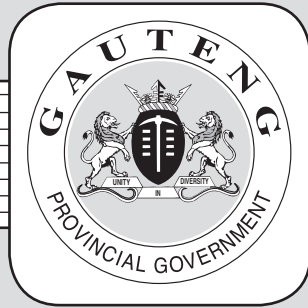


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

# Provincial Gazette Provinsiale Koerant

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**PRETORIA**  
2 APRIL 2019  
2 APRIL 2019

**No. 106**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 32 OF 2019****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 5029T**

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 Bronberg Close Extension 9, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Economic Development and Spatial Planning Department, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 5029T.

(CPD 9/1/1/1-BBCx9 603)  
(CPD 9/2/4/2-5029T))

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

2 APRIL 2019  
(Notice 119/2019)

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**CITY OF TSHWANE****DECLARATION OF BRONBERG CLOSE EXTENSION 9 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 Bronberg Close Extension 9 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-BBCx9 603)  
(CPD 9/2/4/2-5029T))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ZOTEC DEVELOPMENTS PROPRIETARY LIMITED (REGISTRATION NUMBER 2003/023822/07), IN TERMS OF 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 279 (A PORTION OF PORTION 3) OF THE FARM TWEEFONTEIN 372JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be Bronberg Close Extension 9.

**1.2 DESIGN**

The township shall consist of erven, parks and streets as indicated on the General Plan SG No 3048/2018.

**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 RECEIVING AND DISPOSAL OF STORMWATER

The stormwater plan for this township must be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The low points in roads and the accumulation of stormwater in crescents, cul-de-sac's and lower lying erven must be drained to the satisfaction of the Municipality.

#### 1.5 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.

#### 1.6 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.

#### 1.7 REMOVAL OF LITTER

The township owner shall at his own expense have all litter and building rubble within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the Municipality.

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.

#### 1.8 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

#### 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 the Gauteng Department of Agriculture and Rural Development, 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) as amended and the Regulations thereto, as the case may be, be for the development of this township.

#### 1.11 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE TRANSFER 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 transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of service 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 REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 1 ABOVE

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.

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 ACCESS

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

2.3 ENDOWMENT

The Township owner shall, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment to the Local Authority in lieu of the provision of the land for a park (public open space) equal to **234** square metres.

2.4 RESTRICTIONS ON THE ALIENATION OF LAND:

In terms of Section 82(1) of the Town planning and Township Ordinance, 1986 (Ordinance 15 of 1986), no Erf of Erven in the township may be transferred, until the City of Tshwane Metropolitan Municipality has certified that the township owner has complied with his obligations as contained in Section 82 and the conditions of establishment have been complied with.

In terms of Section 98(2) of the Town planning and Township Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with Section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

2.5 THE DEVELOPER'S OBLIGATIONS

2.5.1 PROVISION OF DETAILED ENGINEERING DRAWINGS:

2.5.1.1 The developer must submit to the City of Tshwane complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

2.5.1.2 The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.

2.5.1.3 The developer must obtain a way leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.5.1.4 A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

### 2.5.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

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

### 2.6 PRIVATE OPEN SPACE ERF FORMING PART OF A SECTIONAL TITLE DEVELOPMENT

Erf 136 shall be transferred only as private open space to the legal entity established for Erf 135 in accordance with the provisions of the Sectional Title Act, 1986 (No. 95 of 1986) as amended, which legal entity shall have full responsibility for the functioning and proper maintenance of Erf 136 and the engineering services within the said erf.

### 2.7 ESTABLISHMENT OF A NON PROFIT COMPANY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

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 and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the Company being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such a Company has been duly registered, before a section 82 Certificate shall be issued in terms of the Ordinance.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to a NPC for purposes of access and engineering services.

## 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T18017/2015, if any,

### 3.1 excluding the following conditions which do not affect the township and will not be registered against the erven in the township:

"E. Toestemming in terme van Artikel 6 Ordonnansie 20 van 1986 vir die onderverdeling van binnegeïnde eiendom is verleen deur die Administrateur vide caveat no 17669/1994C.

