

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**Contents**

<i>No.</i>		<i>Gazette No.</i>	<i>Page No.</i>
	<b>PROCLAMATION • PROKLAMASIE</b>		
14	Town-planning and Townships Ordinance (15/1986): Lotus Gardens Extension 30.....	21	3

**PROCLAMATION • PROKLAMASIE****PRCLAMATION NOTICES 14 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5558T**

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 30, 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 5558T.

(CPD 9/1/1/1-LGSx30 0023)  
(CPD 9/2/4/2-5558T))

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

23 FEBRUARY 2021  
(Notice 107/2021)

**CITY OF TSHWANE****DECLARATION OF LOTUS GARDENS EXTENSION 30 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 30 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-LGSx30 0023)  
(CPD 9/2/4/2-5558T)

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TERRE INVESTMENTS NO 8 PROPRIETARY LIMITED (REGISTRATION NUMBER 1995/023565/23), 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 565 (A PORTION OF PORTION 523) 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 30.

**1.2 DESIGN**

The township consists of erven and streets as indicated on General Plan SG No 2654/2019.

**1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES**

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

#### 1.4 NATIONAL AND GAUTENG PROVINCIAL GOVERNMENT CONDITIONS

- 1.4.1 Should the development of the township not be commenced with before 6 June 2022, the application to establish the township shall be resubmitted to the Department of Mineral Resources for reconsideration.
- 1.4.2 The township owner shall at its own cost comply with and strictly adhere to all the conditions and/or requirements imposed by the Gauteng Department of Agriculture and Rural Development, including those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of Section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.
- 1.4.3 The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Public Transport, Roads and Works (Gauteng Provincial Government) and where applicable as imposed by the Municipality.
- 1.4.4 The township owner shall at his own expense comply with the provisions of the National Heritage Resources Act, Act 25 of 1999.

#### 1.5 ACCESS

Access to and egress from the township shall be provided to the satisfaction of the Municipality and/or the Department of Public Transport, Roads and Works.

#### 1.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads shall be received and disposed of. The stormwater plan for the township shall 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-sacs and lower lying erven shall be drained to the satisfaction of the Municipality.

#### 1.7 REFUSE REMOVAL

- 1.7.1 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.
- 1.7.2 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.

#### 1.8 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, should it be deemed necessary.

#### 1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures located within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

#### 1.10 ENDOWMENT

Endowment of R480 000,00 is payable to the City of Tshwane for the shortfall of 5 046m<sup>2</sup> in open space provisioning. This shortfall will be valued and the endowment payable will be utilised to develop public open spaces in other Lotus Gardens townships.

## 1.11 LAND TO BE TRANSFERRED TO THE NPC

### 1.11.1 Erven 8564 to 8568

1.11.1.1 The erven shall be transferred to the NPC within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable, whichever happens sooner, by and at the expense of the township owner.

1.11.1.2 The erven may not be transferred into the name of any purchaser other than the Lotus Gardens Extension 30 Home Owners Association (NPC) without the written consent of the City of Tshwane first having been obtained.

### 1.11.2 Erf 8564

1.11.2.1 The entire erf is subject to a right of way servitude in favour of the Municipality and Erven 8200 to 8563 and 8565 to 8568 for access purposes as indicated on the General Plan.

1.11.2.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.

### 1.11.3 Erf 8565

1.11.3.1 The entire erf is subject to a right of way servitude in favour of the Municipality and Erven 8200 to 8564 and 8566 to 8568 for access purposes as indicated on the General Plan.

1.11.3.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.

### 1.11.4 Erven 8566 to 8568

1.11.4.1 The entire erf is subject to a servitude in favour of the Municipality/local authority for the protection of open spaces, as indicated on the General Plan.

## 1.12 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES

1.12.1 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed;

1.12.2 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner have been submitted or paid to the said local authority; and

1.12.3 Notwithstanding the provisions of Clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (b) above. Erven and/or units in the township may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

### 1.13 RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/LAND

1.13.1 In terms of Section 82(1) of the Ordinance, 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.

1.13.2 In terms of Section 98(2) of the Ordinance, 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, Act 16 of 2013, where applicable.

