

**THE PROVINCE OF
GAUTENG**



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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 143 OF 2018****CITY OF TSHWANE****PRETORIA AMENDMENT SCHEME 9873P**

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 13, 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 9873P.

(13/2/Lotus Gardens x13 (9873P))
__ FEBRUARY 2018

GROUP LEGAL AND SECRETARIAT SERVICES
(Notice 156/2018)

PROVINSIALE KENNISGEWING 143 VAN 2018**STAD TSHWANE****PRETORIA WYSIGINGSKEMA 9873P**

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 Lotus Gardens Uitbreiding 13, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9873P.

(13/2/Lotus Gardens x13 (9873P))
__ FEBRUARIE 2018

GROEP REGS EN SEKRETARIAAT DIENSTE
(Kennisgewing 156/2018)

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CITY OF TSHWANE**DECLARATION OF LOTUS GARDENS EXTENSION 13 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 13 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Lotus Gardens x13 (9873P))

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 534 (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 13.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 4996/2011.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but –

1.3.1 Excluding the following servitudes, which do not affect Erven 7725 and 7726, Lotus Gardens Extension 13 in the township only, due to the locality of these two erven:

- (i) “B. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3308,7324 (‘n gedeelte waarvan hierkragtes ge-transporteer word) is kragtes Notariële Akte K 628/1968 S gedateer 15 FEBRUARIE 1968 en 5 MAART 1968 onderhewig aan ‘n servituut 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.”
- (ii) “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 SG No A 6406/1973 annexed thereto as will more fully appear on reference to the said notarial deed registered on 18 APRIL, 1977.”
- (iii) “D. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 3015,9551 hektaar (‘n gedeelte waarvan hierkragtes getransporteer word) is kragtens Akte van Sessie K 3335/1997 S gedateer 1 NOVEMBER 1977, onderherwing aan –
 - (a) ‘n PYPLYNSERWITUUT aangedui deur die lyn A B C op kaart LG Nr A 2137/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy ADMINISTRASIE VAN SPOORWEE EN HAWENS.
 - (b) ‘n PYPLYNSERWITUUT aangedui deur die lyn A B C D E F G H J K L op kaart LG Nr A 2393/1974 met bykomende regte ten gunste van die REPUBLIEK VAN SUID-AFRIKA in sy ADMINIS-TRASIE VAN SPOORWEE EN HAWENS.”
- (iv) “E. DIE voormalige resterende gedeelte van gedeelte 6 van die gemelde plaas groot 2797,5346 hektaar (‘n gedeelte waarvan hierkragtes 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.”

- (v) “F. DIE voormalige resterende gedeelte van gedeelte 6 van gemelde plaas groot 1766,4013 hektaar (‘n gedeelte waarvan hierkragtens getranspoteer word) is kragtens Notariële Akte K 476/1988 S gedateer 1 FEBRUARIE 1988, onderhewig aan ‘n waterpypleiding serwituut soos aangedui deur die figuur A B C D E F op kaart LG Nr A 568/1976 ten gunste van die RAND WATERRAAD soos meer volledig sal blyk uit gemelde Notariële Akte.”
- (vi) “G. DIE resterende gedeelte van gedeelte 6 van die plaas PRETORIA TOWN AND TOWNLANDS 351, groot 1309,7584 hektaar (waarvan ‘n gedeelte hierkragtens getranspoteer word) is –
- (a) 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.”
- (b) 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 DRUKVERMINDERINGSTASIE en werke, 1 794 vierkante meter groot is, aangedui deur figuur R S T U op kaart LG 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.”
- (vii) By Notarial Deed of Servitude No K919/2015 dated 5 February 2015 the within mentioned property 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 metres in extent as depicted by the figure ABCDEFG on servitude diagram SG Number 1938/2012 annexed thereto.

1.4 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay endowment for an area of **7 560m²** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane, unless Lotus Gardens Extension 16 is proclaimed simultaneously with or before this township, in which case no endowment will be payable. This amount shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.

The relevant 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).

1.5 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 7725 and 7726 in the township consolidated. The City of Tshwane hereby grants its consent to the consolidation in terms of Section 92(2)(a) of Ordinance 15 of 1986.

1.6 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.7 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.

1.8 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

1.9 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.

1.10 PRECAUTIONARY MEASURES

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

- (i) compile a complete RISK MANAGEMENT PLAN and WET SERVICES PLAN; and
- (ii) conduct and compile a construction report to ensure that the conditions on site and the positioning of structures and wet services are accordingly certified.

1.10.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.

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

- (i) 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; and
- (ii) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.11 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.

1.12 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, including 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, for the development of this township.

1.13 NATIONAL HERITAGE RESOURCE ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999.

1.14 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Public Transport, Roads and Works has granted consent for the development.

1.15 DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS: ACOUSTIC SCREENING MEASURES

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Church Street (K26).

1.16 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 Public Transport, Roads and Works, 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.

1.17 ACCESS

1.17.1 Ingress from Road K26 to the township and egress to Road K26 from the township shall be restricted to the intersection of Mhiri Street with such road.

1.17.2 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 1.17.1 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.

1.18 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 K26 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.19 THE DEVELOPER'S OBLIGATIONS

1.19.1 ASSOCIATION AND STATUTES

The developer shall register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of erven and/or units in the township must become members of the Section 21 Company. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane.

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 developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.19.2 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 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.

1.19.3 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.

1.19.4 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 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, which guarantee must be issued in favour of the Section 21 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.

1.19.5 COMPLETION OF THE SCHEME

The developer 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, 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 must be notified of this without delay.

2. CONDITIONS OF TITLE

2.1 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 ORDINANCE 15 OF 1986

2.1.1 ALL ERVEN

2.1.1.1 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.

2.1.1.2 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 from it.

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

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