### 3.2 excluding the following conditions which entitlements/rights will not be passed onto the erven in the township:

"F. Die hierinvermelde eiendom is geregtig aan:

(i) 'n Serwituut van reg van weg 6 meter breed die Noordelike grens van welke Serwituut aangedui word deur die lyn AB op kaart LG No 7271/1994 oor gedeelte 3 van Hoewe 20, Olympus Landbouhoewes JR Gauteng.

(ii) 'n Serwituut van reg van weg 6 meter breed die Noordelike grens van welke serwituut aangedui word deur die lyn AB op kaart LG No 7272/1994 oor gedeelte 4 van Hoewe 20, Olympus Landbouhoewes JR Gauteng."

3.3 including the following condition which affect the township and will be registered against the erven in the township:

“A. “Portion 3 (a portion of Portion A) of the farm Tweefontein No 372, Registration Division JR, situated in the district of Pretoria (of which the Holding hereby transferred forms a portion) is subject to the following:

Subject to an Order of the Water Court (Supreme Court) North district 21, dated Pretoria 22 November 1945, and 27 June 1949, as will appear from servitude 620A/1949S.”

3.4 Remaining extent of Holding 20 Olympus Agricultural Holdings shall be subject to a notarial tie agreement with Erf 106, Bronberg Close Extension 6 and Erf 109, Bronberg Close Extension by virtue of Notarial Deed of Tie Agreement K6796/2016S.

#### 4. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICTED, 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 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE MUNICIPALITY

###### 4.1.1 ALL ERVEN

4.1.1.1 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 local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m 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 from it.

4.1.1.3 The City of Tshwane 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 City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

###### 4.1.2 ERF 136

The whole Erf 136 is subject to a servitude for protection of private open space and right of way as well as engineering services in favour of the Local Authority.

##### 4.2 CONDITIONS IMPOSED BY LOCAL AUTHORITY

4.1.3 Erf 135 and units/or units within the township are entitled to a servitude over Erf 136, for protection of private open space and right of way and engineering services, as indicated on the General Plan.

4.1.4 The whole of Erf 136 is subject to a servitude for protection of private open space and a right of way and engineering services in favour of all the erven and units and/or unit within the township, as indicated on the General Plan.

4.1.5 Erf 136 is entitled to a servitude for access purposes over Erf 135, the locality thereof to be registered to the satisfaction of the Municipality. Should a Sectional Title Scheme be registered over Erf 135, Erf 136 shall be entitled to access over any roadway that forms part of the common property of the Sectional Title Scheme.

4.1.6 Erf 135 is subject to a servitude for access purposes in favour of Erf 136, the locality thereof to be registered to the satisfaction of the Municipality, should a Sectional Title Scheme be registered over Erf 135, the common property of the Sectional Title Scheme shall be subject to a servitude for access over any roadway that forms part of the Sectional Title Scheme, in favour of Erf 136, the locality thereof shall be registered to the satisfaction of the Municipality.

4.3 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:

4.3.1 ERVEN 135 AND 136

4.3.1.1 The erf and each section in the Sectional Title Scheme established for the township or any sub-divided portion of an Erf are entitled to a servitude of right of way for purposes of access over Holding 18, Olympus Agricultural and the Remainder of Holding 19, Olympus Agricultural Holdings.

4.3.1.2 Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereof, shall on transfer automatically become and remain a member of the 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.

4.3.1.3 Any owner of an erf, or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall automatically become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or interest therein, or any unit thereon, shall be transferred to any person who has not bound itself to the satisfaction of the HOME OWNERS ASSOCIATION, to become a member of the HOME OWNERS ASSOCIATION.

4.3.1.4 The owner of the erf or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Title Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision or any interest therein, or unit thereon, without a clearance certificate from the HOME OWNERS ASSOCIATION that all monies owing have been paid.

4.3.1.5 The erf shall not be alienated or transferred into the name of any purchaser other than the Sectional Title Scheme established for the township without the written consent of the Municipality first having been obtained.

4.3.2 Erf 136 shall not be alienated or transferred into the name of any purchaser other than the NPC without the written consent of the Municipality first having been obtained.









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Contact Centre Tel: 012-748 6200. eMail: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)  
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