### 1.14 ESTABLISHMENT OF A NON PROFIT COMPANY

The township owner shall at his/her own cost establish a Non Profit Company ("NPC") in terms of Schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended, with the main object of the Company being to retain and maintain the internal engineering services (i.e. water and sewer reticulation, electricity, roads and stormwater and refuse removal). The township owner shall further submit proof that such a Company has been duly registered, before a Section 101/Section 82 Certificate shall be issued in terms of the Ordinance.

#### 1.14.1 Erf 8564

1.14.1.1 The entire erf is subject to a right of way servitude in favour of the Municipality and Erven 8200 to 8563 and 8565 to 8568 for access purposes as indicated on the General Plan.

1.14.1.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.

#### 1.14.2 Erf 8565

1.14.2.1 The entire erf is subject to a right of way servitude in favour of the Municipality and Erven 8200 to 8564 and 8566 to 8568 for access purposes as indicated on the General Plan.

1.14.2.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.

## 2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following servitudes which do not affect the township due to their locality:

"B. Die voormalige Resterende Gedeelte van gedeelte 6 van die gemelde plaas, groot 3308,7324 ('n gedeelte waarvan hierkragtens getranspoteer word) is kragtens Notariële Akte 628/1968S gedateer 15 Februarie 1968 en 5 Maart 1968 onderhewig aan 'n serwituu vir 'n kraglyn en skakelkas soos aangedui deur die letters A B C D E F G H J K L M N A op kaart LG Nr A 4466/1966 tesame met meegaande regte ten gunste van die Republiek van Suid-Afrika, soos meer volledig sal blyk uit genoemde Notariële Akte.

C. The former Remaining Extent of Portion 6 of the said farm in extent 3103.2795 Hectares (a portion whereof is hereby transferred) is virtue of Notarial Deed No K1276/77S 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 the figure ABCDEFJK on diagram No A6404/73 annexed hereto as will more fully appear from reference to the said Notarial Deed registered on 18 April 1977.

- D. Die voormalige Resterende Gedeelte van gedeelte 6 van die gemelde plaas, groot 3015,9551 Hektaar ('n gedeelte waarvan hierkragtens getranspoteer word), is kragtens Akte van Sessie K3335/1977S gedateer 1 November 1977 onderhewig aan:
- a. 'n Pyplynserwituut aangedui deur die lyn ABC op Kaart LG Nr A2137/74 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 ABCDEFGHJKL op Kaart LG Nr. A2393/74, met bykomende regte ten gunste van die Republiek van Suid-Afrika in sy Administrasie van Spoorweë en Hawens.
- E. Die voormalige Resterende gedeelte van Gedeelte 6 van die gemelde plaas, groot 2797,5346 hektaar ('n gedeelte waarvan hierkragtens getranspoteer word) is kragtens Notariële Akte Nr K1386/83S onderhewig aan die reg aan Eskom verleen om elektrisiteit oor die eiendom te vervoer langs die roete aangedui deur die lyne ab, cBCd, ef en gh, jGHk en lm op die Kaart LG No A 7553/1980 tesame met bykomende regte en onderworpe aan voorwaardes soos meer volledig sal blyk uit gesegde akte en kaart registreer op 24 Mei 1983.
- F. Die voormalige Resterende gedeelte van Gedeelte 6 van die gemelde plaas, groot 1766,4013 Hektaar ('n gedeelte waarvan hierkragtens getranspoteer word), is kragtens Notariële Akte Nr K476/88 gedateer 1 Februarie 1988 onderhewig aan 'n waterpyp-leiding serwituut soos aangedui deur die figuur ABCDEF op Kaart LG Nr A568/1976 ten gunste van die Rand Waterraad soos meer volledig sal byk uit gemelde Notariële Akte.
- G. Die Resterende Gedeelte van Gedeelte 6 van die plaas Pretoria Town and Townlands 351-JR, groot 1309,7584 hektaar (waarvan 'n gedeelte hierkragtens getranspoteer word) is:
- a. Kragtens Notariële Akte K94/1998 S gedateer 3 Julie 1997 onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n pyplyn en werke, 6 (ses) meter wyd, waarvan die lyn hjklm die senterlyn van die serwituut voorstel, soos aangedui op Kaart LG No 9065/2008 met meegaande regte en 'n tydelike serwituutgebied vir die duur van die konstruksie van die pyplyn en werke ten gunste van Die Suid-Afrikaanse Gasdistribusiekorporasie Beperk (1964/006005/06), soos meer volledig sal blyk uit die gemelde Notariële Akte.
  - b. Kragtens Notariële Akte No K95/98S gedateer 11 November 1997 onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n Drukverminderingstasie, pyplyn en werke met meegaande regte welke
    - i. Pyplyn en werke 6 (ses) meter wyd is en waarvan die middellyn aangedui word deur die lyne ABCDEFGHJKLM en NPQ en die
    - ii. Druk verminderingstasie en werke 1794 vierkante meter groot is, aangedui deur die figuur RSTU 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 Gasdistribusiekorporasie Beperk 1964/006005/06 soos meer volledig sal blyk uit die gemelde Notariële Akte."

