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PROCLAMATION • PROKLAMASIE

PROCLAMATION 15 OF 2019**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****TSHWANE AMENDMENT SCHEME 468T**

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Rooihuiskraal Noord Extension 47, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Department: Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 468T.

(CPD 9/1/1/1-RHKNx47 571 (468T))
(CPD 9/2/4/2-468T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

8 MARCH 2019
(Notice 109/2019)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY**DECLARATION OF ROOIHUISKRAAL NOORD EXTENSION 47 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 Rooihuiskraal Noord Extension 47 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-RHKNx47 571 (468T))
(CPD 9/2/4/2-468T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED, REGISTRATION NUMBER 2003/023822/07, UNDER 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 175 OF THE FARM BRAKFORTEIN 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Rooihuiskraal Noord Extension 47.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 5553/2014.

1.3 PRECAUTIONARY MEASURES

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

1.3.1.1 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 to the satisfaction of the Municipality; and

1.3.1.2 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 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 Road K73 to the township and no egress to Provincial Road K73 from the township shall be allowed.

1.5.1 Ingress from Road K73 to the township and egress to Road K73 from the township shall be restricted to the intersection of Lenchen Avenue with such road.

1.5.2 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 (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 Roads and Transport 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 Roads and Transport.

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 Road K73 and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Head of the Department: Department of Roads and Transport for approval at the time of the application, i.e. before Township Proclamation.

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.

1.7 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/ Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along Provincial Road K73 if and when the need arises to erect such screening.

1.8 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 Roads and Transport, 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.

1.9 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.

1.10 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.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter and building rubble within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the Municipality.

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

1.12 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.

1.13 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.

1.14 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, 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.

1.15 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF LENCHEN AVENUE AND CAPENSIS AVENUE

1.15.1 Provision shall be made for pedestrian movement along the street to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.15.2 The sidewalk and entrances along the street shall be landscaped and planted with trees to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.15.3 A taxi lay-by with adequate space for two (2) taxis shall be provided in the township to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.16 COMPLIANCE WITH CONDITIONS IMPOSED BY SASOL GAS LIMITED

The township owner shall at his own expense comply with all the conditions imposed by Sasol Gas Limited, in terms of Regulation No R60 of the Occupational Health and Safety Act (Act 85 of 1993), with specific reference to the gas pipeline as located within the servitude on SG 11886/1996 which has been declared a Major Hazard Installation.

1.17 PROVISION OF OPEN SPACE AND/OR ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner has further agreed to the provision of open areas to be developed and kept free of structures representing an area of 5580m² on erf 4814 and 7596m² on Erf 4815, and shall be indicated on the Site Development Plan, such area shall be developed by the applicant.

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 the Ordinance, 1886 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).

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

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.

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:

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may be not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 PROVISION OF DETAILED ENGINEERING DRAWINGS:

2.3.1.1 The developer must submit to the City of Tshwane complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

2.3.1.2 The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.

2.3.1.3 The developer must obtain a way leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.3.1.4 A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

3.1 All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T97572/2012, if any,

3.1.1 excluding the following servitudes which do not affect the township due to the locality thereof:

“C. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 544,0793 (five hundred and forty four comma zero seven nine three) hectares is subject to:

Kragtens Notariële Akte No 779/1988S gedateer 26 Februarie 1988 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende reg om elektrisiteit te voorsien ten gunste van die Stadsraad van Verwoerdburg, met bykomende regte, oor 'n servituutgebied ABCd soos aangedui op diagram SG No A5034/1986, soos meer volledig sal blyk uit die gemelde Notariële Akte.

D. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 449,7611 (four hundred and forty nine comma seven six one one) hectares is subject to:

Kragtens Notariële Akte No K2704/2003S gedateer 7 April 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en welke servituut 6,00 meter wyd soos aangedui deur middel van die lyn x y z aa ab ac op die aangehegte kaart LG No 713/2002 ten opsigte van GASKOR met bykomende regte soos meer volledig sal blyk uit die gemelde Notariële Akte.

E. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 514,3246 (five hundred and fourteen comma three two four six) hectares is subject to:

Subject to a servitude for municipal purposes and a right of way, 7634 square metres in extent, as indicated by the figure ABCDEFGJKL MNPQA on SG Diagram 7820/2000 in favour of the City of Tshwane with ancillary rights as will more fully appear from Notarial Deed K4575/2001S.

F. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 476,9568 (four hundred and sixty seven comma nine five six eight) hectares is subject to:

1) Subject to a perpetual servitude for municipal purposes, with ancillary rights, in extent 242 (Two hundred and forty two) square metres as indicated by the figure ABCDA on diagram SG no 6104/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed No K4828/2002S.

2) Subject to a perpetual servitude for sewerage purposes, with ancillary rights, in extent 3,00 (Three) metres wide, the centre line of which servitude is indicated by the figure ABCDEFGHJ KLMN on diagram SG No 6105/2005, as will more fully appear from the said Notarial Deed K4829/2002S.

