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PROCLAMATION • PROKLAMASIE

PROCLAMATION 176 OF 2017**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 3981T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****ZWARTKOPPIES EXTENSION 45**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Zwartkoppies Extension 45 is an approved township, subject to the conditions as set out in the schedules hereto.

It is hereby notified in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Zwartkoppies Extension 45, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 3981T and shall come into operation on the date of publication of the notice.

(13/2/Zwartkoppies x45 (3981T))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ NOVEMBER 2017
(Notice 265 of 2017)

CITY OF TSHWANE**DECLARATION OF ZWARTKOPPIES EXTENSION 45 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Zwartkoppies Extension 45 is an approved township, subject to the conditions as set out in the schedules hereto.

(13/2/Zwartkoppies x45 (3981T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BY BALWIN PROPERTIES LIMITED, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 280 OF THE FARM ZWARTKOPPIES NO 364JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Zwartkoppies Extension 45.

1.2 DESIGN

The township consists of erven as indicated on the General Plan SG No 2261/2017.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The Township Owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 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 stormwater running off or being diverted from the roads and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.5 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF ROADS AND TRANSPORT

1.5.1 If circumstances change in the opinion of the Municipality 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).

1.5.2 The township owner shall comply with the conditions of the Department as set out in the Department's letters dated 11 May 2016 and 28 June 2016.

1.5.3 The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport (hereafter referred to as Gautrans) has granted consent for the development.

1.5.4 The access to the land development area will be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by Gautrans.

1.5.5 Access to the township will be provided from Road R104 (P154-1) (K22).

1.5.6 Lines of no access will be applicable as shown on Layout Plan CPD/ZWART-KOPPIES X45 PHASE 1/2.

1.5.7 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of Gautrans will be erected along the lines of no access on the boundary of the development area fronting on provincial roads.

1.5.8 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erven abutting on Road R104 (P154-1) (K22) and 20m from the boundaries of the erven abutting on N4, nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of Gautrans and SANRAL.

1.5.9 In terms of EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, the following building lines are applicable:

20m building line from Road N4 affecting Erf 1737.

1.5.10 The applicant shall arrange for the drainage of the development area to fit in with that of Provincial Road R104 and N4 and for all stormwater running off or being diverted from Provincial Roads R104 and N4 to be received and disposed of.

- 1.5.11 No advertisements that may be visible from Provincial Road R104 and the N4 shall be displayed without the written approval of Gautrans, SANRAL and the Municipality.
- 1.6 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)
- 1.6.1 Should the township not be proclaimed in terms of section 16(9) of the By-law before September 2021 the application to establish the township, shall be resubmitted to the Department of Agriculture, and Rural Development' authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- 1.6.2 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 the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 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.
- 1.7 CONDITIONS IMPOSED BY NATIONAL AND REGIONAL ROADS AUTHORITIES
- The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the South African National Roads Agency Limited, the Department of Roads and Transport (Gauteng Provincial Government) and where applicable as imposed by the Municipality. Comments per phase must be obtained from SANRAL even if the township is not directly affected by a SANRAL road.
- 1.8 ACCESS CONDITIONS
- 1.8.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.
- 1.8.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No. CPD/ZWARTKOPPIES X45 PHASE 1/2.
- 1.8.3 No access to or egress from the township shall be permitted via the N4.
2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013
- 2.1 REFUSE REMOVAL
- 2.1.1 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.
- 2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for the removal of all refuse.
- 2.2 REMOVAL OR REPLACEMENT OF EXISTING SERVICES
- 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, TELKOM and/or ESKOM should it be deemed necessary.

2.3 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 Municipality, when requested thereto by the Municipality or where buildings/structures are dilapidated.

2.4 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner;

prior to the Municipality certifying to the Registrar of Deeds that:

2.4.1 all engineering services have been designed and constructed to the satisfaction of the Municipality, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;

2.4.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;

2.4.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;

2.4.4 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;

2.4.5 it is in a position to consider a final building plan; and

2.4.6 all the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.5 RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN CONTEMPLATED IN SECTION 16(11) READ WITH SECTION 34 AND SCHEDULE 19 OF THE BY-LAW TO A ENTITY

The following servitudes are applicable and must be registered:

2.5.1 The applicant must register a 2m wide stormwater servitude, in favour of the Municipality, over the Erf 1737, Zwartkoppies Extension 45 Township along the eastern boundary simultaneously with proclamation of the township.

2.5.2 The applicant must register a 3m wide stormwater servitude, in favour of the Municipality, over the Erf 1737, Zwartkoppies Extension 45 Township simultaneously with proclamation of the township.

