 736 and 737 shall be transferred to the non profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever ever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 736 in favour of the Municipality and all the erven in the township.

A servitude for municipal services shall be registered over Erf 737 in favour of the Municipality.

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.

1.16 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:

No erf and or unit, nor any sectional title scheme or a Certificate of Registered title shall be registered in the township or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with these conditions of establishment, the payment of any bulk- or other engineering services including any amounts due and payable for the provision of parks and opens spaces and the conditions as contemplated in section 3 of these conditions.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The developer has establish a non profit company (homeowners' association), Stone Villa Home Owners' Association Registration Number 2005/019096/08 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.

The Memorandum of Incorporation must clearly state that the main objective of the homeowners' 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.

All buildings and structures to be erected shall be made subject to the provisions of the Development Framework, Monavoni x 3 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.

2.3.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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 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.

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must submit proof to the Municipality that:

- (a) the non profit company has been furnished with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract.
- (b) the Municipality has been furnished with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and / or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding –

- (a)j. following conditions/servitudes in Title Deed T165426/2003, which do not affect the township due to its location:

“A. Die voormalige Resterende Gedeelte van die bogenoemde plaas Brakfontein Nr. 399, groot sodanig 902.1251 hektaar (waarvan die gedeelte hiermee gehou 'n deel vorm) 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 volledig sal blyk uit Notariele Serwituutakte van Deurgang Nr. 739/1956S.”

- ii. The following servitude which appears as an endorsement on Page 6 of Deed of Transfer T165426/2003 which do not affect the township, due to its location:

By virtue of Notarial Deed K3559/2013S the within mentioned property is subject to a servitude for Municipal purposes, engineering services and a Right of Way indicated by figure ABCDEFGHJKL on Diagram SG No 486/2013, in favour of the City of Tshwane as will more fully appear from the said Notarial Deed”

- iii. The following servitude which appears as an endorsement on Page 6 of Deed of Transfer T165426/2003 which do not affect the township, due to its location:

By virtue of Notarial Deed K3560/2013S the within mentioned property is subject to a servitude for Municipal purposes, engineering services and a Right of Way indicated by figure ABCDEFGHJKLMNPQRSTA on Diagram S.G. No. 488/2013, in favour of the City of Tshwane Metropolitan Municipality.

- a) Excluding the following servitudes which appear on page 6 of Title Deed T165426/2003 and affects Granite Crescent in the township only:
 - i. By virtue of Notarial Deed K3558/2013S the within mentioned property is subject to a servitude for Municipal purposes, engineering services and a Right of Way indicated by figure ABCDEFGHJKLMNA on Diagram S.G. No. 2213/2012, in favour of the City of Tshwane metropolitan Municipality as will more fully appear from the said Notarial Deed.

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, 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 Metropolitan 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 City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1 above, the undermentioned erven shall be subject to the conditions as indicated:

4.1.2.1 ERF 734

The erf shall be subject to a servitude (3m wide) for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

4.1.2.2 ERVEN 734 and 735

The erf shall be subject to a servitude (5m wide) for municipal services (sewer and stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

4.1.2.3 ERVEN 734 and 735

The erf shall be subject to a servitude (4m wide) for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

4.1.2.4 ERF 736

The entire erf, except for the figure a b c d, shall be subject to a servitude for general municipal purposes (water, electricity, stormwater and sewerage) in favour of the City of Tshwane Metropolitan Municipality.

4.1.2.5 ERF 737

The entire erf shall be subject to a servitude for general municipal purposes and stormwater in favour of the City of Tshwane Metropolitan Municipality.

4.1.2.6 ERVEN 734 and 735

The erven shall be subject to a servitude (3m x 6m) for municipal services (electrical purposes) in favour of the City of Tshwane Metropolitan 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 ERVEN 734 and 735

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:

4.2.1.1 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.

4.2.1.2 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.

4.2.1.3 The erf is subject to a servitude, 3, wide, in favour of the non profit Company 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, 2 m wide across the access portion of the erf, if and when required by the non profit company: Provided that the non profit Company may dispense with any such servitude.

4.2.1.4 The owner of each erf must be made 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 home owner understands how to manage dolomite stability risk responsibility.

4.2.2 ERF 736

4.2.2.1 The erf except for figure a-b-c-d be subject to a right-of-way servitude for road purposes in favour of all the owners of dwelling units on erven 734 and 735.

4.2.3 ERVEN 734 AND 735

4.2.3.1 All the owners of dwelling units on erven 734 and 735 shall be entitled to a right of way servitude for road purposes over the whole of erf 736 except for figure a-b-c-d.

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