3) Subject to a perpetual servitude for municipal purposes, with ancillary rights, in extent 10 (Ten) metres wide as indicated by the figure A B C D E A on diagram SG no 6106/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed No K4830/2002S.

4) Subject to a perpetual servitude for municipal purposes, in extent 30 (Thirty) square metres as indicated by the figure ABCDA on diagram SG No 6109/2001, in favour of the City of Tshwane, as will more fully appear from the Notarial Deed No K4831/2002S.

- G. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 449,7611 (four hundred and forty nine comma seven six one one) hectares is subject to:
- 1) By virtue of Notarial Deed No K2703/2003 dated 1st April 2003 the within mentioned property is subject to a pipeline servitude for municipal purposes, with ancillary rights, 20,50 metres wide against the northern boundary of the servitude is indicated by the line AB, BC, CD, DE, EF, GH, HJ, JK, KL and LM on diagram SG no A712/2002 in favour of the City of Tshwane as will more fully appear from the abovementioned Notarial Deed.
 - 2) By virtue of Notarial Deed of Servitude K2705/2003 dated 1 April 2003 the within mentioned property is subject to a pipeline servitude 6 metres wide, the centre line of which servitude is indicated by the line ABCDEFGHJKLMNPQR STUVWXYZ and a 3 metre pipeline servitude, the centre line of which servitude is indicated by the line Nbcdefghijklmn on diagram SG No A201/1981 as will more fully appear from the abovementioned Notarial Deed.
- H. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 362,4959 (three hundred and sixty two comma four nine five nine) hectares is subject to:
- By virtue of Notarial Deed of Servitude K5950/2004 dated 27 November 2003 the within mentioned property is subject to a pipeline servitude, for sewerage purposes, 3 metres wide the centre line of which servitude is indicated by the lines Aa and BCDEFGHJKLMN on diagram SG No A8705/1984, in favour of the City of Tshwane, with ancillary rights as will more fully appear from the abovementioned Notarial Deed.
- I. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 519,4322 (five hundred and nineteen comma four three two two) hectares is subject to:
- Kragtens Notariële Akte No K5010/1997 gedateer 22 Augustus 1997 is die bovermelde eiendom onderhewig aan 'n pyplyn en werke serwituut 6,00 meter wyd soos aangedui deur middel van die lyn ABCDEFGHJKLMNPQRS op die kaart LG No 11886/1996 ten opsigte van GASKOR met bykomende regte, soos meer volledig sal blyk uit die gemelde Notariële Akte.
- J. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 300,9599 (three hundred comma nine five nine nine) hectares is subject to:
- By virtue of Notarial Deed of Amended Servitude K132/2005S dated 15 December 2004, K4832/2002S has been amended by cancellation of Figures G2, H2, J2, K2, L2, M2 on servitude Diagram SG 6118/2001 and the registration of a new figure namely ABCDEFA in extent 1083m² on SG Diagram 8661/2004 to replace the portion of the servitude figure being cancelled as will more fully appear from the said Notarial Deed.
- K. Subject to a servitude for electrical powerline with underground cables, as will appear from figures ABCDEFA in diagram SG 3397/2014 in favour of the City of Tshwane as will more fully appear from Notarial Deed of Borehole and Pipeline Servitude No K7485/2015S dated 3 December 2015."

3.1.2 The following servitudes which do affect Erf 4814 and Capensis Avenue in the township and will be registered against the title deed of Erf 4814:

“F. The Remaining Extent of the farm BRAKFORTEIN NO 399, Registration Division JR, Gauteng Province, measuring 476,9568 (four hundred and sixty seven comma nine five six eight) hectares is subject to:

5) Subject to a perpetual servitude for municipal purposes with ancillary rights, in extent 2,7660 hectares, as indicated by the figure A B C D E F G H J K L M N O P Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 Y1 Z1 A2 B2 C2 D2 E2 F2 G2 H2 J2 K2 L2 M2 N2 O2 P2 Q2 R2 S2 T2 U2 V2 W2 X2 Y2 Z2 A3 B3 C3 D3 E3 F3 G3 H3 J3 K3 L3 M3 N3 P3 Q3 R3 S3 T3 U3 V3 W3 X3 Y3 Z3 A on diagram SG 6118/2001, in favour of the City of Tshwane, as will more fully appear from Notarial Deed K4832/2002S.”

3.1.3 including the following servitude which affect all erven in the township which must be passed onto all erven in the township:

“A. The former Remaining Extent of the above mentioned farm Brakfontein 399-JR, measuring as such 902,1251 hectares (a portion whereof is being transferred hereby) is subject to a servitude of Way leave for the passage of electrical power and ancillary rights in favour of the City Council of Pretoria, as will more fully appear from Notarial Servitude of Way-Leave 739/56S registered on the 6th July, 1956.”

4. CONDITIONS OF TITLE

4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY 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, 3 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality 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 2m from thereof.

4.1.1.3 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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