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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 95 OF 2024****LOCAL AUTHORITY NOTICE 01 OF 2024****MOGALE CITY LOCAL MUNICIPALITY****DECLARATION OF AVIANTO ESTATE EXTENSION 21 AS AN APPROVED TOWNSHIP**

In terms of section 53(15) of the Mogale City Spatial Planning and Land Use Management By-law, 2018, read with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) the Mogale City Local Municipality hereby declares the township Avianto Estate Extension 21 to be an approved Township, subject to the conditions set out in the Schedule hereto:

SCHEDULE

THE CONDITIONS UNDER WHICH THE APPLICATION DONE BY NORTHLANDS GROUP HOLDINGS (PTY) LTD (REGISTRATION NUMBER 1998/016322/07) (HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) IN TERMS OF THE PROVISIONS OF CHAPTER 7 (PART 3) OF THE MOGALE CITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PROPOSED PORTION 202 (A PORTION OF PORTION 201) OF THE FARM RIETVALLEI NO 180-IQ, GAUTENG PROVINCE, HAS BEEN APPROVED BY THE MOGALE CITY LOCAL MUNICIPALITY.

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be **Avianto Estate Extension 21**.

1.2 DESIGN

The township shall consist of erven as indicated on **General Plan S.G. No. 2288/2020**.

1.3 ENGINEERING SERVICES**1.3.1 STORMWATER DRAINAGE AND STREET DESIGN**

- (a) The township owner shall, at the request of the municipality, supply the municipality with a detailed scheme, including plans, cross-sections and specifications as compiled by a civil engineer approved by the municipality for the provision of an underground water drainage system. Such system must be designed in order to dispose of the runoff of a 1:10-year rainstorm and must ensure that the runoff of a 1:100-year rainstorm be guided to the nearest defined watercourse without flooding any adjacent properties. The design of the drainage system must contain and describe aspects like tar macadamisation, kerbing and canalisation of roads, as well as the provision of retaining walls if required by the municipality.

The drainage system must, where necessary, make provision for the catchment of stormwater in catchment pits from where it must be disposed of in watertight pipes in such a way that no water collection or seepage shall occur on or near the ground surface. The mentioned water pipes must be manufactured from durable material and must be approved by the municipality. The scheme must also indicate the route and gradient of access to each individual erf from the adjoining street.

- (b) The township owner must construct roads according to the approved scheme at their own costs and to the satisfaction of the municipality, under the supervision of a civil engineer approved by the municipality.
- (c) The township owner must make a proportional contribution, as determined by the municipality, for the upgrading of the access road to the township.
- (d) The engineering design standard for all services shall be based on the "Guidelines for the Provision of Engineering Services and Amenities" (Red Book). The specific engineering designs shall further be subject to approval by the municipality.

1.3.2 SEWERAGE

- (a) The township owner must, at the request of the municipality, supply the following detail regarding the sewerage system of the proposed township:
 - (i) Comprehensive layout plans;
 - (ii) Cross-sections; and
 - (iii) Specifications of materials and equipment to be used during the construction of such sewerage system.
- (b) The sewerage system must be designed by an approved professional engineer according to the specifications and standards laid down by the municipality to the satisfaction of the municipality;
- (c) All materials to be used in the construction of the sewerage system are subject to the approval and/or amendment of the municipality.

1.3.3 WATER

- (a) The township owner must, at the request of the municipality, submit a detailed scheme with plans, cross-sections and specifications for the provision of an underground water distribution system for approval.
- (b) The proposed network must make provision for a pressurised water connection for each individual erf and must be designed by a professional engineer approved by the municipality. The municipality must approve all materials to be used in the proposed water network.

1.3.4 ELECTRICITY

- (a) The municipality is not the bulk supplier of electricity to or in the township. The township owner shall, in terms of Section 118(2)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), read with the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) make the necessary arrangements with **ESKOM**, the licensed supplier of electricity for the provision of electricity to the township.
- (b) No internal electricity services will be taken over by the municipality at proclamation, and a properly established legal entity shall take over the responsibility for the long-term maintenance of the internal electricity network.

1.3.5 WASTE MANAGEMENT

The township owner shall, at the request of the municipality, submit a detailed waste management plan for the township for approval.