### 3. CONDITIONS OF TITLE

#### 3.1 Conditions of Title imposed in favour of the local authority in terms of the provisions of the Ordinance

##### 3.1.1 ALL ERVEN (EXCEPT ERF 8564 TO 8568)

- 3.1.1.1 Each erf is subject to a servitude, 2 m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2 m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.



- 3.1.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2 m thereof.
- 3.1.1.3 The local authority 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 local authority.
- 3.1.2 ERVEN 8327 AND 8567
- 3.1.2.1 The erven shall be subject to a 6 m wide water pipeline servitude in favour of the City of Tshwane, as shown on the General Plan.
- 3.1.2.2 No buildings or other structures may be erected within the aforesaid servitude areas and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m there from.
- 3.1.2.3 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 essential, 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 pipelines and other works.
- 3.1.3 ERVEN 8564 AND 8565
- 3.1.3.1 Erf 8564
- 3.1.3.1.1 The entire erf is subject to a servitude of right of way in favour of the Municipality and Erven 8200 to 8563 and 8565 to 8568 for access purposes.
- 3.1.3.1.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.
- 3.1.3.1.3 The erf is entitled to a servitude of right of way over Erf 8565 for access purposes.
- 3.1.3.1.4 The erf is entitled to a servitude for municipal purposes over Erf 8565.
- 3.1.3.2 Erf 8565
- 3.1.3.2.1 The entire erf is subject to a servitude of right of way in favour of the Municipality and Erven 8200 to 8564 and 8566 to 8568 for access purposes.
- 3.1.3.2.2 The entire erf is subject to a servitude for municipal purposes in favour of the Municipality and all the erven in the township.
- 3.1.3.2.3 The erf is entitled to a servitude of right of way over Erf 8564 for access purposes.
- 3.1.3.2.4 The erf is entitled to a servitude for municipal purposes over Erf 8564.
- 3.1.3.3 The erven shall not be transferred into the name of any purchaser other than the NPC without the written consent of the Municipality first having been obtained.



**3.1.4 ERVEN 8200 TO 8563**

3.1.4.1 The erf is entitled to a servitude of right of way over Erven 8564 and 8565 for access purposes.

3.1.4.2 The erf is entitled to a servitude for municipal purposes over Erf 8564 and 8565.

**3.1.5 ERVEN 8566 TO 8568**

3.1.5.1 The erf shall not be transferred into the name of any purchaser other than the NPC without the written consent of the local authority first having been obtained and the erf shall be transferred together with any private/public erf or servitude for access purposes as the first transfer from the township.

3.1.5.2 The entire erf shall be subject to a servitude in favour of the local authority for the protection of open spaces.

3.1.5.3 The erf shall be entitled to a servitude of right of way over Erven 8564 and 8565 for access purposes.

3.1.5.4 The erf shall be entitled to a servitude for municipal purposes over Erven 8564 and 8565.

**3.1.6 ERF 8326**

3.1.6.1 The erf shall be subject to a 6 meter wide water pipeline servitude in favour of the City of Tshwane, as shown on the General Plan.

3.1.6.2 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 there from.

3.1.6.3 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 essential, 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 pipelines and other works.

**3.2 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:

**3.2.1 ALL ERVEN (EXCEPT ERVEN 8564 TO 8568)**

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, 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 certifying that the provisions of the Memorandum of Incorporation ("MOI") have been complied with.

**3.2.2 ERVEN 8564 TO 8565**

The NPC shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.

**3.2.3 ERVEN 8274, 8290, 8417 AND 8448**

The erf is subject to the following servitudes in favour of the NPC, as indicated on the General Plan:

3.2.3.1 A 3m wide services (stormwater) servitude.





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