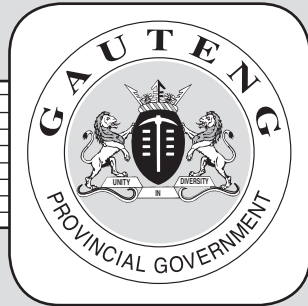


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PROCLAMATION • PROKLAMASIE

PROCLAMATION 18 OF 2019**CITY OF TSHWANE
PERI-URBAN AMENDMENT SCHEME 685PU**

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 Gem Valley Extension 4, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

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

This amendment is known as Peri-Urban Amendment Scheme 685PU.

(CPD 9/1/1/1-GMVx4 1260) (685PU)
(CPD 9/2/4/2-685PU)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ MARCH 2019
(Notice 113/2019)

CITY OF TSHWANE**DECLARATION OF GEM VALLEY EXTENSION 4 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 Gem Valley Extension 4 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-GMVx4 1260)(685PU)
(CPD 9/2/4/2-685PU)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY COSMOPOLITAN PROJECTS TSHWANE PROPRIETARY LIMITED (REGISTRATION NUMBER 2008/010750/07), 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 200 (A PORTION OF PORTION 208) OF THE FARM FRANSPOORT 332JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Gem Valley Extension 4.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 1244/2009.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner being the first transfer in the township:

Municipal: Erven 3621, 3629 and 3646

1.4 ENDOWMENT

No endowment is payable to the City of Tshwane Metropolitan Municipality.

1.5 PRECAUTIONARY MEASURES

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

1.5.1.1 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

1.5.1.2 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.

1.6 ACCESS

No direct access to or from Erven 3667 to 3683 and Erf 3715 adjacent to Ibhenxa Street, shall be allowed and no direct access to or from Erf 3842 and Erven 3873 to 3880 adjacent to Ibhenxa Street shall be allowed and no direct access to or from Erven 3646 to 3667 adjacent to Road PWV 17 shall be allowed.

1.7 RECEIVING AND DISPOSAL OF STORMWATER

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

1.8 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.

1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality 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.

1.10 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 Metropolitan Municipality, when required to do so by the Municipality.

1.11 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.

1.12 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.

1.13 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.

1.14 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.

1.15 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

The township owners shall 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 transferred into the name of a purchaser/developer prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner has been submitted or paid to the said Local Authority.

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

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES AND RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN / 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 Municipality 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 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.

2.2 THE DEVELOPER'S OBLIGATIONS

2.2.1 PROVISION OF ENGINEERING DRAWINGS:

The developer must submit to the City of Tshwane Metropolitan Municipality 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.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

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.

2.2.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

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

2.2.3 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, which guarantee must be issued in favour of the Municipality 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, before the commence date of the contract and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

2.2.4 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire 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 Metropolitan Municipality 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 Metropolitan Municipality must be notified of this without delay.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, as contained in the Deed of Transfer No T49880/2017 –

3.1 Excluding the following servitudes, which will affect Ibhenxa Street:

Condition B:

The former Portion 80 (a portion of Portion 208) of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion, is subject to a sewer servitude 6 (six) meters wide, representing the center line indicated by the line f g as will more fully appear on Subdivision Diagram Number SG 1234/2009 and registered under Notarial Deed of Servitude K2395/2012S.

Condition C:

The former Portion 81 (a portion of Portion 208) of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion, is subject to a sewer servitude 6 (six) meters wide, representing the center line indicated by the line g h j k as will more fully appear on Subdivision Diagram Number SG 1234/2009 and registered under Notarial Deed of Servitude K2396/2012S.

3.2 Excluding the following servitude, which will affect Erf 3621, Ndukuzama Street and Thaha-Khubelu Street:

Portion 200 (a portion of Portion 208) of the farm Franspoort No 332, Registration Division JR, Province of Gauteng is subject to a storm water servitude 3 (three) meters wide, representing the centre line indicated by the line A B C D as will more fully appear on Servitude Diagram number SG 310/2014 and registered under Notarial Deed of Servitude K.....