1.3.6 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE TRANSFER OF ERVEN

- (a) The township owner shall, after compliance with clause 2.3.1 – 2.3.5 above, at its own costs and to the satisfaction of the municipality, construct and install 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 municipality certifying to the Registrar of Deeds that these engineering services had been constructed and installed.
- (b) The township owner shall fulfil its obligations in respect of the installation of water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the municipality in terms of clause 2.3.1 – 2.3.5 above. Erven and/or units in the township may not be transferred into the name of a purchaser prior to the municipality certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said municipality.
- (c) The township owner shall submit to the municipality a certificate issued by ESKOM that acceptable financial arrangements with regard to the supply of electricity, have been made by the township owner to the municipality. Erven and/or units in the township may not be transferred into the name of a purchaser prior to the municipality certifying to the Registrar of Deeds that such certificate had been issued by ESKOM.

1.3.7 OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the municipality, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser prior to the municipality certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

1.4 GAUTENG PROVINCIAL GOVERNMENT

- (a) Should the development of the township not have been commenced within a period of 5 years from the date of authorisation or exemption, the application to establish the township shall be resubmitted to the Department of Agriculture and Rural Development of the Gauteng Provincial Government for exemption/authorisation of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.
- (b)
 - (i) Should the development of the township not have been completed within a period of 10 years from the date of their letter, the application to establish the township shall be resubmitted to the Department of Roads and Transport of the Gauteng Provincial Government for reconsideration.
 - (ii) If, however, before the expiry date mentioned in (i) 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 the 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).

- (iii) The Township Owner shall comply with the conditions of the Department as set out in the Department's letter.

1.5 DEPARTMENT OF MINERAL RESOURCES

Should the development of the township not have been completed within a period of five years from the date of their letter, the application to establish the township shall be resubmitted to the department mineral resources for reconsideration.

1.6 ACCESS

Access to or egress from the township shall be provided to the satisfaction of the municipality.

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 (or roads), and all stormwater running off or being diverted from the road (or roads) shall be received and disposed of.

1.8 REFUSE REMOVAL

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.

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.

1.10 DEMOLITION OF BUILDINGS AND STRUCTURES

The Township Owner shall at its own costs cause all existing buildings and 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.

1.11 FILLING IN OF EXISTING EXCAVATIONS AND DONGAS

The township owner shall, at his own expense, cause any excavations and dongas affecting any erf in the township, if any, to be filled in and compacted.

1.12 FORMATION, DUTIES AND RESPONSIBILITIES OF THE PROPERTY OWNERS' ASSOCIATION

- (a) The required Property Owners' Association shall be properly and legally constituted to remain or become the township owner prior to the transfer of any erf or sectional title unit in the township.

- (b) The Property Owners' Association is registered as Avianto Estate NPC (Registration Number 2015/425072/08), subject to the following:
 - (i) The main object of the NPC shall not be amended without the written consent of Mogale City Local Municipality first having been obtained;
 - (ii) The NPC shall at all times comply with the legal requirements and/or provisions for the incorporation, existence and continuation of the company as a legal entity (a Non-profit Company) as defined and contemplated in the abovementioned Act).
 - (iii) The NPC shall not apply for de-registration at the Companies and Intellectual Property Commission without the written consent of the Mogale City Local Municipality first having been obtained;
 - (iv) The Memorandum of Incorporation shall not be amended as far as such amendment relates to the clauses above and including this clause, without the written consent of the Mogale City Local Municipality first being had and obtained.
- (c) All owners of erven (or subdivided/consolidated portions thereof) and sectional title units in the township shall become and remain members of the Property Owners' Association and shall be subject to its memorandum and articles until such owners legally cease to be owners as aforesaid.
- (d) The Property Owners' Association shall have the power to regulate the provision of services to the individual erven and in particular without limiting the generality of the foregoing, to determine an annual allocation of domestic water to each erf and to introduce measures to limit the use of domestic water to such allocation.
- (e) The Property Owners' Association shall have the legal power to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- (f) Building plans shall only be submitted to the local municipality for final approval once the said plans have been approved by the Property Owners' Association as specifically provided for in the Memorandum of Incorporation.
- (g) **RESTRICTION ON THE TRANSFER OF ERVEN:**

Erven 86, 87 and 88 shall, prior to or simultaneously with the registration of the first transfer of an erf/unit in the township, and at the costs of the township owner, be transferred only to AVIANTO ESTATE NPC, REGISTRATION NUMBER: 2015/425072/08 which Association shall have full responsibility for the functioning and proper maintenance of the said erf and the engineering services within the said erf.

1.13 RELOCATION OF PERSONS

The township owner shall deal with persons that reside on the land where the township is to be established in the following manner:

- (a) No person, formally or informally residing on the application property during or after of the approval of the application may be relocated, evicted or otherwise be displaced by the Applicant and/or the landowner without the official involvement of the municipality.

