

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE VAN
GAUTENG**

Provincial Gazette Provinsiale Koerant

EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol. 25

PRETORIA
29 MARCH 2019
29 MAART 2019

No. 104

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4525



9 771682 452005

00104



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

		<i>Gazette</i>	<i>Page</i>
		<i>No.</i>	<i>No.</i>
PROCLAMATION • PROKLAMASIE			
28	City of Tshwane Land Use Management By-law, 2016: Bronberg Close Extension 13.....	104	3

PROCLAMATION • PROKLAMASIE

PROCLAMATION 28 OF 2019**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4214T****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****BRONBERG CLOSE EXTENSION 13**

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 Bronberg Close Extension 13 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 Bronberg Close Extension 13, 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 **4214T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4214T (Item 26848))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

29 MARCH 2019
(Notice 116 of 2019)

CITY OF TSHWANE**DECLARATION OF BRONBERG CLOSE EXTENSION 13 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 Bronberg Close Extension 13 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4214T (Item 26848))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PTY LTD, REGISTRATION NUMBER 2003/023822/07, 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 288 OF THE FARM TWEEFONTEIN 372JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Bronberg Close Extension 13.

1.2 DESIGN

The township consists of erven as indicated on the General Plan SG No 2886/2018.

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 road and all stormwater running off or being diverted from the road 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 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 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.

1.6 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), Department of Water and Environmental Affairs and where applicable as imposed by the Municipality.

1.7 ACCESS CONDITIONS

1.7.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.

1.7.2 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 BBCX13/3.

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, when required to do so by the City of Tshwane.

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 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, notarially tie the following erven to the satisfaction of the Municipality for access to the township and sharing of facilities: Erf 137, Bronberg Close Extension 13 with Erf 109, Bronberg Close Extension 7.

2.5 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:

- 2.5.1 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;
- 2.5.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- 2.5.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.5.4 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;
- 2.5.5 it is in a position to consider a final building plan; and
- 2.5.6 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.
- 2.5.7 Private Open Space Erf forming part of a Sectional Title Development

Erven 138 and 139 shall be transferred only as common property to the legal entity established Bronberg Close Extension 13 in accordance with the provisions of the Sectional Title Act, 1986 (No. 95 of 1986) as amended, which legal entity shall have full responsibility for the functioning and proper maintenance of Erven 138 and 139, Bronberg Close Extension 13 and the engineering services within the said erven.

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

The township owner shall in terms of section 47(7)(a) of the By-law secure private open space of at least 1980m² by means of a servitude over a portion of Erf 137 in favour of the Erven in the Township or each sections in the Sectional Title Scheme established for the township and in favour of the Municipality for purposes of the protection of open spaces in lieu of the provision of open spaces and parks, as contemplated in Section 47 of the By-law.

The township owner shall after proclamation of the township in terms of section 16(9) of the Tshwane Land Use Management By-Law, 2016, but prior to the registration or transfer of any erven or opening of any sectional title scheme, submit a Site Development Plan for approval on which is indicated the private space to be provided and upon approval of the Site Development Plan have small scale diagrams approved for purposes of the registration of the servitudes indicated above. Such servitudes shall be registered simultaneously with the registration of Erf 137.

If at any time, the area of 1 980m² is not available for open space purposes, the developer or the successor in title shall in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, pay an amount of money to the Municipality in lieu of the provision of land for the provision of opens spaces and parks equal to 1980m² read with section 16(10) of the By-Law.

2.7 PRIVATE OPEN SPACE ERVEN

2.7.1 Erven 138 and 139 may not be transferred thereafter by the Body Corporate established for the township before the consent of the City of Tshwane first been obtained.

2.7.2 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 Erven 138 and 139, prior to the transfer of the erf in the name of the Body Corporate established for the township.

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

All erven shall be made subject to existing conditions and servitudes in Deeds of Transfer T103694/2016 and T103700/2016, including:

3.1 the following condition affects the township and will be registered against the title deeds of erven:

"A. Portion 3(a Portion of Portion A) of the farm TWEEFONTEIN NO 372 (FORMERLY No 423) Registration Division JR, situated in the district of Pretoria (of which the holding hereby transferred forms a Portion) is SUBJECT to the following:

SUBJECT to an order of the Water Court (Supreme Court) North district 21, dated Pretoria, 22nd November 1948, and 27 June 1949, as will appear from Servitude 620a/1949S"

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 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 5.1.1(a),(b) and (c) above, the under mentioned erven shall be subject to the conditions as indicated:

4.1.2.1 Special Conditions imposed by City of Tshwane;

4.1.2.1.1 ERVEN 138 AND 139

(a) The whole of Erven 138 and 139 are subject to a servitude for protection of private open space, a right of way servitude as well as a servitude for engineering services in favour of the Municipality as indicated on the General Plan.

- (b) The whole of Erven 138 and 139 are subject to a servitude for protection of private open space and a right of way and engineering services in favour of all the erven and units and/or unit within the township, as indicated on the General Plan.
- (c) Erven 138 and 139 shall be alienated or transferred into the name of any purchaser other than the NPC without the written consent of the Municipality first having been obtained.
- (d) Erven 138 and 139 are entitled to a servitude for access purposes over Erf 137, the locality thereof to be registered to the satisfaction of the Municipality. Should a Sectional Title scheme be registered over Erf 137 the erf shall be entitled to access over any roadway that forms part of the common property of the Sectional Title Scheme.

4.1.2.1.2 ERF 137

- (a) Erf 137 is subject to a servitude for access purposes in favour of Erven 138 and 139, the locality thereof to be registered to the satisfaction of the Municipality. Should a Sectional Title scheme be registered over Erf 137, Erven 138 and 139 shall be entitled to access over any roadway that forms part of the common property of the Sectional Title Scheme.
- (b) Erf 137 is entitled to a servitude over Erven 138 and 139, for protection of private open space and right of way and engineering services, as indicated on the General Plan.
- (c) Erf 137 is subject to servitudes for private open space in favour of the Municipality, the locality of which will be determined as contemplated in condition 3.6 of the conditions of establishment, which servitude shall be registered in favour of each and every section of should a sectional title scheme be opened on Erf 137.

4.2 Conditions of Title imposed in favour of third parties to be registered /created on the first registration of the erven concerned.

No erf in the Township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

4.2.1 Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereof, shall on transfer, shall on transfer automatically become and remain a member of the NPC 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 the NPC.

4.2.1.1 (i) Any owner of an erf, or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall automatically become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or interest therein, or any unit thereon, shall be transferred to any person who has not bound itself to the satisfaction of the HOME OWNERS ASSOCIATION, to become a member of the HOME OWNERS ASSOCIATION.

(ii) The owner of the erf or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision or any interest therein, or unit thereon, without clearance certificate from the HOME OWNERS ASSOCIATION that all monies owing have been paid.

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,
for the **Gauteng Provincial Administration**, Johannesburg.

Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065