

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 24 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4422T**

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 Highveld Extension 140, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 4422T.

(CPD 9/1/1/1-HVDx140 298)
(CPD 9/2/4/2-4422T))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ JANUARY 2020
(Notice 105/2020)

CITY OF TSHWANE
DECLARATION OF HIGHVELD EXTENSION 140 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 Highveld Extension 140 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-HVDx140 298)
(CPD 9/2/4/2-4422T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD REGISTRATION NUMBER 2000/020447/07, 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 277 OF THE FARM BRAKFRONTEIN 390JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Highveld Extension 140.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2730/2017.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the City of Tshwane by and at the expense of the township owner simultaneously with the first transfer of any erf in the township:

Municipal: Erf 3191.

1.4 ENDOWMENT AND/OR PROVISION OF OPEN SPACE

The township owner has agreed to the provision of open space with a total area of 3 132m² in lieu of open space provision for the township, which shall be indicated on the Site Development Plan.

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, 1986 read with Regulation 44(1) of the Town-planning and Townships Regulations an endowment amount to the 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).

1.5 PRECAUTIONARY MEASURES

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

1.5.1.1 A CONSTRUCTION REPORT, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

1.5.1.2 A DOLOMITE RISK MANAGEMENT PLAN, specific to the development. The legal transfer of the responsibility for the management of the Risk Management Plan, to a representative Body Corporate or similar as applicable must be included.

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

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

1.5.3.1 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

1.5.3.2 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 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 adjacent roads 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 Municipality for approval at the time of the application, i.e. before Township Proclamation.

1.7 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.

1.8 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.

1.9 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.

1.10 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.

1.11 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.

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

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

3.1 Excluding the following conditions in Title Deed T74351/2002, which do not affect the townships due to its location:

- (a) Kragtens Notariële Akte van Serwituut K4200/1993-S gedateer 15 Maart 1993 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 349,2487 hektaar, waavan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n reg om stormwater by wyse van pyplyn of op enige ander wyse uit te laat deur die veerduikweg onder die Ben Schoeman Hoofweg op die dienende eiendom ten gunste van (1) Resterende Gedeelte van Gedeelte 20 ('n gedeelte van Gedeelte 2) van die plaas Brakfontein 390, JR en (2) Gedeelte 42 van die plaas Brakfontein 390 JR soos meer ten volle sal blyk uit bogenoemde Notariële Akte.
- (b) Kragtens Notariële Akte van Serwituut Nr K91/1982S gedateer 5 November 1981 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waavan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende reg om elektrisiteit te voorsien deur middel van drade en/of kables en ander toebehore ondergronds en/of bogronds langs roete aangedui deur letters ABC en EFGHJKLMNPOQ op Diagram LG Nr A.5338/1978 ten gunste van die City of Tshwane.
- (d) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waavan die binnegemelde eiendom 'n deel vorm is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die City of Tshwane vir munisipale doeleindes vir 'n kraglyn oor 'n serwituurgebied 3 meter wyd waarvan die oostelike grens aangedui word deur die lyn AB op die Serwituut Kaart LG Nr A.5069/1984, en welke reg van serwituut sal insluit die reg om 'n kraglyn bogronds of ondergronds in die serwituutgebied aan te lê, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr. K.214/1995-S.

- (e) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die City of Tshwane vir munisipale doeleindes, vir elektrisiteitsgeleiding, vir stormwaterafvoer, watertoevoer en vir die installasie en onderhoud van 'n rioolpyplyn, oor 'n serwituutgebied soos aangedui deur die letters ABCDEFGHJKLM op die Serwituut Kaart LG Nr A.6652/1989 en verder deur 'n aangrensende 4 meter wyd serwituutgebied soos aangedui deur die verwysingslyn NPQRSTUVWX en meegaande rigtingswysers op die Serwituut Kaart LG Nr A.6652/1989, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr K.215/1995S.
- (f) Kragtens Notariële Akte van Serwituut Nr K216/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes vir watergeleiding oor 'n serwituutgebied 3 meter wyd, waarvan die oostelike grens aangedui word deur die lyn ABC op Kaart LG Nr A8857/1994 met bykomende regte ten gunste van die City of Tshwane, soos meer volledig sal blyk uit gemelde Notariële Akte en Diagram.
- (g) Kragtens Notariële Akte van Serwituut Nr.K217/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes, naamlik paddoeleindes oor 'n serwituutgebied aangedui deur die letters DEFGHJKLMNPQRS op Kaart LG Nr A8857/1994, ten gunste van die City of Tshwane, soos meer volledig sal blyk uit gemelde Notariële Akte en Kaart.
- (h) Die Resterende Gedeelte van Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 257,6664 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is onderhewig aandie volgende voorwaardes :
- (i) 'n ewigdurende serwituut oor 'n gebied waarbinne die pyplyn en werke geakkommodeer sal word, welke gebied 6 meter wyd is en waarvan die middellyn aangetoon word deur die lyn ABCDEFGHJ op Serwituut agram SG Nr 5284/1996 vir die installering en oprigting van die pyplyn en werke en die reg om die pyplyn en werke van tyd tot tyd te patrolleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlê.
- (ii) 'n serwituutgebied 1 meter wyd, waarvan die middellyn aangetoon word deur die lyn genommer KLMNLP'Q op Serwituut Diagram SG Nr 5284/1996.
- (iii) 'n serwituutgebied 2 meter wyd, waarvan die middellyn aangetoon word deur die lyn gemerk NR op die Serwituut Diagram SG Nr 5284/1996 vir die installering en oprigting van katodiese beskermings-toerusting en werke en die reg om katodiese beskermingstoerusting en werke van tyd tot tyd te patrolleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlê.