- (b) The developer/applicant/land owner is encouraged to make provision for housing all persons residing on the property as part of the township application process. Should it prove not to be possible to house residents in the township to be developed, residents/occupiers must be relocated to (a) suitable alternative site(s) as close as possible to the application property according to the requirements and to the satisfaction of the municipality at his/her cost on suitable land identified with the co-operation of the municipality.
- (c) Alternative housing to be provided to persons residing on the application site must at least be of RDP standards and is subject to the approval of the municipality.
- (d) The Applicant must finalise all arrangements regarding the relocation of residents on-site prior to the conclusion of the mandatory Service Level Agreement (SLA) to be entered into between the municipality and the township owner.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

2.1 Excluding the following which will not affect the erven in the township due to locality:

2.1.1 Die voormalige Resterende gedeelte van Gedeelte van die gesegde plaas, groot sodanig 152,9087 hektaar (n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan die volgende servitute en bepalinge:

- (a) Onderworpen aan het servituut ten gunste van ARTHUR BALLANTYNE EDGSON van een recht van weg van zyn gedeelte naar de rivier voor zuiping en drinkwater.
- (b) Het recht ten gunste van de eigenaar van een gedeelte van gesegde plaas RIETVALLEI, groot 1,8952 Hektaar, getranspoteerd krachtens Akte van Transport No. 5744/1898 tot het afloop water van de eigenaren van Gedeelte C en het recht pypen te leggen over gezegd Resterende Gedeelte, alsook het recht tot een watervoor over gemeld Resterend Gedeelte, zoals meer ten volle uiteengezet ingemelde Akte van Transport Nr. 5744/1898.
- (c) Akte van Servituut Nommer 6/1899, geregistree op 20ste Februarie, 1899, waarby het ewigdurend recht van een watervoor, afgestaan word aan FRANS ENGELBERTUS FOURIE, als eigenaar van het Resterend Gedeelte van die plaats DRIEFONTEIN Nommer 179, regsistrasie afdeling I.Q. distrik Krugersdorp, over gemeld Resterend Gedeelte, beginnende op Gedeelte C van RIETVALLEI 180, I.Q., gehouden Krachtens Akte van Transport Nommer 5741/1898 gedateerd 28ste September, 1898, asloot het recht het water gedeeltelik met pypen over gemeld Resterend Gedeelte te bregen op zoodanig voorwaarden en met zulke rechten zoals meer volledig in gemelde Akte van Servituut uiteengezet zyn.

2.1.2 Die Resterende Gedeelte van Gedeelte 3 van die Plaas Rietvallei 180, Registrasie Afdeling I.Q., Provinsie van Gauteng, groot 18,5374 Hektaar, waarvan die eiendom hiermee getranspoteer 'n gedeelte uitmaak, is onderhewig aan 'n ewigdurende servituut, met bygaande regte, vir riool doeleindes 3 meter breed, soos getoon op Kaart S.G. A4359/1985, ten gunste van die Roodepoort Administrasie van die Groter Johannesburg Metropolitaanse Oorgangsraad, soos meer volledig sal toon uit Notariele Akte van Servituut Nommer K.3885/1993S.

2.2 All erven shall be made subject to the following conditions and servitudes: -

- 2.2.1 Die eiendom is onderhewig aan 'n Kraglyn Servituut ten gunste van Eskom Holdings SOC Limited met bykomende regte, soos meer volledig sal blyk uit Notariele Akte van Servituut K6438/2012S.
- 2.2.2 Die eiendom is onderhewig aan 'n Kraglyn Servituut ten gunste van Eskom Holdings SOC Limited

met bykomende regte, soos meer volledig sal blyk uit Notariele Akte van Serwituut K6226/2011S.

2.3 All erven in the township shall be made subject to existing conditions and servitudes if any –

2.3.1 Excluding the following, which only affects erf 85 in the township: -

2.3.1.1 Subject to a perpetual servitude of telecommunications and electric power transmission and telleover the property, subject to any existing servitude or other real right to convey electricity across the properties by means of overhead powerline/s and underground cables consisting of conductors mounted on poles and/or structures with such structure supporting mechanism as may be necessary or convenient as will more fully appear from Notarial deed of servitude K3317/2011S, the route of which servitude has been defined by the figures A B C MIDDLE OF CROCODILE RIVER D on Servitude Diagram S.G. No. 2318/2014 as will more fully appear from Notarial Deed of Servitude K4125/2020S.

2.3.1.2 Subject to a powerline servitude in favour of Eskom Holdings SOC Limited, with ancillary rights, as may be necessary or convenient and as will more fully appear from Notarial Deed of Servitude K3167/2020S.

