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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 433 OF 2024****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5692T****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****MONUMENT PARK EXTENSION 16**

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 regard to the property(ies) in the township of Monument Park Extension 16, 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 **5692T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-5692T (Item 32116))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ MARCH 2024
(Notice 114 of 2024)

CITY OF TSHWANE**DECLARATION OF MONUMENT PARK EXTENSION 16 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 Monument Park Extension 16 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-5692T (Item 32116))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY DASTEK (PTY) LTD (REGISTRATION NUMBER 1998/004479/07), 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 142 (A PART OF PORTION 35) OF THE FARM WATERKLOOF 378JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Monument Park Extension 16.

1.2 DESIGN

The township consists of erven as indicated on General Plan No 2569/2022.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICE

The township owner shall at its own expense provide the township with such engineering services, social infrastructure and open space as the City of Tshwane Metropolitan Municipality [the 'Municipality'] may deem necessary for the proper development of the township and comply with the engineering services agreements entered into with the Municipality as required in terms of Section 21(3) of the City of Tshwane Land Use Management By-law, 2016 ['By-law'] and in accordance with Section 49 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ['SPLUMA'].

1.4 CONDITIONS IMPOSED BY THE COUNCIL FOR GEOSCIENCE

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 dolomite stability or similar report aimed at managing the development in so far as it is located on dolomite.

1.5 THE ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall ensure that the drainage of the erven in the township shall fit in with that of adjacent roads, and all stormwater run-off being diverted from such roads and higher-lying areas shall be received and disposed of to the satisfaction of the Municipality.

1.6 ACOUSTIC SCREENING

The applicant shall be responsible for acoustical screening of the buildings as per the recommendations set out in the Noise Impact Study dated 11 November 2020 or subsequent similar reports accepted by the Municipality.

1.7 CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF ROADS AND TRANSPORT

1.7.1 Should the township not be proclaimed in terms of Section 16(9) of the By-law before 30 April 2031 the application to establish the township shall be resubmitted to the Gauteng Department of Roads and Transport for reconsideration.

1.7.2 If however, before the expiry date mentioned in 1.7.1 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 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).

1.7.3 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 30 April 2021.

1.7.4 The township owner shall at its own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport (hereafter referred to as GDRT) has granted consent for the development.

1.7.5 The temporary access to the land development area over Route K69 will be designed by a professional engineer and constructed in accordance with the latest requirements as laid down by GDRT.

1.7.6 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION No 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of GDRT will be erected along the boundary of the development area fronting on the P102-1 and K69-routes.

1.7.7 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor 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 erven abutting on Roads K69 and P102-1 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of GDRT.

1.7.8 In terms of EXECUTIVE COMMITTEE RESOLUTION No 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, the following building-lines are applicable:

16m building line from K69-route affecting Erven 1497 and 1498 and from P102-1 Provincial Road affecting Erf 1498.

- 1.7.9 The applicant shall arrange for the drainage of the development area to fit in with that of Provincial Route K-69 and P102-1 and for all stormwater running off or being diverted from Provincial Road K69 to be received and disposed of.
- 1.7.10 No advertisements visible from Provincial Road K69 and P102-1 shall be displayed without the written approval of GDRT and the Municipality.
- 1.8 **CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)**
- The township owner shall at its own expense comply with and strictly adhere to all the conditions and requirements imposed by GDARD, including (if applicable) those imposed pursuant to an Exclusion Registration in terms of NEMA (as amended) and the Regulations thereto.
- 1.9 **OTHER NATIONAL AND PROVINCIAL DEPARTMENTS**
- The township owner shall at its own expense comply with and strictly adhere to all the conditions and requirements imposed by any other national or provincial department prior to the registration or transfer of any erven in the township.
- 1.10 **ACCESS CONDITIONS**
- 1.10.1 Access to the township (in and egress) shall be provided to the satisfaction of the Municipality.
- 1.10.2 No ingress to or egress from the township for vehicular traffic shall be permitted along the line-of-no access as indicated on the Scheme documents except with the written approval of GDRT for temporary or permanent access.
- 1.10.3 Access to or from Veldpou Street shall only be permitted from or to erven in the township after implementation of the K69-road along the northeastern boundary of the township.
2. **CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTERABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT IN PART 1 ABOVE, IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**
- 2.1 **REFUSE REMOVAL**
- 2.1.1 The township owner shall at its own expense have all litter within the township area removed to the satisfaction of the Municipality when required to do so.
- 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 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 1497 and 1498 to the satisfaction of the Municipality.

The Municipality hereby grants approval for the consolidation of Erven 1497 and 1498 in terms of Section 16(12)(d) 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.

