

**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: 27

PRETORIA
4 NOVEMBER 2021
4 NOVEMBER 2021

No: 386

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ISSN 1682-4520



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 1490 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4064T****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****CLUBVIEW EXTENSION 122**

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 Clubview Extension 122, 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 **4064T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4064T (Item 26275))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

4 NOVEMBER 2021
(Notice 144 of 2021)

CITY OF TSHWANE**DECLARATION OF CLUBVIEW EXTENSION 122 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 Clubview Extension 122 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4064T (Item 26275))

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 717 OF THE FARM ZWARTKOP 356JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Clubview Extension 122.

1.2 DESIGN

The township consists of erven and a street as indicated on General Plan SG No 1834/2019.

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 PRECAUTIONARY MEASURES (APPLICABLE TO DOLOMITIC AREAS)

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

- 1.4.1 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
- 1.4.2 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.
- 1.4.3 the township owner and its successors in title including the owner of any erven within the township shall comply with the conditions imposed by the Council for Geoscience and shall comply with the geotechnical or dolomite stability or similar report aimed at managing the development in so far as it is located on dolomite.

1.5 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.

1.6 CONDITION IMPOSED BY THE GAUTENG DEPARTMENT OF ROADS AND TRANSPORT IN TERMS OF THE GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001, (ACT No 8 of 2001), AS AMENDED)

Should the Land Owner/ its successor in title propose to blast on Holding 38, Lyttelton Agricultural Holdings; all blasting applications / permits shall be submitted to GMA and Bombela for evaluation and comment prior to commencement of any blasting activities.

1.7 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

- 1.7.1 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.

1.8 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.

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

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 CONSOLIDATION OF ERVEN

2.4.1 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, consolidate Erven 1300 and 1301 to the satisfaction of the Municipality.

2.4.2 The Municipality hereby grants approval for the consolidation of Erven 1300 and 1301 in terms of section 16(12)(d) of By-law read with section 15(6) of the By-law, which consolidation approval shall only come into operation on proclamation of the township and subject to the section 16(10) certification in term of the By-law by the City of Tshwane.

2.4.3 The Township Owner shall simultaneously with an application for a section 16(10) certification for the registration of erven in the township apply for a section 16(10) certification for purposes of the consolidation and shall comply with the conditions of the consolidation and the township for issuing of both certifications.

2.5 PRECAUTIONARY MEASURES

A detailed 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 D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

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

2.6 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:

- (i) 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;
- (ii) all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- (iii) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- (iv) 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;
- (v) it is in a position to consider a final building plan; and
- (vi) 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.

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

The township owner shall, in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, pay monies to the Municipality in lieu of the provision of land for the provision of open spaces and parks equal to 3 168 m² (18m² per unit) read with section 16(10) of the By-law.

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 T98928/2016,

- 3.1 including the following condition which affects Erven 1300 and 1301 in the township only:

“(i) This holding shall be subject to Deed of Servitude No 285/1934S with reference to a right of way leave for electric energy in favour of the City Council of Pretoria.”

- 3.2 excluding the following servitude which does affect West Avenue in the township:

“(j) The erf is entitled to a servitude for municipal purposes in terms of Notarial Deed K169/1987S dated 29 December 1986, indicated by the figure ABCD on Diagram SG Number 8494/1985, annexed thereto, registered on 21 January 1987, in favour of the Municipality of Verwoerdburg as will more fully appear from aforesaid Notarial Deed.”

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.
- 4.1.1.4 The erven lie in an area with soil conditions that can cause serious damage to buildings and structures. In order to limit such damage, foundations and other structural elements of buildings and structures must be designed by a competent professional engineer and erected under his supervision. Building plans submitted to the Municipality for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. The owner of the erf shall comply with these measures in accordance with the recommendations contained in the Geo-technical report for the township and conditions imposed by the Council for Geoscience, unless it is proven to the Municipality and the Council for Geoscience, that such measures are unnecessary or that the same purpose can be achieved by other more effective means.
- 4.1.2 ERF 1300
- 4.1.2.1 The erf shall be subject to a servitude 2m wide for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.
- 4.1.2.2 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 therefrom.
- 4.1.2.3 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 essential, 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 main sewer pipelines and other works.
- 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 ALL ERVEN

- 4.2.1.1 A Dolomite Risk Management Plan shall be implemented and maintained by the Body Corporate or any other legal entity in its stead, in conjunction with the owner and a Dolomite Risk Manager shall be appointed for that purpose.
- 4.2.1.2 The Body Corporate or any other legal entity in its stead, in conjunction with the owner of any property forming part of the Township, shall at all times have proper insurance policies for damage caused by dolomite related incidents; including sinkholes, subsidence and landslip in place and be responsible for the payment of all premiums of such insurance policies.

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

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065

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