

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE VAN  
GAUTENG***

**Provincial Gazette  
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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 899 OF 2017****CITY OF TSHWANE****PRETORIA AMENDMENT SCHEME 13204P**

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 Lotus Gardens Extension 15, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 13204P.

(13/2/Lotus Gardens x15 (13204P)  
\_\_ SEPTEMBER 2017

**GROUP LEGAL AND SECRETARIAT SERVICES**  
(Notice 253/2017)

**PROVINSIALE KENNISGEWING 899 VAN 2017****STAD TSHWANE****PRETORIA WYSIGINGSKEMA 13204P**

Hierby word ingevoige die bepaaings van artikei 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 Lotus Gardens Uitbreiding 15, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 13204P.

(13/2/Lotus Gardens x15 (13204P))  
\_\_ SEPTEMBER 2017

**GROEP REGS EN SEKRETARIAAT DIENSTE**  
(Kennisgewing 253/2017)

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**CITY OF TSHWANE****DECLARATION OF LOTUS GARDENS EXTENSION 15 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 Lotus Gardens Extension 15 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Lotus Gardens x15 (13204P))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTRAL PROPERTY DEVELOPMENT JOHANNESBURG (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 551 (A PORTION OF PORTION 468) OF THE FARM PRETORIA TOWN AND TOWNLANDS 351JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be Lotus Gardens Extension 15.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 3185/2015.

Enquiries: (012) 748-6205

DIRECTOR: FINANCIAL MANAGEMENT  
OFFICE OF THE PREMIER (GAUTENG)  
PRIVATE BAG X85  
PRETORIA  
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**NOTICE FOR ADVERTISEMENT IN THE GAUTENG PROVINCIAL GAZETTE**

**CITY OF TSHWANE**

RE: NOTICE

SUBJECT: DECLARATION OF LOTUS GARDENS EXTENSION 15 AS  
APPROVED TOWNSHIP: PRETORIA AMENDMENT SCHEME  
13204P

REQUISITION NUMBER: **The applicant is responsible for the account**

NOTICE NUMBER: **253 of 2017**

DATE: 12 September 2017

FIRST PLACEMENT DATE: **\_\_\_ SEPTEMBER 2017**

FULL ADDRESS FOR ACCOUNT: Group Legal and Secretariat Services  
City of Tshwane  
PO Box 440  
PRETORIA  
0001

TELEPHONE NUMBER: (012) 358-7396

f GROUP LEGAL AND SECRETARIAT SERVICES

**1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES**

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

**1.4 GAUTENG PROVINCIAL GOVERNMENT CONDITIONS**

(a)(i) The final approved plan showing the layout of the township shall be supplied to the Department of Public Transport, Roads and Works by 26 September 2017, otherwise the application shall be submitted to the Department of Public Transport, Roads and Works for reconsideration.

(ii) If however, before the expiry date mentioned in (i) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(iii) The township owner shall comply with the conditions of the Department as set out in the Department's letters dated 2 February 2007 and 26 September 2007.

**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 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 CONDITIONS IMPOSED BY NATIONAL AND REGIONAL ROADS AUTHORITIE**

The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Public Transport, Roads and Works (Gauteng Provincial Government) and where applicable as imposed by the local authority.

**1.7 ACCESS**

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or the Department of Public Transport, Roads and Works.

**1.8 ACCEPTANCE AND DISPOSAL OF STORMWATER**

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all storm water running off or being diverted from the roads shall be received and disposed of.

**1.9 REFUSE REMOVAL**

1.9.1 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 City of Tshwane Metropolitan Municipality.

1.9.2 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.

#### 1.10 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

1.10.1 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 ENDOWMENT

No endowment is payable to the City of Tshwane Metropolitan Municipality.

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

1.13.1 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 storm water 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;

1.13.2 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 storm water 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

1.13.3 Notwithstanding the provisions of Clause 3 hereunder, the township owner shall, at its cost and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (b) above. 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.

#### 1.14 THE TOWNSHIP OWNER'S OBLIGATIONS

##### 1.14.1 ASSOCIATION AND STATUTES

The township owner shall register a Non Profit Company (home-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 Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, roads and storm water services). The township owner 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.

**1.14.2 PROVISION OF ENGINEERING DRAWINGS**

The township owner shall 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.

**1.14.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER**

Before any erf is transferred, the City of Tshwane Metropolitan Municipality shall 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 township owner 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.

**1.14.4 MAINTENANCE PERIOD AND GUARANTEE**

A maintenance period of 12 (twelve) months commences on the date on which the council 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 storm water sewers) have been completed.

A maintenance guarantee shall 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 shall 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, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

**1.14.5 COMPLETION OF THE SCHEME**

The township owner remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane Metropolitan Municipality, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane Metropolitan Municipality must be notified of this without delay.