2.5 RESTRICTION ON REGISTRATION, AND THE TRANSFER OF ERVEN FROM THE TOWNSHIP

2.5.1 In terms of Section 16(10) of the By-law read with Section 53 of SPLUMA 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 result from a land development application may be submitted by the applicant and/or owner to the Registrar of Deeds for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered Title in the name of the owner:-

prior to the Municipality certifying to the Registrar of Deeds that:

- (i) 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;
- (ii) all engineering services contributions and open space and parks contributions and / or development charges and / or other monies have been paid;
- (iii) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- (iv) 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;
- (v) it is in a position to consider a final building plan; and
- (vi) 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.

2.5.2 Erven 1497 and 1498 shall not be transferred to a purchaser without the prior written consent of the Municipality which consent shall not be granted unless –

2.5.2.1 A geological footprint investigation has been conducted and found to be suitable for development and accepted by the Municipality and the Council for Geoscience.

2.5.2.2 A Construction Report must be submitted, 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 D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

2.5.2.3 A Dolomite Risk Management Plan must be submitted, 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.

2.5.2.4 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management for the Dolomite Risk Management Plan legally to a representative Body Corporate or similar entity, as applicable.

2.6 PROVISION OF OPEN SPACE AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall not be liable for payment of a parks contribution to the Municipality.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g) OF THE BY-LAW

All erven shall be made subject to the existing title conditions,

3.1 excluding the following conditions which do not affect the township due to their nature:

3.1.1 Condition 1(c) of Deed of Transfer T112111/2000 which reads as follows:

“Kragtens Notariële Akte van opheffing van servituut K4377/1990S gedateer 13 Augustus 1990 is die werking van servitute van reg van weg slegs opgehef ten aansien van Erwe 1383, 1385, en 1430, Monument Park Uitbreiding 8 soos meer volledig sal blyk uit genoemde notariële akte” (p3)

3.1.2 Condition 1(d) in Deed of Transfer T112111/2000 which reads as follows:

“Kragtens Notariële Akte van Opheffing van Servituut Nr 2006/92S verval die servituut van reg van weg soos uiteengesit in voorwaarde 1(a) en (b) op bladsy 3 hiervan slegs ten aansien van resterende gedeelte van gedeelte 24 (gedeelte van gedeelte 13) van die plaas Waterkloof en gedeelte 39 (1-24) van die plaas Waterkloof JR soos meer volledig sal blyk uit gemelde Notariële Akte” (p3)

3.2 excluding the following conditions which only affect Erf 1498 in the township:

3.2.1 Condition 1(b) in Deed of Transfer T112111/2000 which reads as follows:

“GEREGTIG tot ‘n reg van weg 3,15 meter wyd langs die gesegde lyn B E aangetoon op gesegde kaart SG Nr A2316/39 oor gesegde gedeeltes 39 en 40.” (p3)

3.2.2 Conditions to be contained in the Deed of Transfer of the underpinning farm portion (Portion 142 (a portion of Portion 35) of the farm Waterkloof 378-JR) which read as follows:

3.2.2.1 “Subject to a servitude for municipal services and for right of way, 1454 square metres in extent, indicated by the figure A B C D A on Diagram SG No 748/2022 in favour of Remaining Extent of Portion 24 (a Portion of Portion 13) of the farm Waterkloof 378, Registration Division JR, Province of Gauteng.”

3.2.2.2 “Subject to a servitude for municipal services, 1454 square metres in extent, indicated by the figure A B C D E A on Diagram SG No 748/2022 in favour of City of Tshwane Metropolitan Municipality.”

3.3 including the following conditions which affect all erven in the township:

3.3.1 Condition to be contained in the Deed of Transfer of the underpinning farm portion (Portion 142 (a portion of Portion 35) of the farm Waterkloof 378-JR) which read as follows:

“Entitled to a servitude of right of way and for engineering services, 188 square metres in extent, indicated by the figure ABCDEFGHJKA on Diagram SG No 2571/2022 over Erf 1385, Monument Park Extension 8 Township Registration Division JR, Province of Gauteng.”

3.3.2 Subject to the following condition imposed by the Roads and Transport Transportation Planning Division of City of Tshwane Metropolitan Municipality in their comment letter dated 22 February 2023:

“No further development may be permitted on either portion until a dolomite stability investigation has been conducted and a favourable report, indicating areas suitable for development and specifying conditions for development, has been submitted to City of Tshwane Metropolitan Municipality.”

4. CONDITIONS OF TITLE

4.1 ALL ERVEN

Conditions imposed on all erven in the township in favour of the Municipality in terms of Section 16(4)(g) of the By-law.

4.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.2 No building or other structure or any part of its foundation 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 m thereof.

4.1.3 The Municipality shall be entitled to temporarily deposit 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 Municipality.

4.2 ERF 1497

4.2.1 The erf is subject to a stormwater servitude which shall be registered in favour of the Municipality as reflected on the General Plan SG No 2569/2022

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