

***THE PROVINCE OF
GAUTENG***



***DIE PROVINSIE VAN
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**PROVINCIAL NOTICE 1602 OF 2022****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5441T****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****THE REEDS EXTENSION 56**

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 regards to the property(ies) in the township of The Reeds Extension 56, 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 **5441T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-5441T (Item 31106))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECEMBER 2022
(Notice 151 of 2022)

CITY OF TSHWANE**DECLARATION OF THE REEDS EXTENSION 56 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 The Reeds Extension 56 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-5441T (Item 31106))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY THATCHFIELD RETAIL PROPERTIES (PROPRIETARY) LIMITED (REGISTRATION NO 2021/661068/07), 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 179 (A PORTION OF PORTION 121) OF THE FARM BRAKFORTEIN 399JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be The Reeds Extension 56.

1.2 DESIGN

The township consists of erven as indicated on General Plan SG No 1678/2021.

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

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 roads and all stormwater running off or being diverted from the roads and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.6 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.

1.7 ACCESS CONDITIONS

- 1.7.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.
- 1.7.2 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.

1.8 CONDITIONS TO BE IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF ROADS AND TRANSPORT

- 1.8.1 The township owner/(s) shall comply with the conditions of the Gauteng Department of Roads and Transport.
- 1.8.2 If however, before the expiry date mentioned in 1.8.1 above, circumstances change in the opinion of the Municipality 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
- 1.8.3 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).
- 1.8.4 The township owner shall at his/her/their own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport has granted consent for the development.
- 1.8.5 The access to the land development shall be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by Gautrans.

- 1.8.6 Lines of no Access will be applicable as indicated on the approved layout plan of the township.
- 1.8.7 A physical barrier, in compliance with Executive Committee Resolution No 1112 of 26 June 1978 read with Section 46(2)(b) of the Gauteng Transport Infrastructure Act, 2001 (Act No 8 of 2001) and the Gauteng Transport Regulations, 2002 (Regulation 20 in terms of Notice 219 of 2003) dated 29 January 2003 shall be erected on the lines of no access.
- 1.8.8 Except for the physical barrier referred to in the paragraph above, no building or structure shall be erected, within the building restriction area of 16m from the reserve boundary of road(s) K73, except with the consent in writing of Gautrans.
- 1.8.9 Except with the written approval of Gautrans, no advertisements shall be displayed.
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, when required to do so by the City of Tshwane.
- 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 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:
- 2.4.1 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;
- 2.4.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;

- 2.4.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.4.4 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;
- 2.4.5 it is in a position to consider a final building plan; and
- 2.4.6 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.

2.5 NOTARIAL TIE OF ERVEN

The township owner shall, at his own costs, after proclamation of the township, but prior to the transfer of any erf in the township, notarially tie Erf 5355 in the township, with Erf 5344, The Reeds Extension 54, to the satisfaction of the Municipality. The access of Erf 3 via Erf 5344, The Reeds Extension 54 shall be contained in the notarial deed.

2.6 THE DEVELOPER'S OBLIGATIONS

2.6.1 PROVISION OF ENGINEERING DRAWINGS

- 2.6.1.1 The developer must submit to the CTMM complete detail design drawings in respect of roads and stormwater, water and sewer infrastructure for approval prior to the commencement of the construction of the said services.
- 2.6.1.2 The detail design drawings will only be evaluated after the required Services Report with regards to roads and stormwater has been approved.
- 2.6.1.3 The developer must obtain a way leave from the Council prior to commencement of construction work, if such work will be done on Council property.

2.6.2 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:

- 2.6.2.1 furnish the municipality with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services (roads, stormwater, water and sewer) and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, and proof of this must be submitted to the Municipality.

2.6.3 PRIVATE OPEN SPACE

Erf 5355 shall prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to the registered owner of Erf 5344, The Reeds Extension 54 who have full responsibility for the functioning and proper maintenance of the said erf (or erven) and the engineering services within the said erf (or erven).

- 2.7 A detailed Construction or Phase 2 Geological Report, which must include the mapping details of the trenches and revised geotechnical map, confirming the soil conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, geotechnical soil class for each stand within the township must be included. Certification of the trenches must also be included.