2.5.3 The applicant must register a 5m wide water servitude, in favour of the Municipality, over Erf 1736, Zwartkoppies Extension 45 Township simultaneously with proclamation of the township.

The erf may not be transferred thereafter by the entity before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

The township owner shall comply with the provisions of section 34 read with Schedule 19 of the By-law in the establishing of an Entity.

The township owner shall, at its own costs and to the satisfaction of the Municipality, remove all refuse, building rubble and/or other materials from Erf 1737, Zwartkoppies Extension 45 Township prior to the transfer of the erf/erven in the name of the Entity.

2.6 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall, in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, provide sufficient open space.

A servitude in favour of Erf 1737, Zwartkoppies Extension 45 must be registered over a portion of Portion 241 of the Farm Zwartkoppies No 364 (to be known as Erf 1740 Zwartkoppies Extension 46 Township) prior to the proclamation of Zwartkoppies Extension 46 in order to comply with the open space requirements.

2.7 ESTABLISHMENT OF AN ENTITY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his / her cost establish a Property-Homeowners Association or other entity as may be approved by the municipality and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the entity being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such entity has been duly formed, before a section 16(10) Certificate shall be issued in terms of the By-law.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to such entity for purposes of access and engineering services.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

3.1 All erven shall be made subject to all the existing conditions of title, if any:

including the following conditions which affect all erven, except that portion of Erf 1737 indicated by the figure YgFWcbY on General Plan SG No 2261/2017:

A. The former Remainder of Portion 241 (portion of portion 6) of the Farm Zwartkoppies No 364, JR, (of which the portions indicated by the figures baEFGdcb, fejhgf, mkqpm, 1c1b1azyxwvutsJKLMNOPQRSTUVWXYZ1e1d1c and 1h1gXY1h on diagram SG No 2258/2017 form a portion) and the former Remainder of Portion 6 of the Farm Zwartkoppies No 364, JR, (of which the portion indicated by the figure ABCDabcdefghjkmnpqHrstuvwxyz1a1b1cA on diagram SG No 2258/2017 forms a portion), are subject to the following conditions:

1. Onderhewig aan die volgende serwituut wat oteien en gesedeer is aan die CITY OF TSHWANE METROPOLITAN MUNICIPALITY kragtens Notariële Akte van Sessie K6632/1993S:

- a. 'n Serwituut vir Rioolpypleiding 6 meter wyd soos aangedui deur middel lyn van serwituut w x y z a' b' c' d' op diagram LG 3985/2011 aangeheg by Sertifikaat van Geregistreeerde Titel No T 71643/2012;
- b. 'n Serwituut vir Rioolpypleiding 2 meter wyd soos aangedui deur middel lyn van serwituut d' e' f' g' h' op diagram LG 3985/2011 aangeheg by Sertifikaat van Geregistreeerde Titel No T 71643/2012;

welke serwitute die binne gemelde eiendom raak slegs insoverre dit bykomende regte aanbetref.

2. Kragtens Notariële Akte K658/1995S gedateer 23 Januarie 1995 is die eiendom onderhewig aan 'n ewigdurende reg om water te neem en te voer oor en deur, deur middel van pypleidings binne stroke grond 3636 vierkante meter en 1965 vierkante meter groot soos aangedui deur die figuur c d e f g Mid River h j k l m op diagram LG 3985/2011 aangeheg by Sertifikaat van Geregistreeerde Titel No T 71643/2012 met bykomende regte ten gunste van RANDWATER soos meer volledig sal blyk uit gemelde Notariële Akte, welke serwituut die binne gemelde eiendom raak slegs insoverre dit bykomende regte aanbetref.