Ten gunste van die Suid-Afrikaanse Gasdistribusiekorporasie Beperk Nr 64/06005/06 soos meer volledig sal blyk uit Notariële Serwituut Akte Nr K.3517/1997S met aangehegte Serwituut Diagram SG Nr 5284/1996.

- 3.1.2 The following endorsement which appears on Page 9 in Deed of transfer 74351/2002 which do not affect the township due to its location:-

Expropriation Notice by the Department of Transport Roads and Works under notice EX 61/2008.

- 3.1.3 The following condition which appears as an endorsement on page 10 in Deed of Transfer 74351/2002 which do not affect the township due to its location-

By Notarial Deed of Servitude K.7177/2006, the within mentioned property is subject to a servitude in extent 2,3765 hectares, for municipal purposes/engineering services and a right of way in favour of the City of Tshwane as indicated by the figure ABCDEFGHJKLMNPQRSTU on servitude diagram SG No 5816/2006, as will more fully appears from reference to the said Notarial Deeds."

- 3.1.4 The following condition which appears as an endorsement on page 15 in Deed of Transfer 74351/2002 which do not affect the township due to its location-

By Notarial Deed of Servitude K 01118/2012-S, dated 17 January 2013, the within mentioned property is subject to a right of way servitude, in extent 5,0076 (FIVE comma ZERO ZERO SEVEN SIX) hectares, indicated by the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 H4 J4 L4 M4 N4 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 P1 Q1 R1 S1 T1 U1 V1 W1 X1 Y1 Z1 A2 B2 C2 D2 E2 F2 G2 H2 J2 K2 L2 M2 N2 P2 Q2 R2 S2 T2 U2 V2 W2 A EXCLUDING THE FIGURES B X2 Y2 Z2 A3 B3 C3 D3 E3 F3 G3 H3 J3 K3 L3 M3 N3 P3 Q3 R3 S3 T3 U3 B and V3 W3 X3 Y3 Z3 A4 B4 C4 D4 E4 F4 G4 V3 on servitude diagram S.G. No 2787/2011 in favour of the City of Tshwane over property as will more fully appear from reference to the said Notarial Deed of servitude"

- 3.2 Including the following condition in Title Deed T74351/2002 which affects Erven 3190 and 3191 in the township:

(c) Kragtens Notariële Akte van Serwituut nr K.3561/1982S gedateer 29 November 1982 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, onderhewig aan die ewigdurende reg ten gunste van die City of Tshwane om 'n substasie vir elektriese kragleiding op te rig en om elektrisiteit te gelei deur middel van drade en/of kables of ander toebehore ondergronds en/of bogronds langs roetes deur die letters ABCDE en FGHIJKL op die Diagram LG Nr 6202/1981 en AB en BC op Diagram LG Nr 3167/1982.

- 3.3 Excluding the following condition appearing as an endorsement on page 6 of in Title Deed T74351/2002 which affects Erf 3190 in the township only;

By Notarial Deed of Servitude K.8556/2003, the withinmentioned property is subject to a servitude for laying of stormwater, pipe/sewerage pipe/electrical cable of 5 metres wide and a right of access for inspection, maintenance, repairs in favour of the City of Tshwane, depicted by the line ABCDEFGHIJKLMNPQRSTUUVW on diagram SG No 6101/98, as will more fully appear from reference to the said Notarial Deed of Servitude";

4. CONDITIONS OF TITLE

- 4.1 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 THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

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

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 local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3 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.

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 2 m thereof.

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

4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1 above, the undermentioned erven shall be subject to the conditions as indicated:

4.1.2.1 ERF 3190

The erf is subject to a servitude for stormwater purposes in favour of the Municipality as indicated on the General Plan.

4.1.2.2 ERF 3190

The erf is subject to a servitude for electrical purposes in favour of the Municipality as indicated on the General Plan.

4.1.2.3 ERF 3190

The owner of the erf must be made aware of the risk involved in developing on dolomite. The developer may make use of literature at the disposal of the investigator, together with a list of precautionary measures and monitoring schedules in order to ensure that the home owner understands how to manage dolomite stability risk responsibility.