**2. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

2.1 Excluding the following servitudes, which do not affect the township, due to the locality:

- (a) "B. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3308,7324 ('n gedeelte waarvan hierkragtesn getranspoteer word) is kragtes Notariële Akte K 628/1968 S gedateer 15 FEBRUARIE 1968 en 5 MAART 1968 onderhewig aan 'n serwituut vir 'n kraglyn en skakelkas met meegaande regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA soos meer volledig sal blyk uit genoemde Notariële Akte."
- (b) "C. THE former remaining extent of portion 6 of the said farm in extent 3103,2795 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K 1276/1977 S dated 23rd MARCH 1977, subject to a servitude in perpetuity together with ancillary rights along a strip of ground 2493 square metres in extent as indicated by figure A B C D E F J K on diagram S.G. No. A 6406/1973 annexed thereto as will more fully appear on reference to the said notarial deed registered on 18 APRIL, 1977."



- (c) "D. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3015,9551 hektaar ('n gedeelte waarvan hierkragtens getransporteer word) is kragtens Akte van Sessie K 3335/1997 S gedateer 1 NOVEMBER 1977, onderherwing aan –
- (i) 'n PYPLYNSERWITUUT aangedui deur die lyn A B C op kaart L.G. Nr. A 2137/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy AMINISTRASIE VAN SPOORWEE EN HAWENS.
- (ii) 'n PYPLYNSERWITUUT aangedui deur die lyn A B C D E F G H J K L op kaart L.G. Nr. A 2393/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy AMINISTRASIE VAN SPOORWEE EN HAWENS."
- (d) "E. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 2797,5346 hektaar ('n gedeelte waarvan hierkragtens getransporteer word) is kragtens Notariële Akte K 1386/1983 S onderhewig aan die reg aan E S K O M verleen om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte en onderworpe aan voorwaardes soos meer volledig sal blyk uit gesegde akte en kaart geregistreer op 24 MEI 1983."
- (e) "F. DIE voormalige resterende gedeelte van gedeelte 6 van gemelde plaas groot 1766,4013 hektaar ('n gedeelte waarvan hierkragtens getransporteer word) is kragtens Notariële Akte K 476/1988 S gedateer 1 FEBRUARIE 1988, onderhewig aan 'n waterpyleiding serwituut soos aangedui deur die figuur A B C D E F op kaart L.G. Nr. A 568/1976 ten gunste van die RAND WATERRAAD soos meer volledig sal blyk uit gemelde Notariële Akte."
- (f) "G. DIE resterende gedeelte van gedeelte 6 van die plaas PRETORIA TOWN AND TOWNLANDS 351, groot 1309,7584 hektaar (waarvan 'n gedeelte hierkragtens getransporteer word) is –
- (i) KRAGTENS Notariële Akte K 94/1998 S gedateer 3 JULIE 1997, onderhewig aan 'n permanente serwituutgebied vir die installing en oprigting van 'n pyplyn en werke 6 (ses) meter wyd waarvan die middellyn aangedui word deur die lyne A B C D E, F G H en J K L M N P Q R S T U V W X Y Z op kaart LG No 2219/1997 met meegaande regte en 'n tydelike serwituutgebied vir die duur en die konstruksie van die pyplyn en werke ten gunste van die SUID-AFRIKAANSE GASDISTRIBUSIE-KORPORASIE BEPERK (1964/006005/06) soos meer volledig sal blyk uit die gemelde Notariële Akte."
- (ii) KRAGTENS Notariële Akte K 95/1998 S gedateer 11 NOVEMBER 1997 onderhewig aan 'n permanente serwituutgebied vir die installing en oprigting van 'n drukverminderingstasie, pyplyn en werke met meegaande regte, welke –
- A. PYPLYN en werke 6 (ses) meter wyd is en waarvan die middellyn aangedui word deur die lyne A B C, D E F G H J K L M en N P Q en die
- B. DRUKVERMINDERINGSTASIE en werke 1794 vierkante meter groot is, aangedui deur figuur R S T U op kaart L.G. No. 4107/1997
- sowel as 'n tydelike serwituut vir die duur van die konstruksie van die pyplyn en werke ten gunste van die SUID-AFRIKAANSE GASDISTRIBUSIE KORPORASIE BEPERK (1964/006005/06) soos meer volledig sal blyk uit die gemelde Notariële Akte."
- (g) The former Remaining Extent Portion 468 (a portion of portion 6) of the farm Pretoria Town and Townlands 351 Registration Division J.R.; Province of Gauteng, Measuring: 13,290 (One Three comma Two Nine Zero) hectares is subject to a perpetual servitude to convey and transmit water over the property, by means of a pipeline already laid and which may hereafter be laid along a strip of ground 310 (three one zero) square meters in extent as depicted by the figure A B C D E F G on servitude diagram S.G. Number 1938/2012 annexed thereto in favour of RAND WATER BOARD as will more fully appear on Notarial Deed of Servitude Number K919/2015 S dated 5 February 2015

### 3. CONDITIONS OF TITLE

Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986)

#### 3.1 ALL ERVEN

- 3.1.1 Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- 3.1.2 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.
- 3.1.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other 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 sewerage mains and other works being made good by the local authority.

#### 3.2 ERVEN 7734 AND 7735

The erven shall be subject to a 4 m wide sewer servitude in favour of the City of Tshwane, as shown on the General Plan.

#### 3.3 ERF 7735

The erf shall be subject to a servitude for flood management in favour of the City of Tshwane, as shown on the General Plan.