3. Kragtens Notariële Akte K3355/2003S gedateer 18 April 2003 is die eiendom onderhewig aan 'n 3 meter wye Rioolserwituut met bykomende regte, aangetoon deur die figuur 2a2b2c2d2e2f2a op diagram SG No 2258/2017 hierby aangeheg, ten gunste van die Kobus en Uda Meyburg Familie Trust, soos meer volledig sal blyk uit gemelde Notariële Akte.
 4. By virtue of Notarial Deed of Servitude K1009/2012S dated 9 February 2012 subject to a water pipeline servitude 3239 square metres, 6 (six) metres wide, as indicated by the figure x'j'k'l'm'n'p'q'r's't'u'v'w' on diagram SG 3985/2011 annexed to Certificate of Registered Title No T71643/2012 in favour of the City of Tshwane Metropolitan Municipality, as will more fully appear from the said Notarial Deed of Servitude, which servitude affects the withinmentioned property only insofar as ancillary rights are concerned.
- 3.2 excluding the following conditions which affect only that portion of Erf 1737 indicated by the figures YbcXY and fghjkmnpqf on General Plan SG No 2261/2017:
- A. The former Remainder of Portion 241 (portion of portion 6) of the Farm Zwartkoppies No 364, JR, (of which the portions indicated by the figures baEFGdcb, fejhgf, mkqpm, 1c1b1azyxwvutsJKLMNOPQRSTUVWXYZ1e1d1c and 1h1gXY1h on diagram SG No 2258/2017 form a portion), are subject to the following conditions, which affects the withinmentioned property only insofar as ancillary rights are concerned:
 1. The OWNER of the Property hereby gives and grants to TRANSNET a perpetual servitude over the Property which represents the centre line of a pipeline servitude 6 (Six) metres wide which will more fully appear from SG Diagram 1660/2012 and Notarial Deed of Servitude K 766/2017 S.
 2. The servitude includes full rights to construct, patrol, inspect, maintain, repair, replace, renew, remove and operate the pipeline and any other construction, appurtenances, additions or fittings which may be necessary for the operation and management of the pipeline and to perform all acts necessary for or incidental to the effective carrying out of any of the above operations.
- 3.3 excluding the following conditions which affect only that portion of Erf 1737 indicated by the figure YgfWcbY on General Plan SG No 2261/2017:
- A. The former Portion 138 (portion of portion 23) of the Farm Zwartkoppies No 364, JR, (of which the portion indicated by the figure 1d1e1fW1g1hY1d on diagram SG No 2258/2017 forms a portion) is subject to the following conditions: The former Portion 138 (portion of portion 23) of the Farm Zwartkoppies No 364, JR, indicated by the figure 1d1e1fW1g1hY1d on diagram SG No (to be registered), is subject to the following conditions:
 1. By right of the Notarial Deed of Servitude K1808/1998 dated 16th February 1998, the owner of the within mentioned property grants to Rand Water Board the right in perpetuity to convey and transmit water over the property by means of pipelines already laid and which may hereafter be laid along a strip of ground 1,5763 metres in extent as indicated by the figures ABCDEFGHJK on Servitude Diagram SG A75/1993 together with ancillary rights, as will more fully appear from the said Notarial Deed of Servitude, which servitude affects this property only insofar as ancillary rights are concerned.
 2. Kragtens Notariële Akte van Serwituut K5977/2003S word 'n ewigdurende Rioolserwituut oor die Resterende Gedeelte van Gedeelte 23, welke serwituut 3 (drie) meter wyd is en loop oor die Resterende Gedeelte van Gedeelte 23, soos meer volledig aangetoon op Serwituut Diagram 8162/2002, waarvan figuur ABCDEFGHA, Groot 2611 (Twee Ses Een Een) vierkante meter, die serwituut voorstel, en welke serwituut geregistreer word ten gunste van HENRY BENDEMAN TRUST IT1214/1995, welke serwituut die binne gemelde eiendom slegs raak insoverre die bykomende regte aanbetref.

4. CONDITIONS OF TITLE

4.1 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE MUNICIPALITY IN TERMS OF THE SECTION 16(4)(G) OF THE BY-LAW

4.1.1 ALL ERVEN

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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.

4.1.1.3 The Municipality 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 Municipality.

4.1.2 ERF 1736

The erf is subject to the following servitude:

4.1.2.1 A servitude in favour of the Municipality for water services as indicated on the general plan.

4.1.3 ERF 1737

The erf is subject to the following servitudes:

4.1.3.1 A 3m wide stormwater servitude in favour of the Municipality as indicated on the General Plan.

4.1.3.2 A 2m stormwater servitude in favour of the Municipality as indicated on the General Plan.

4.1.4 ERF 1736

The erf is subject to the following servitudes:

4.1.4.1 A 20m x 30m servitude for an electrical substation in favour of ESKOM as indicated on the General Plan.

4.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES

4.2.1 ERF 1737

4.2.1.1 Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of The Blyde Home Owners Association and shall be subject to its Constitution until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the The Blyde Home Owners Association certifying that the provisions of the Constitution have been complied with.

4.2.1.2 The Blyde Home Owners Association shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.

4.3 CONDITIONS OF TITLE IMPOSED BY GAUTRANS/SANRAL IN TERMS OF THE GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT 8 OF 2001)

4.3.1 ERF 1736

The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road R104 (P154).

4.3.2 Except for the physical barrier referred to in clause (a) above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erf abutting Road R105 (P154) neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

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