

***THE PROVINCE OF  
GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

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**PROCLAMATIONS • PROKLAMASIES****PROCLAMATION NOTICE 17 OF 2022****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5505T**

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 31, 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 5505T.

(CPD 9/1/1-1-LGSx31 0023)  
(CPD 9/2/4/2-5505T))

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

\_\_ MARCH 2022  
(Notice 107/2022)

**CITY OF TSHWANE****DECLARATION OF LOTUS GARDENS EXTENSION 31 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 31 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1-1-LGSx31 0023)  
(CPD 9/2/4/2-5505T))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TERRE INVESTMENTS NO 8 PTY LTD (REGISTRATION NUMBER 1999/013342/07), 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 567 (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 31.

**1.2 DESIGN**

The township consists of erven as indicated on General Plan SG No 1989/2019.

**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 stormwater 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 GAUTENG PROVINCIAL GOVERNMENT CONDITIONS**

1.4.1 Should the development of the township not been completed within before 25 July 2026, the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

1.4.2 If however, before the expiry date mentioned in 1.4.1 above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfilment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

1.4.3 The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, CPD/LGSx31/7. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

1.4.4 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 25 July 2016.

1.5 CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

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 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 Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 ACCESS

1.6.1 Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Tshwane Roads and Stormwater Department and/or the Department of Public Transport, Roads and Works.

1.6.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township CPD/LGSx31/7.

1.7 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 Proposed Road PWV 9 and all stormwater running off or being diverted from the road shall be received and disposed of, to the satisfaction of the local authority.

1.8 REFUSE REMOVAL

1.8.1 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.

1.8.2 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.

1.9 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.

1.10 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 local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

### 1.11 NOTARIAL TIE 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, notarially tie the following erven to the satisfaction of the local authority:

1.11.1 Erven 8791 and 8792 with Erf 9120, Lotus Gardens Extension 32.

### 1.12 RESTRICTION ON THE TRANSFER OF ERVEN

Erven 8791 to 8796 shall, prior to or simultaneously with registration of the first transfer of an erf in the township and at the costs of the township owner, be transferred only to the Non Profit Company ("NPC") which organization shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the said erven.

### 1.13 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

1.13.1 The township owner shall, at its own costs and to the satisfaction of the local authority, remove all refuse, building rubble and/or other materials from Erven 8791 to 8796 prior to the transfer of the erf/erven in the name of the Non Profit Company ("NPC").

1.13.2 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 stormwater 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; and

1.13.3 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 stormwater 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 registered or 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

1.13.4 Notwithstanding the provisions of clause 4 A. (4) hereunder, the township owner shall, at its (or his or her) 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 1.13.2 and/or 1.13.3 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.

### 1.14 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 (ie water and sewer reticulation, electricity, roads & 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 Town Planning and Townships Ordinance, 15 of 1986.

## 2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T66072/2014, if any.

## 2.1 Excluding the following which do not affect the township due to its locality:

- "B. Die voormalige Resterende Gedeelte van gedeelte 6 van die gemelde plaas, groot 3308,7324 ('n gedeelte waarvan hierkraggens getranspoteer word) is kraggens Notariële Akte K628/1968S gedateer 15 Februarie 1968 en 5 Maart 1968 onderhewig aan 'n serwituut 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 en 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 by virtue of Notarial Deed No K1276/77S dated 23<sup>rd</sup> 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 S.G. No A6406/73 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 hierkraggens getranspoteer word), is kraggens 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 Spoorweë 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 hierkraggens getranspoteer word) is kraggens 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, lm op die kaart LG No A7553/1980 tesame met bykomende regte en onderworpe aan voorwaardes, soos meer volledig sal blyk uit gesegde akte en kaart geregistreer op 24 Mei 1983.
- F. Die voormalige Resterende gedeelte van Gedeelte 6 van die gemelde plaas, groot 1766,4013 Hektaar ('n gedeelte waarvan hierkraggens getranspoteer word), is kraggens Notariële Akte K476/88S gedateer 1 Februarie 1988 onderhewig aan 'n waterpyleiding 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, groot 1309, 7584 Hektaar (waarvan 'n gedeelte hierkraggens getranspoteer word) is:
- b. Kraggens Notariële Akte No K95/1998S gedateer 11 November 1997 onderhewig aan 'n permanente serwituutgebied vir die installering en oprigting van 'n drukverminderingstasie, pyplyn en werke met meegaande regte welke –
    - A. Pyplyn en werke 6 (ses) meter wyd is en waarvan die middlelyn aangedui word deur die lyne ABCDEFGHJKLM en NPQ en die
    - B. DRUKVERMINDERINGSTASIE 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 Gasdistribusie-korporasie Beperk 1964/006005/06 soos meer volledig sal blyk uit die gemelde Notariële Akte."

