

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 1578 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5917T**

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 Die Hoewes Extension 309, 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 5917T.

(CPD 9/1/1/1-DHWx309 165)  
(CPD 9/2/4/2-5917T (Item 33126))

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

\_\_ NOVEMBER 2021  
(Notice 148/2021)

**CITY OF TSHWANE****DECLARATION OF DIE HOEWES EXTENSION 309 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 Die Hoewes Extension 309 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-DHWx309 165)  
(CPD 9/2/4/2-5917T (Item 33126))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY REALCITY HOLDINGS (PTY) LTD, REGISTRATION NUMBER 2018/349787/07, 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 293 OF THE FARM LYTTTELTON 381JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)
  - 1.1 NAME

The name of the township shall be Die Hoewes Extension 309.
  - 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2768/2019.
  - 1.3 PRECAUTIONARY MEASURES
    - 1.3.1 The township owner shall appoint a competent person(s) to:-
      - 1.3.1.1 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 D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

- 1.3.1.2 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.
- 1.3.2 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.
- 1.3.3 The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-
- 1.3.3.1 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
- 1.3.3.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm and compacted until the same grade of compaction as that of the surrounding material is obtained, to the satisfaction of the Municipality.
- 1.4 RECEIVING AND DISPOSAL OF STORMWATER
- 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 ENDOWMENT/ PROVISION OF OPEN SPACE
- 1.9.1 The township owner has agreed to the provision of at least the following open areas on the erven by means of servitudes over the erven in favour of Municipality for purposes of the protection of open spaces in lieu of the provision of open spaces and parks contemplated in Regulation 44 of the Ordinance:
- Erf 897 : 567m<sup>2</sup>

Such area shall be developed as private open space and kept free of structures, shall be indicated on the Site and Landscape Development Plans, be protected by means of a servitude and shall be developed by the applicant.

Should the servitudes at any time not make provision for the full extent of 567m<sup>2</sup> or these areas are not available for open space purposes to the satisfaction of the Municipality, the developer or the successor in title will pay endowment in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-planning and Townships Regulations of the Ordinance to the City of Tshwane.

- 1.9.2 In addition to this, a payment of endowment for an area of 3 303m<sup>2</sup> in terms of Regulation 44(1) of the Town-planning and Townships Regulations to the Municipality is payable to the Municipality. The amount for this area shall be used by the Municipality for the acquisition of land for park and/or open space purposes.

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 TRANSFER OF LAND

No erf and or unit shall be registered in the township or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with these conditions of establishment, the payment of any bulk- or other engineering services including any amounts due and payable for the provision of parks and opens spaces and the conditions as contemplated in section 3 of these conditions.

### 2.3 THE DEVELOPER'S OBLIGATIONS

#### 2.3.1 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design 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.

### 2.3.2 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.

### 2.3.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must submit proof to the Municipality that:

2.3.3.1 the Municipality has been furnished with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and / or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

## 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 servitude which affects Bernini Street in the township only;

“To Notarial Deed of Servitude K7692/1996S date 21 October 1996, namely:

“Die binnegemelde eiendom is onderhewig aan ‘n serwituut vir munisipale doeleindes; groot 3 662m<sup>2</sup>, soos aangedui deur die figuur ABCDEF op aangehegte kaart LG No A7440/1996 ten gunste van die stadsraad van Centurion. Soos meer volledig sal blyk uit bogemelde Notariële akte.”

## 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 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, 3m 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.

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 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 ERVEN 897 AND 898

The erf shall be subject to a servitude for road purposes, 4,26m wide in favour of the City of Tshwane, as indicated on the General Plan.

##### 4.1.2.2 ERF 897

The erf shall be subject to a servitude for private open space purposes in favour of the residents, provided that such servitude may not be cancelled without the written consent of the Municipality.

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