

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 6 OF 2018****CITY OF TSHWANE METROPOLITAN MUNICIPALITY  
TSHWANE AMENDMENT SCHEME 3652T**

The Administrator hereby, in terms of the provisions of Section 89 of the Town-planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of Centurion Town-planning Scheme 1992, comprising the same land as included in the township of Rua Vista Extension 18

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Department of Development Planning and Local Government), Johannesburg, and the Town Clerk Centurion, and are open for inspection at all reasonable times

The amendment is known as Tshwane Amendment Scheme 3652T  
**(DPLG 11/3/6/1/C/49)**

**PROKLAMASIE 6 VAN 2018****STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT  
TSHWANE WYSIGINGSKEMA 3652T**

Die Administrateur verklaar hierby, ingevolge die bepalings van Artikel 89 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1965, dat hy 'n wysigingskema, synde 'n wysiging van Centurion Dorpsbeplanningskema 1992, wat uit dieselfde grond as die dorp Rua Vista Uitbreiding 18 bestaan, goedgekeur het.

Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Gauteng Provinsiale Regering, (Departement van Ontwikkelingsbeplanning en Plaaslike Regering), Johannesburg, en die Stadsklerk Centurion, en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Tshwane Wysigingskema 3652T  
**(DPLG 11/3/9/1/C/49)**

**LOCAL AUTHORITY NOTICE NO. /2018****CITY OF TSHWANE METROPOLITAN MUNICIPALITY  
DECLARATION AS APPROVED TOWNSHIP**

In terms of section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares the township **Rua Vista Extension 18** to be an approved township, subject to the conditions set out in the Schedule hereto.

**(DPLG 11/3/9/1/C/49)**

**ANNEXURE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY MIDRAND REAL ESTATE PROPRIETARY LIMITED (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965 (ORDINANCE NO. 25 OF 1965), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 430 OF THE FARM OLIEVENHOUTBOSCH 389-JR., HAS BEEN GRANTED**

**1. CONDITIONS OF ESTABLISHMENT****1.1 Name**

The name of the township shall be Rua Vista Extension 18.

**1.2 Design**

The township shall consist of erven as indicated on General Plan S.G. No. 5591/2015.

**1.3 Stormwater drainage and street construction**

- (a) The township owner shall on request by the local authority submit to such authority for its approval a detailed scheme complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of stormwater throughout the township by means of properly constructed works and for the construction, tarmacadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority.

Furthermore, the scheme shall indicate the route and gradient by which each erf gains access to the street on which it abuts.

- (b) The township owner shall, when required by the local authority to do so, carry out the approved scheme at its own expense on behalf and to the satisfaction of the local authority under the supervision of a civil engineer approved by the local authority.
- (c) The township owner shall be responsible for the maintenance of the streets to the satisfaction of the local authority until the streets have been constructed as set out in subclause (b).
- (d) If the township owner fails to comply with the provisions of paragraphs (a), (b), and (c) hereof the local authority shall be entitled to do the work at the cost of the township owner.

**1.4 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.

**1.5 Access**

No Ingress from Provincial Roads P66-1(K71) to the township and egress to Provincial Roads P66-1 (K71) from the township will be allowed as shown on the scheme maps.

- (a) Ingress from Road K71 to the township and egress to Road K71 from the township shall be restricted to the intersection of Drakensberg Road with such road.
- (b) The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Public Transport, Roads and Works.

## **1.6 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 Roads P66-1(K71) and he shall receive and dispose of the storm water running off or being diverted from the road.

## **1.7 Obligations in regard to essential services**

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 and the installation of systems therefore, as previously agreed upon between the township owner and the local authority.

## **1.8 Formation and duties of residents association**

The applicant shall properly and legally constitute a Non Profit Company (home-owner's association) to the satisfaction of the Council before the transfer of the first erf, which Association shall not be deregistered without the consent of the Council.

- (a) The access erf, Erf 3621, shall be registered in the name of the Non Profit Company within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever is the sooner, by and at the expense of the township owner.
- (b) Each and every owner of Erven 3624 – 3773 shall become a member of the Non Profit Company (home-owner's association) upon transfer of the erf.
- (c) The Non Profit Company (home-owner's association) shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal resource to recover such fees in the event of a default in payment by any member.
- (d) The Council shall not be responsible for the malfunction of the surfacing of the access way and/or the stormwater drainage system, and/or any essential services across Erf 3621 with the exception of the sewerage, water and electrical system.
- (e) Erven 3621 and 3622 cannot be sold to any person except the body corporate and the erven may not be rezoned unless the consent from the local authority has been obtained.
- (f) Erven 3621 and 3622 shall be transferred to the Non Profit Company (home-owner's association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever is the sooner, by and at the expense of the township owner.