## 2.2 Excluding the following which only affects Erf 8793:

- "G. Die Resterende Gedeelte van Gedeelte 6 van die plaas Pretoria Town and Townlands 351, groot 1309, 7584 Hektaar (waarvan 'n gedeelte hierkragtens getranspoteer word) is:
- a. Kragtens Notariële Akte No K94/1998S gedateer 3 Julie 1997 onderhewig aan 'n permanente servituutgebied, vir die installering en oprigting van 'n pyplyn en werke, 6 (ses) meter wyd waarvan die die lyn abcde stel voor die senterlyn van die servituut soos aangedui op Kaart LG No 1988/2019, met meegaande regte en 'n tydelike servituutgebied vir die duur van die konstruksie van die pyplyn en werke ten gunste van die Suid-Afrikaanse Gasdistribusie korporasie Beperk (1964/006005/06), soos meer volledig blyk uit die gemelde Notariële Akte."

## 3. CONDITIONS OF TITLE

### CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

#### 3.1 ALL ERVEN (EXCEPT ERVEN 8791 TO 8796)

- 3.1.1 Each erf is subject to a servitude, 2m 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 2m 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.
- 3.1.2 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 2m thereof.
- 3.1.3 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.

#### 3.2 ERVEN 8791 AND 8792

##### 3.2.1 ERF 8791

- 3.2.1.1 The entire erf as indicated on the General Plan, is subject to a servitude for right of way in favour of the local authority and Erven 8569 to 8790 and 8792 to 8796 within the township.
- 3.2.1.2 The entire erf is subject to a servitude of municipal services in favour of the municipality.

##### 3.2.2 ERF 8792

- 3.2.2.1 The entire erf as indicated on the General Plan, is subject to a servitude for right of way in favour of the local authority and Erven 8569 to 8790 and 8791, 8793 to 8796 within the township.
- 3.2.2.2 The entire erf is subject to a servitude of municipal services in favour of the municipality.
- 3.2.2.3 The erf shall not be transferred into the name of any purchaser other than Lotus Gardens Extension 31 and 32 Home Owners Association Non Profit Company ("NPC") without the written consent of the local authority first having been obtained and the Erf shall be transferred together with any private open space Erf as the first transfers from the Township.



3.2.3 ERVEN 8569 to 8790 and 8792 to 8796

The erf is entitled to a servitude of right of way over Erf 8791 as indicated on the General Plan.

3.2.4 ERVEN 8569 to 8790 and 8791, 8793 to 8796

The erf is entitled to a servitude of right of way over Erf 8792 as indicated on the General Plan.

3.2.5 ERVEN 8793 TO 8796

3.2.5.1 The erven shall not be transferred into the name of any purchaser other than Lotus Gardens Extension 31 and 32 Home Owners Association Non Profit Company ("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 transfers from the Township.

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

3.2.6 ERVEN 8723, 8729, 8756 AND 8792 TO 8796

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

3.2.6.1 A 6m wide water pipeline servitude.

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 8791 TO 8796)

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 Lotus Gardens Extension 31 and 32 Home Owners Association Non Profit Company ("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 of certifying that the provisions of the Memorandum of Incorporation ("MOI") have been complied with.

3.2.2 ERF 8792

Lotus Gardens Extension 31 and 32 Home Owners Association Non Profit Company ("NPC") shall maintain the stormwater attenuation system on the erf, to the satisfaction of the local authority.

3.3 Conditions of Title imposed by the Department of Public Transport, Roads and Works (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended

3.3.1 ERF 8793

3.3.1.1 The registered owner of the erf shall maintain, to the satisfaction of the Department of Public Transport, Roads and Works (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road PWV 9.

3.3.1.2 Except for the physical barrier referred to in clause 3.3.1.1 above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m/30m from the boundary of the erf abutting Road PWV 9 neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Transport and Public Works (Gauteng Provincial Government).









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