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GAUTENG**



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 669 OF 2023****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 6126T**

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 306, 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 6126T.

(CPD 9/1/1/1-DHWx306 0165)
(CPD 9/2/4/2-6126T (Item 34010))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

MAY 2023
(Notice 109/2023)

CITY OF TSHWANE**DECLARATION OF DIE HOEWES EXTENSION 306 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 306 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-DHWx306 0165)
(CPD 9/2/4/2-6126T (Item 34010))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY IMCASEC PROPRIETARY LIMITED (REGISTRATION NUMBER 2021/407507/07), 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 12 OF THE FARM HIGHLANDS 359JR, 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 306.
 - 1.2 DESIGN
The township shall consist of erven and streets as indicated on General Plan SG No 431/2021.
 - 1.3 ENDOWMENT
 - 1.3.1 An endowment will be payable to the City of Tshwane full or in lieu of the shortfall for the provision of land for the open spaces or private open space calculated on the value per square as determined by the Valuation Department of the Municipality in terms of Regulation 44(1) of the Town-planning and Townships Regulations, read with Regulation 44(1) of the Town-planning and Townships Regulations to the City of Tshwane. The amount of this area shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.
 - 1.3.2 The applicant has agreed to the provision of open space of 18m² per dwelling unit (3 546m²) in the township. Such areas shall be developed and kept free of structures, shall be indicated on the Site and Landscape Development Plans and the area(s) on the consolidated erf shall be protected by means of a servitude(s). The area may include, but is not restricted to a jogging/walking track, picnic facilities and may also be accommodated on the rooftops of buildings.

- 1.3.3 If at any time, the servitude areas agreed to is not available for open space purposes to the satisfaction of the Municipality, the developer or the successor in title shall pay in terms of Section 98(2) of the Ordinance, 1886 read with Regulation 44(1) of the Town-planning and Townships Regulations an endowment amount to the City of Tshwane Metropolitan 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).

1.4 PRECAUTIONARY MEASURES

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

1.4.1.1 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.

1.4.1.2 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.

- 1.4.2 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.

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

1.4.3.1 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

1.4.3.2 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.

1.5 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 within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the Municipality.

1.8 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.

1.9 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.

1.10 CONSOLIDATION OF ERVEN

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 905 and 906 Die Hoewes Extension 306: Provided that the approved land-use zoning of the said erven will support an integrated development.

The Municipality hereby grants approval for the consolidation of Erven 905 and 906, Die Hoewes Extension 306 in the township, 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 terms of the By-law by the City of Tshwane.

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

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986) no Erf or Erven in the township may be transferred, until the City of Tshwane 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 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.

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

Regardless the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with the provisions in Section 3 of these conditions.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any including the reservation of the rights to minerals –

3.1 Excluding the following Conditions (A) which do not affect the township due to its locality:

“(A) The former remaining Extent of Portion of the DROOGGEGGROND Number 380 (formerly number 484) situate in the Registration Division JR, Transvaal, measuring as such 811,2439 hectares (of which the property hereunder transferred forms a portion) is subject to a servitude off right of way-leave for the conveyance of electricity by means of underground cables or overhead wires, together with the right to maintain, repair and renew the same, and certain ancillary rights in favour of the City Council of Pretoria, as will more fully appear from Notarial Deed Number 81/1932-S registered on the 4th day of March, 1932.”

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 METROPOLITAN MUNICIPALITY 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 local authority, 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 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 2m 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.

4.1.1.4 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 measure 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 905

The erf shall be subject to servitude (7.5m wide) for Municipal Purposes, as indicated on the General Plan.

4.1.3 ERF 905

The erf shall be subject to a sewer/stormwater servitude 5m wide as indicated on the township layout plan.

4.1.4 SERVITUDE IN FAVOUR OF THIRD PARTIES IN RESPECT OF ERVEN 905 AND 906

The erf (consolidated) shall be subject to a servitude(s) for private open space purposes in favour of the Municipality, to be utilised for the benefit and enjoyment of the Registered Owner or its successors in title which may include the members of a Body Corporate or a Home Owners Association, provided that such servitude(s) may not be cancelled without the written consent of the Municipality, the Municipality will not be responsible for the maintenance thereof and provided further that the final location and the extent thereof, will be agreed between Township owner and the Municipality.

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