2.3.2 Excluding the following which only affects erf 88 in the township: -

2.3.2.1 Die eiendom hiermee getranspoteer is onderworpe aan 'n reg van weg 6,30 meter wyd soos aangetoon op Algemene Plan LG No 6996/1996 ten gunste van die Resterende Gedeelte van Gedeelte van voormelde plaas Rietvallei Nr 180 IQ, soos aangedui in Titellakte T1358/1953.

2.3.2.2 By virtue of Notarial Deed of Servitude K.899/1998S dated 10th December 1997, the withinmentioned property is subject to a perpetual servitude of right of way in favour of the General Public, 10 metres wide.

2.3.3 Excluding the following which only affects erven 41, 76, 85 and 88 in the township: -

2.3.3.1 Onderworpe aan 'n rioolserwituut, 3 meter breed aangetoon op Algemene Plan LG No 6996/1996, ten gunste van Westelike Metropolitaanse Substruktuur, soos meer volledig sal blyk uit Notariele Akte van serwituut K385/1997S.

2.3.4 Excluding the following which only affects erven 41, 76, 84, 85 and 88 in the township: -

2.3.4.1 Onderworpe aan 'n serwituut van reg van weg, 10 meter breed aangetoon op Algemene Plan LG No 6996/1996, ten gunste van Wessel Lourens Nieaber, Identiteitsnommer 480301 5111 00 1 geskei, soos meer volledig sal blyk uit Notariele Akte van persoonlike serwituut van reg van weg K384/1997S.

2.3.5 Excluding the following which only affects erf 86 in the township: -

2.3.5.1 By virtue of Notarial Deed No K1350/2022S dated 03 February 2022 the within-mentioned property is subject to a perpetual servitude for electrical mini substation purposes as indicated y the figures s1, s2, s3, s4 on General Plan S.G. No 2288/2020 measuring 3x6 square metres over the property, together with ancillary rights in favour of Eskom as will more fully appar on reference to the said Notarial Deed.

2.3.6 Excluding the following entitlement conditions which will not be brought forward to the erven in the township: -

2.3.6.1 Die eiendom hiermee getranspoteer is geregtig tot 'n reg van weg 6,30 (SES komma DRIE, NUL) meter wyd, oor Gedeelte 76 genoem Muldersdriif Noord van voormelde plaas gehou kragtens Akte

van Verdelingstransport Nommer 1358/1953 en wel al langs die Oostelike grenslyn van gemelde gedeelte 76.

3. CONDITIONS OF TITLE

CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE MOGALE CITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018

The erven mentioned hereunder shall be subject to the conditions as indicated:

3.1 ALL ERVEN

- (i) The erf is subject to a 2-meter wide servitude for engineering services along any two boundaries in favour of the Municipality, in the event that the services are taken over by the municipality according to a Services Agreement.
- (ii) 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 2 metres thereof.
- (iii) The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude area any material as may be excavated by them during the course of the construction, maintenance or removal of such works as it in its discretion may deem necessary, and shall further be entitled to reasonable access to the process of the construction, maintenance or removal of such works being made good by the Municipality.

3.2 ERVEN 33, 82 AND 87

The erven shall be subject to a 6m wide sewer servitude as indicated on the General Plan.

3.3 ERF 82 ONLY

The erf shall be subject to a 6m wide right-of-way servitude in favour of Erf 87 as indicated on the General Plan.

3.4 ERF 87 ONLY

The erf shall be entitled to a 6m wide right-of-way servitude over Erf 82 as indicated on the General Plan.

3.5 ERF 88 ONLY

The erf shall be subject to a servitude for right of way and a servitude for municipal services as indicated on General Plan.

Mr M Msezana
MUNICIPAL MANAGER

February 2024

LOCAL AUTHORITY NOTICE 02 OF 2024**MOGALE CITY LOCAL MUNICIPALITY****MOGALE CITY AMENDMENT SCHEME 0099**

It is hereby notified in terms of the provisions of the Mogale City Spatial Planning and Land Use Management By-law, 2018, read with the applicable parts of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) that the Mogale City Local Municipality has approved an amendment scheme with regard to the land in the township **Avianto Estate Extension 21** being an amendment of the Mogale Land Use Scheme, 2022.

The amendment scheme documents, and the scheme clauses of the amendment scheme are filed with the Municipal Manager of the Mogale City Local Municipality and are open for inspection during normal office hours.

This amendment scheme is known as **Mogale City Amendment Scheme 0099**.

Mr M Msezana
MUNICIPAL MANAGER

February 2024

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