

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 22 OF 2017**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 479T**

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 Wapadrand Extension 51, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 479T.

(13/2/Wapadrand x51 (479T))
__ FEBRUARY 2017

SED: GROUP LEGAL SERVICES
(Notice 212/2017)

PROKLAMASIE 22 VAN 2017**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 479T**

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 Wapadrand Uitbreiding 51, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 479T.

(13/2/Wapadrand x51 (479T))
__ FEBRUARIE 2017

SUD: GROEP REGSDIENSTE
(Kennisgewing 212/2017)

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CITY OF TSHWANE**DECLARATION OF WAPADRAND EXTENSION 51 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 Wapadrand Extension 51 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Wapadrand x51 (479T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JAN BOSMAN BURG IN HIS CAPACITY AS DULY APPOINTED TRUSTEE FOR THE TIME BEING IN THE SOPHIA ELIZABETH BURG TESTAMENTARY TRUST, IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 741 (PART OF THE REMAINING EXTENT OF PORTION 221) OF THE FARM THE WILLOWS 340JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Wapadrand Extension 51.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 4947/2014.

1.3 PRECAUTIONARY MEASURES

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

1.3.1.1 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.

1.3.2 The township owner shall at its own expense make arrangements with the Municipality, in order to ensure that-

1.3.2.1 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

1.3.2.2 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.

1.4 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.

1.5 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.

1.6 CONSOLIDATION OF ERVEN

The applicant shall at his own expense after proclamation of the township but prior to the development of any erf in the township consolidate Erf 719 and Erf 720 in the township. The City of Tshwane hereby grants its consent to the consolidation of Erven 719 and 720 in terms of Section 92(2) (a) of Ordinance 15 of 1986.

1.7 REGISTRATION OF NOTARIAL TIE

The applicant shall at own expense have the following erven notarially tied to the satisfaction of the Municipality:

Erf 710 Wapadrans Extension 36 shall be notarially tied with the consolidated Erf 719 and Erf 720 in Wapadrans Extension 51.

1.8 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, when required to do so by the Municipality.

1.9 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.

1.10 REMOVAL AND/OR REPLACEMENT OF ESKOM SERVICES

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 MUNICIPAL SERVICES

Should it become necessary to remove and/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.

1.12 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS 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 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.

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 certifies that the developer has complied with the provisions of condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 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 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.

2.3.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane 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 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 an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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.

2.3.3 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 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.

AND

All internal and external water- and sanitation infrastructure will be maintained by the Municipality. The developer must furnish the City of Tshwane with a 10% guarantee of the estimate contract cost with regard to the water and sewerage services, issued by a recognized financial institution before the commence date of the contract and proof of this must be submitted to the City of Tshwane.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

A: Excluding the following servitudes which do not affect the erven in the township due to geographic location:

(a) Condition 3 which reads as follows:

“III. Die vorige Gedeelte 122 (’n gedeelte van Gedeelte 106) van die genoemde plaas, waarvan daardie gedeelte van die eiendom hieronder gehou aangetoon deur figuur ABNFGHJA op die hieraangehegte kaart n gedeelte uitmaak, is kragtens Noteriele Akte No K1289/57S onderhewig aan ’n servituut van reg van weg ten gunste van die Algemene Publiek welke servituut op die aangehegte kaart aangetoon word deur die figuur AKLHJA;”

(b) Endorsement 1 on Page 6:

“1. Kragtens Transport akte T79460/1988 is die binnegemelde resterende gedeelte van Gedeelte 221 van die plaas The Willows 340 JR onderhewig aan ’n servituut van reg van weg 16 meter wyd ten gunste van Gedeelte 222 (Gedeelte van Gedeelte 221) van die plaas The Willows 340JR groot 3,2786 ha soos meer volledig sal blyk uit bogemelde transportakte”.

(c) Endorsement 2 of Page 6:

“2. Die bogemelde resterende gedeelte is ook onderhewig aan ’n pyplynserwituut 3m breed langs die oostelike grens van bo-gemelde resterende gedeelte gemerk AKB op kaart SG No A 8583/1985 hieraan geheg en daarvandaan tot waar dit aansluit by die Noord-westelike baken gemerk B op kaart SG No 8584/1985 geheg aan bogemelde transportakte ten gunste van Ged 222 (G.v.G. 221) plaas 340 JR groot 3,2786ha, vir die uitsluitlike gebruik van water wat ontrek word uit ’n bestaande boorgat geleë in die servituut area en ander bykomende regte soos meer volledig sal blyk uit transportakte”.

(d) Endorsement I on page 7:

“Kragtens notariële akte van servituut K5641/92S gedateer, 6 Maart 1992, is binnegemelde restant van gedeelte 221 vd plaas The Willows 340 Reg afd JR, onderhewig aan ’n riool pyplyn servituut twee meter wyd en die hart aangedui deur die lyn ABCop kaart SG No A8580/1991 tesame met bykomende regteten gunste aan die Stadsraad van Pretoria soos meer volledig sal blyk uit bogeneomde notariële akte van servituut”.

(e) Endorsement II on page 7:

“Kragtens notariële akte van servituut K5642/92S gedateer 6 Maart 1992, is binnegemelde eiendom, Restant van gedeelte 221 van die plaas The WILLOWS 340, Reg afd JR, onderhewig aan ’n servituut vir algemene munisipale doeleindes soos aangedui deur die figuur ABCA op kaart LG no A 6393/90 tesame met bykomende regte ten gunste aan die Stadsrad van Pretoria soos meer volledig sal blyk uit bogeneomde notariële akte van servituut.”

(f) Endorsement on page 8:

“Kragtens notariële akte van sewituut K7535/95S gedateer 6/11/95 is binne gemelde serwituuat endorsement 1 op bld 6 van reg van weg van 16m t.g.v ged 222 vd plaas willows gekanselleer en is binnegemelde eiendom onderheweg aan 'n serwituuat van reg van weg van 16 m wyd aangetoon deur lune AE en EF, FG, GH en HJ op LG kaart no LG no A8584/85 geheg aan T79460/1988 t.g.v die algemene publiek in die sentrale Pretoria Metropolitaanse Substruktuur, soos meer volledig sal blyk uit gemelde akte”

(g) Endorsement on page 11:

“By virtue of notarial deed of servitude S02503/13K dated 08/02/2013 the within-mentioned property is subject to a servitude of right of way as indicated by figures ABCDA on diagram SG No: 8786/2008 in favour of Erf 339 Wapadrand X 4 JR.”

B: Excluding the following which only affects Erf 719:

(a) Endorsement on page 10:

“By virtue of notarial deed of servitude K02502/13S dated 08/02/2013 the within mentioned property is subject to a right of way servitude in favour of the General Public as indicated by figures ABCDEFGHJKLMNOPQRSTUVWXYZA'B'C'D'A on diagram SG NO 4313/1997 annexed hereto.

Which servitude area is partially relocated by servitude area diagram SG NO 8785/2008, the said extent of the relocated area being 619m² in extent as indicated by the Figure ABCDA on diagram SG No: 8785/2008 annexed hereto.

Which servitude has further been re-registered by servitude diagram SG No 8784/2008, the said extent of the re-registered area being 842m² in extent as indicated by figures ABCDEFA on diagram SG No: 8784/2008 annexed hereto.

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 CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE 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, 2 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, 2 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.

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