## **1.9 Restriction on the alienation of land**

No erf in the township may be transferred or be dealt with otherwise until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of condition 3.

## **1.10 Park Endowment**

No park endowment is payable, as sufficient park area will be provided on the site development plan as part of the development.

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 Ordinance No. 15 of 1986 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).

## **1.11 Notarially Tie of Erven**

The township owner shall at his own expense have Erf 3620 in the township, notarially tied with Erf 3618 in Rua Vista Extension 17.

## **2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTERABLE**

### **2.1 The Developers Obligations**

#### **2.1.1 Association and Statutes**

- (a) The developer must at his own cost establish a Non Profit Company (home-owner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). The company shall be committed to be extended to include the owners of erven in the proposed townships, Rua Vista Extension 17 and 19.
- (b) All the owners of the erven or of any subdivision thereof, or of any sectional title unit thereon or of any interest therein must become members of the Non Profit Company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane Metropolitan Municipality.
- (c) The Memorandum of Incorporation must clearly state what the main objective of the homeowners' association is and who is responsible for maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, and the road and storm water sewers). 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.

#### **2.1.2 Provision of Engineering Drawings**

- (a) The developer must submit to the CTMM complete detail design drawings in respect of roads and stormwater, water and sewer infrastructure for approval prior to the commencement of the construction of the said services.
- (b) The detail design drawings will only be evaluated after the required Services Report with regard to roads and stormwater has been approved.
- (c) The developer must obtain a way leave from the Council prior to commencement of construction work, if such work will be done on Council property.

#### **2.1.3 Maintenance Period and Guarantee**

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:

- (a) furnish the Non Profit Company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and / or materials with regard to the civil engineering services (roads and stormwater), which guarantee must be for an amount that is equal to 10% of the contract cost of these services, and proof of this must be submitted to the Municipality.
- (b) furnish the municipality with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and / or materials with regard to the civil engineering services (water and sewer) and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, and proof of this must be submitted to the Municipality.

## **3. DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

#### 4. CONDITIONS OF TITLE

##### 4.1 THE ERVEN MENTIONED HEREUNDER SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED IMPOSED BY THE ADMINISTRATOR IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965.

###### 4.1.1 All Erven, with the exception of Erf 3621

With reference to Clause 18 of the Tshwane Town Planning Scheme, 2008, 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 Municipality, if and when required by the Municipality.

###### 4.1.2 Erven 3621 and 3774

- (a) The entire erf as indicated on the General Plan, is subject to a servitude for access control, right of way and municipal purposes, in favour of the local authority and all the Erven within the township, excluding Erf 3620.
- (b) The erf shall not be alienated or transferred into the name of any purchaser other than the Non Profit Company without the written permission of the Municipality.
- (c) The non-profit company shall be entitled to erect a gatehouse in the servitude area for purposes of access control.
- (d) Erven 3622 to 3773

The above mentioned erven are entitled to a servitude for access control, right of way and municipal purposes, as indicated on the General Plan.

###### 4.1.3 Erven 3663, 3664, 3671, 3672, 3683, 3684, 3691, 3692, 3703, 3704, 3711, 3712, 3723, 3724, 3731, 3732, 3743, 3744, 3751, and 3752

The erf is subject to a 2m wide stormwater servitude in favour of the local authority as indicated on the general plan.

#### 4.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED.<sup>1</sup>

##### 4.2.1 Erven 3623 to 3773

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 become and remain a member of the Thatchfield Ridge Homeowners Association NPC, Registration Number 2016/367934/08, incorporated for the purpose of the scheme ("the Association") and shall be subject to its Memorandum of Incorporation 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 such Association, certifying that the provisions of the Memorandum of Incorporation have been complied with and the purchaser has bound himself/herself to the satisfaction of the Association to become and remain a member of the Association.

##### 4.2.2 Erven 3621 and 3774

- (a) The entire erf as indicated on the General Plan, is subject to a servitude for access control, right of way and municipal purposes in favour of erven 3616 and 3617 in Rua Vista Extension 17 and all the erven in Rua Vista Extension 19.
- (b) 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 metre there from.

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