

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1462

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 381T

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 The Orchards Extension 87, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 381T.

(13/2/The Orchards x87 (381T))
__ October 2013

Chief Legal Counsel
(Notice No 612/2013)

PLAASLIKE BESTUURSKENNISGEWING 1462

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 381T

Hierby word ingevolge die bepalings van artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp The Orchards Uitbreiding 87, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Hoofregsadviseur, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 381T.

(13/2/The Orchards x87 (381T))
__ Oktober 2013

Hoofregsadviseur
(Kennisgewing No 612/2013)

CITY OF TSHWANE

DECLARATION OF THE ORCHARDS EXTENSION 87 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 The Orchards Extension 87 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/The Orchards x87 (381T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAFDEV LAND 1 (PTY) LTD 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 523 OF THE FARM HARTEBEESTHOEK 303JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be The Orchards Extension 87.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 1864/2013.

1.3 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.

1.4 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.

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development including if applicable 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) and Regulations thereto, as the case may be, for the development of this township.

1.6 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS REGARDING THE ALIENATION 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 alienated or transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services 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 REGISTERABLE

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 or with any other act of registration such as the issuing of a Certificate of Title.

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.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding-

3.1 the following conditions which do not affect the township area:

"C the property hereby transferred is subject to a servitude in favour of the City Council of Pretoria to convey electricity over the property together with ancillary rights and subject to conditions, as will more fully appear from Notarial Deed K515/1968S."

"D The property hereby transferred is subject to a servitude in favour of ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K1071/1973S as amplified by Notarial Deed K2495/1974S."

"E The property hereby transferred is subject to a servitude in favour of the South African Gas Distribution Corporation Limited No 64/06005/06 to convey gas over the property by means of an underground Pipeline, 6 (six) metres in width of which the centre line is indicated by the line ABCDEF on Diagram S.G. No. 6870/1996, with ancillary rights and subject to conditions as will more fully appear from Notarial Deed of Servitude No K2142/1998 S with the said Diagram attached thereto."

"F the property hereby transferred is subject to a servitude in favour of the The South African Gas Distribution Corporation Limited No 64/06005/06 to conduct works for Cathodic Protection with regard to an underground Pipeline to convey gas, 1 (one) metre in width of which the centre line is indicated by the line GHJKL,MNPQ and RST and 2 (two) metres in width of which the centre line is indicated by the line NY and 12 (twelve) square metres in extent, indicated by the figure UVMW on Diagram SG No 6870/1996, with ancillary rights and subject to conditions as will more fully appear from Notarial Deed of Servitude No K2143/1998S with the said diagram attached thereto."

3.2 the following conditions which shall not be passed on to the erven in the township:

"B Die vorige Gedeelte B van voormelde plaas (gehou kragtens Transportakte T166/1895 waarvan die gedeelte van hierdie eiendom aangedui deur die figuur abfghjklmnMLKPEFGHJa, aangetoon op kaart LG Nr A.2486/19948, aangeheg by Sertifikaat van Verenigde Titel T.3693/1957, 'n deel uitmaak, en die vorige Gedeelte C van voormelde plaas (gehou kragtens Transportakte T167/1895) waarvan die gedeelte van hierdie eiendom aangedui deur die figure bdef en nMLKPDCq aangetoon op voormelde Kaart LG Nr A2486/1948, 'n deel uitmaak, is elk onderhewig aan en geregtig tot die volgende voorwaardes:

- (a) "Gerechtigd tot een een-vierde (1/4de) aandeel in het water van de grote dam gelegen op het resterende gedeelte van gedeelte gemerkt "A" der bovergenoemde plaats groot als zodanig 320,2887 Hektaar en vroeger behorende aan Petrus Albertus Horn onder Akte van Transport T18/1895.
- (b) DAT de eigenaar van gezegde gedeelte van gedeelte gemerkt "A" slechts gerechtigd zal zijn tot 'n een-vierde (1/4) aandeel in het water van gezegde grote dam; doch zal hij, de eigenaar van gezegde resterende gedeelte van gedeelte "A" niet het recht hebben enig water bovenkant gezegde dam uit te keren of te belemmeren.
- (c) Dat het overige drie-vierde (3/4de) gedeelte van het water van de gezegde dam gelegen op het resterend gedeelte van gedeelte "A" als voorzegt vrij sal moeten lopen in een watervoor zoals die tans bestaat naar het Noordoostelike gedeelte van voormelde gedeelte gemerkte "A" groot 343,9518 Hektaar vroeger behorende aan Okker Jacobus Venter onder Akte van Transport T182/1895; en
- (d) Dat de eigenaar van genoemd Noordoostelike gedeelte van gedeelte gemerkt "A" gerechtigd zal zijn een-vierde (1/4de) van het water van de gemelde dam uit de genoemde watervoor te keren ter benatting van zijn lande; doch zal hij, de eigenaar van genoemd Noordoostelike gedeelte van gedeelte gemerkt "A" echter verplicht en gehouden zijn de overige helft van het water vrij te laten lopen in een watervoor naar de opstal of ander goed gelegen plek op gedeelte gemerkt "B" en dat de eigenaar daarvan gerechtigd zijn tot gebruik van de helft van gemeld helft der water dwz to een-vierde van het water, en daarna de overige een-vierde der water, te laten lopen naar gedeelte gemerkt "C".

4. CONDITIONS OF TITLE

All erven shall be subject to the following conditions imposed by the Municipality in terms of the provisions of the Town-planning and Townships Ordinance, 1986

- 4.1 The erf is subject to a servitude, 3m 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, 3m 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.
- 4.2 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 thereof.
- 4.3 The Municipality 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 its regards necessary, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