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, if any:

- 3.1 Excluding the following conditions in the Deed of Transfer T17863/2017 which do not affect the township due to location:
 - 3.1.1 A. The former Remaining Extent of the abovementioned farm Brakfontein 399, measuring as such 902,1251 hectares (a portion whereof is held hereunder) is subject to a Servitude of Way-Leave for the passage of electrical power and ancillary rights in favour of the City Council of Pretoria, as will more fully appear from Notarial Servitude of Way-Leave 739/56-S registered on the 6th of July 1956.
 - 3.1.2 B The former Remaining Extent of the abovementioned farm Brakfontein 399, measuring as such 449,7611 hectares, (a portion whereof is held hereunder) is subject to a pipeline servitude for municipal purposes 20,50 metres wide, the northern boundary of which servitude is indicated by the lines AB, BC, CD and DE, on the annexed Diagram SG No 3313/2004 in favour of the City of Tshwane as will more fully appear from Notarial Deed No K2703/2003S dated 1th of April 2003.
 - 3.1.3 C The former Remaining Extent of the abovementioned farm Brakfontein 399, measuring as such 449,7611 hectares, (a portion whereof is held hereunder) is subject to a servitude of right of way 25,00 metres wide in favour of the City of Tshwane which servitude is indicated by figure G' L M F' G' on the annexed Diagram SG No 3313/2004 as will more fully appear from Notarial Deed No K2704/2003S dated 1st April 2003.
 - 3.1.4 D The former Remaining Extent of the abovementioned farm Brakfontein 399, measuring as such 449,7611 hectares, (a portion whereof is held hereunder) is subject to a pipeline servitude for sewerage purposes 6,00 (SIX) metres wide, the centre line of which servitude is indicated by the line e f g h j k l and a pipeline servitude for sewerage purposes 3,00 (THREE) metres wide the centre line of which servitude is indicated by the line m n q p in favour of the City of Tshwane on the annexed Diagram SG No 3313/2004 as will more fully appear from Notarial Deed No K2705/2003S dated 1st April 2003.
 - 3.1.5 F The former Portion 121 of the abovementioned farm Brakfontein 399, measuring as such 26,7766 hectares, (a portion whereof is held hereunder) is by virtue of Notarial Deed of Cancellation and Re-imposition of Servitude K1349/2017S, subject to a Sewer pipeline servitude, 1 (ONE) metre wide, of which the eastern boundary is indicated by the line A B C D E F G and H J K L on Diagram SG No 3315/2004 annexed to the aforesaid servitude, together with ancillary rights, as will more fully appear from the aforesaid Notarial Deed.
- 4.2 The following conditions in the Deed of Transfer T17863/2017 which affect Erven 5353 and 5355 in the township due to location:
 - E. The former Portion 121 of the abovementioned farm Brakfontein 399, measuring as such 26,7766 hectares, (a portion whereof is held hereunder) is by virtue of Notarial Deed of Cancellation and Re-imposition of Servitude K1348/2017S, subject to a Power Line Servitude together with ancillary rights, indicated by the figure A a b G H A on the annexed Diagram SG No 4069/2015, as will more fully appear from the 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 With reference to Clause 18 of the Tshwane Town Planning Scheme, 2008 (Revised 2014), the erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, if and when required by the Municipality.

4.2 Conditions of Title imposed in favour of third parties to be registered/created on the first registration of the erven concerned.

4.2.1 ERF 5353

The erf is subject to a 3m wide servitude in favour of Erf 5354 for cables as indicated on the General plan.

4.2.2 ERF 5353

4.2.2.1 Erf 5353 shall be subject to a right of way servitude in favour of Erf 5354, the locality thereof to be dealt with by means of a Notarial Deed of Identification, to the satisfaction of the Municipality, which access shall be granted over any roadway that forms part of the development.

4.2.3 ERF 5354

4.2.3.1 The erf shall be entitled to a right of way servitude over Erf 5353 the locality thereof to be dealt with by means of a Notarial Deed of Identification, to the satisfaction of the Municipality which access shall be granted over any roadway that forms part of the development.

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

4.3.1 ERF 5353

4.3.1.1 The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road K73.

4.3.1.2 Except for the physical barrier referred to in clause 4.3.1.1 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 16m from the boundary of the erf abutting Road K73 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 Roads and Transport (Gauteng Provincial Government).

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