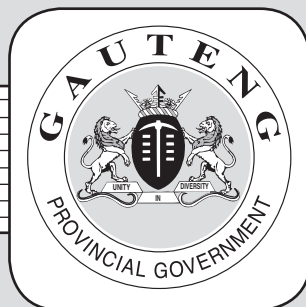


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No. 65

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Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

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Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

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AMENDMENTS TO NOTICES

take note!

With effect from 01 October, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

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- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 2 OF 2016

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 425T

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 Heatherview Extension 67, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Strategic Executive Director: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 425T.

(13/2/Heatherview x67 (425T))
February 2016

(Notice 213/2016)

SED: GROUP LEGAL SERVICES —

PLAASLIKE OWERHEID KENNISGEWING 2 VAN 2016

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 425T

Hierby word ingevolge die bepalings van Artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Heatherview Uitbreiding 67, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Hoofregsadviseur, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 425T.

(13/2/Heatherview x67 (425T))
Februarie 2016

(Kennisgewing 213/2016)

HOOFREGSADVISEUR —

CITY OF TSHWANE

DECLARATION OF HEATHERVIEW EXTENSION 67 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 Heatherview Extension 67 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Heatherview x67 (425T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WHIPPET PROJECTS PROPRIETARY LIMITED, IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 820 OF THE FARM WITFONTEIN 301JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Heatherview Extension 67.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2081/2014.

1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay in accordance with Section 98(2) of the Ordinance, read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality endowment for an area of **1 666m²**. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public 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).

1.4 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.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality 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.

1.6 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 Metropolitan Municipality, when required to do so by the Municipality.

1.7 RESTRICTION ON THE ALIENATION OF ERVEN 1037, 1038, 1051, 1052, 1060, 1061, 1063, 1064, 1065, 1074 AND 1075

The township owner shall not alienate Erven 1037, 1038, 1051, 1052, 1060, 1061, 1063, 1064, 1065, 1074 and 1075 and transfer of the erven shall not be permitted until servitudes affecting the erven and registered in terms of Notarial Deeds of Servitude K 3571/2003 S as indicated on SG No 13262/1996 and K3572/2003 S as indicated on SG No 13263/1996 have been cancelled.

1.8 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF FOURTH AVENUE

1.8.1 Provision shall be made for pedestrian movement along the Southern side of Fourth Avenue to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.8.2 The sidewalk and entrances along Fourth Avenue shall be landscaped and planted with trees to the satisfaction of the City of Tshwane Metropolitan Municipality.

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 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which 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.

1.11 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

The following erven shall be transferred to the non profit Company within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable which ever the sooner, by and at the expense of the township owner:

Erven 1090 and 1091

A servitude for access and municipal services shall be registered over Erf 1091 in favour of the Municipality as well as all the other erven in the township.

The erf may not be transferred thereafter by the non-profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

1.12 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OF ERVEN

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

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 or with any other act of registration such as the issuing of a Certificate of Title.

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 ALIENATION 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 Metropolitan Municipality certifies that the developer has complied with the provisions of condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a non profit company (home-owner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the non profit company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Incorporation must clearly state that the main objective of the homeowner's association is the maintenance of the non profit company's property and the internal engineering services of the development (i.e. water, sewerage, electricity, roads and storm water sewers). The developer is deemed to be a member of the non profit company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

2.3.2 PROVISION OF ENGINEERING DRAWINGS

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

2.3.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality 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 Metropolitan Municipality 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 Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan Municipality 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.

2.3.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and storm water sewers have been completed.

A maintenance guarantee must be issued for the said period by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, which guarantee must be issued in favour of the Section 21 Company for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, but excluding:

3.1 the following servitudes which do not affect the township due to its locality;

"1.3. Further subject to the right in favour of the City Council of Pretoria to convey electricity by overhead power lines and underground cables over the property along a route to be agreed upon between the City council of Pretoria and Heatherdale Holdings (Proprietary) Limited together with certain ancillary rights as will more fully appear from Notarial Deed No 1307/1956S registered 13th December 1956."

3.2 the following servitude which affect Erven 1037, 1038, 1063, 1064, 1074, 1075, 1091 in the township only;

“Kragtens Notariële Akte van Serwituut K3571/2003S gedateer 2 Junie 2003 is binnegemelde eiendom onderhewig aan ‘n serwituut vir stormwater doeleindes 8 meter wyd aangedui deur die figuur EFGHJK op kaart LG A13262/1996 soos meer volledig sal blyk uit bovermelde Notariële Akte met kaart daarby aangeheg.”

- 3.3 the following servitude which affect Erven 1051, 1052, 1060, 1061, 1064, 1065, 1091 in the township only

And subject to the following conditions as will more fully appears from Notarial Deed No K3572/2003S dated 2 June 2003 the within mentioned property is subjected to a servitude for stormwater purposes 8 (eight) meter wide indicated by the figure EFGHJKLMN on diagram SG 13263/1996 in favour of the Tshwane Metropolitan Municipality.”

- 3.4 Including the following which do affect the township and shall be made applicable to the individual erven in the township:

“1.4. Further to the following conditions as will more fully appear from Notarial Deed No 1306/1956S registered 13th December 1956.”

“The owner of the said property or any portion thereof shall be obliged to receive all storm water or other water discharged thereon from any existing or future Provincial Road and its culverts and from any future alteration of such Provincial Road and its culverts and the owner shall have no claim whatsoever against the Government of the Republic of South Africa or its servants for any damage caused by such water.”

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 WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.11

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, 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 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.

- 4.1.2 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 1011 AND 1028

- (a) The erf shall be subject to a servitude 3m wide for municipal services in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.
- (b) 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.
- (c) 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.

4.1.2.2 ERVEN 1054, 1057, 1068, 1081, 1084 and 1090

- (a) 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.
- (b) 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 therefrom.
- (c) 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 IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

4.2.1 ERVEN 1010 UP TO AND INCLUDING 1089

The erven are subject to the following conditions in favour of the non profit company to be created on transfer of the erven to any purchaser:

- 4.2.1.1 Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the landowner's Association (non-profit Company) and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association, which condition must be included in the title deed of the portion.
- 4.2.1.2 The erf is subject to a servitude, 3 m wide, in favour of the non-profit Company for sewerage and other engineering services, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude, 2 m wide across the access portion of the erf, if and when required by the Section 21 Company: Provided that the non-profit Company may dispense with any such servitude.

4.2.2 ERF 1091

4.2.2.1 The erf is subject to a servitude, of right of way and for the use of engineering services in favour of erven 1010 up to and including 1089.

4.2.2.2 The servitude must be notarially executed and registered prior to or simultaneously with the transfer of an erf in the township.

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