3.3 Excluding the following servitudes which do not affect the township due to the locality thereof:

Condition D:

The former Portion 82 (a portion of Portion 208) of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which portions is indicated by the figure e f E F G H d and the figure A B C D f b g on Consolidation Diagram SG No 1240/2009 forms a portion of is subject to the following condition:

The property hereby transferred is further subject to a Electric Power Line servitude with ancillary rights and a telecommunications servitude with related purposes with ancillary rights in favour of Eskom as will more fully appear from Notarial Deed of Servitude K5281/2005S and the route of such servitude of 55 metres wide is indicated by Notarial Deed of Servitude K13/2010S which is indicated by the lines k 1s m and n on Consolidation Diagram SG No 1240/2009.

Condition E:

The former Portion 83 (a portion of Portion 208) of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, of which the portion indicated by the figure Q h middle of Edendale spruit g b a L M N P on Consolidation Diagram SG No 1240/2009 forms a portion is subject to the following conditions:

The property hereby transferred is subject to a Powerline Servitude 55 (fifty five) meters wide with ancillary rights in favour of ESKOM as will more fully appear from Notarial Deed of Servitude K 2393/2012S and which is shown by the line 1m 1n on Consolidation Diagram SG No 1240/2009 and which line represents the southern boundary of the servitude.

Condition F:

The former Portion 81 (a portion of Portion 208) of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng which property forms a part of this portion is subject to a stormwater servitude are of 81 (eighty one) square meters as indicated by the figure ABCDA on Servitude Diagram SG Number 1273/2007 and indicated by the figure 1j 1k and 1r on consolidation diagram SG Number 1240/2009 attached thereto in favour of the City of Tshwane Metropolitan Municipality as will more fully appear from Notarial Deed K1479/2013S

Condition G:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng which property forms a part of this portion is subject to a storm water servitude in favour of the City of Tshwane Metropolitan Municipality measuring 3 (three) meters wide as indicted by the figure A B C D E F on diagram SG No 307/2014 as will more fully appear form notarial Deed of servitude K01298/2016S with diagram attached thereto.

Condition H:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a servitude represented by the figure ABCD middle of Edendale Spruit EFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1Q1R1S1T1U1V1W1X1Y1Z1A2B2C2D2 E2F2G2H2J2K2L2M2N2P2A which are indicated on SG diagram Nr 2297/2014 as will more fully appear from Notarial Deed K03439/2016S.

Condition I:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a stormwater servitude 3 (three) meters wide in favour of the City of Tshwane Metropolitan Municipality which servitude is represented by the line AB which indicates the centre line of the stormwater servitude as indicated on SG No 2295/2014 with additional rights as will more fully appear in the Notarial Deed K3632/2017S.

Condition J:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a stormwater servitude 3 metres wide in favour of the city of Tshwane Metropolitan Municipality which servitude is represented by the line AB which indicates the centre line of the stormwater servitude as indicated on SG No 309/2014, with additional rights, as will more fully appear in Notarial Deed K3633/2017S.

Condition K:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a servitude for sewerage line 5 (FIVE) metres wide in favour of the City of Tshwane Metropolitan Municipality which servitude is represented by the line ABCDEFGH and JKLM as indicated on SG No 382/2014, with additional rights, as will more fully appear in the Notarial Deed K3634/2017/S.

Condition L:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a servitude for a water pipeline line 67 (sixty seven) square meters in favour of the City of Tshwane Metropolitan Municipality which servitude is represented by the line ABCD as indicated on SG No 3515/2015, with additional rights, as will more fully appear in the Notarial Deed K3635/2017/S.

Condition M:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a storm-water servitude 3 (three) meters wide in favour of the City of Tshwane Metropolitan Municipality which servitude is represented by the line ABC as indicated on SG No 308/2014, with additional rights, as will more fully appear on Notarial Deed K3636/2017/S.

Condition N:

The remainder of Portion 208 of the farm Franspoort Nr 332, Registration Division JR, Province of Gauteng, which property forms a part of this portion is subject to a stormwater servitude 3 (three) meters wide in favour of the City of Tshwane Metropolitan Municipality which servitude is represented by the line AB as indicated on SG No 2296/2014, with additional rights, as will more fully appear in Notarial Deed K3637/2017/S.

4. CONDITIONS OF TITLE

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 ALL ERVEN WITH THE EXCEPTION OF ERVEN REFERRED TO IN CLAUSE 1.3

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, 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.

4.2 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.**4.3 The City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.**

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