

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1259

CITY OF TSHWANE

AKASIA/SOSHANGUVE AMENDMENT SCHEME 0290A

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 26, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

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

This amendment is known as Akasia/Soshanguve Amendment Scheme 0290A.

(13/2/The Orchards x26 (0290A))
 ___ September 2014

Chief Legal Counsel
 (Notice No 330/2014)

PLAASLIKE BESTUURSKENNISGEWING 1259

STAD TSHWANE

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0290A

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 26, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

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

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0290A.

(13/2/The Orchards x26 (0290A))
 ___ September 2014

Hoofregsadviseur
 (Kennisgewing No 330/2014)

CITY OF TSHWANE

DECLARATION OF THE ORCHARDS EXTENSION 26 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 26 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/The Orchards x26 (0290A))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BIEHLER AND VENTER PROJECTS (PROPERTY) LIMITED UNDER 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 THE REMAINDER OF PORTION 5 OF THE FARM HARTEBEESTHOEK 251 JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be The Orchards Extension 26.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 6864/2007.

1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay in accordance with Section 98(2) of the Ordinance, read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality as endowment a total amount of **R150 000,00** for an area of **3 060m²**. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.4 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF ROADS AND TRANSPORT

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Roads and Transport when consent was granted for the development.

1.5 ACCESS

No ingress from Provincial Road K63 (Doreen Road) to the township and no egress to Provincial Road K63 (Doreen Road) from the township shall be allowed.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K63 and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Municipality for approval at the time of the application, ie before Township Proclamation.

1.7 ACOUSTIC SCREENING MEASURES/NOISE BARRIER

The applicant/Municipality shall be responsible for any costs involved in the erection of acoustic screening along Road K63 if and when the need arises to erect such screening.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Gauteng Department of Roads and Transport, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.9 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.

1.10 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 8608 and 8609 in the township consolidated. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation in respect of Section 92(2) (a) of Ordinance 15 of 1986.

1.11 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.

1.12 REMOVAL OF LITTER

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

1.13 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.

1.14 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.

1.15 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

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, but excluding-

3.1 the following servitudes and conditions which do not affect the township area due to its locality:

C The former Portion 75 (a portion of Portion 1) of the farm WITFONTEIN 301, Registration Division JR, Transvaal, measuring 7,2782 hectares, indicated by the figure f c E e f on the said diagram SG No A 925/1972, is entitled to the following rights and subject to the following conditions:

- (a) THAT the remaining extent of portion A of the farm WITFONTEIN 301, Registration Division JR, district Pretoria, measuring as such 95,1752 hectares, held under Deed of Transfer No 284/1895 dated the 1st day of February, 1895, and Portion 74, measuring 6,1937 hectares and Portion 73 measuring 3,4510 hectares, of the said farm WITFONTEIN, both transferred by Deed of Transfer No 1736/1943 dated the 27th January 1943, and the said Portion 75 are reciprocally subject and entitled to a right of way 7,87 metres wide, extending along the Eastern Boundary of the said remaining extent of WITFONTEIN NO 301, and the Portions 74, 73 of the said Portion A of the farm WITFONTEIN 301, and the said Portion 75, for the purposes of access to and from the Pretoria-Hebron main road, which said right of way the owner of the remaining extent of Portion F of the farm HARTEBEESTHOEK NO 303, Registration Division JR, District Pretoria, measuring 261,0320 hectares held under Deed of Transfer No 285/1895, dated the 1st day of February 1895, shall also be entitled to use, which said right of way as far as it affects the said portion 75 as indicated on the aforesaid diagram SG No A 925/1972 along the line lettered c E.

“E The former Portion 76 (a portion of Portion 1) of the farm WITFONTEIN NO 301, Registration Division JR, Transvaal, measuring 8,5115 hectares, indicated by the figure b B C D c f b on the said SG No A 925/1972, is entitled to the following rights and subject to the following conditions:

- (a) THAT the remaining extent of Portion A of the said farm WITFONTEIN NO 301, Registration Division JR, district Pretoria, measuring as such 75,6229 hectares held under Deed of Transfer No 284/1895 dated the 1st day of February 1895, and portion of the said Portion A of the farm WITFONTEIN being Portions no 73 measuring 3,4510 hectares no 74 measuring 6,1937 hectares, both transferred by Deed of Transfer No 1736/1943 dated the 27th January 1943, No 75 measuring 7,2782 hectares transferred by Deed of Transfer No 10148/1943, dated the 27th April 1943 (which portion 75 forms a part of the aforesaid farm HARTEBEESTHOEK NO 251, Registration Division JR, Transvaal, and is indicated on the said diagram SG No A 925/1972 by the figure f c E e f) as also no 77 measuring 11,0407 hectares transferred by Deed of Transfer no 10149/1943 dated the 27th April 1943, and the said portion 76, are reciprocally subject and entitled to a right of way 7,87 metres wide extending along the Eastern Boundary of the said Remaining Extent of Portion A of WITFONTEIN NO 301, Registration Division JR, as shown on Diagram SG No A1711/42 annexed to Deed of Transfer no 10150/1943 dated the 27th April 1943 for the purpose of access to and from the Pretoria-Hebron Main Road, which said right of way the owner of the Remaining Extent of Portion F of the farm HARTEBEESTHOEK NO 303, Registration Division JR, District Pretoria, measuring 261,0320 hectares held under Deed of Transfer No 285/1895, dated the 1st day of February 1895, shall also be entitled to use, which said right of way as far as it affects the said Portion 76 is indicated on the said diagram SG No A 925/1972 along the line lettered D c.
- (b) SUBJECT to a right of access in favour of the owner of Portion 65 of the said farm WITFONTEIN and Portion 33 of the farm HARTEBEESTHOEK NO 303, Registration Division JR, District Pretoria (both portion being now known as “HERMON”) measuring respectively 8,5729 hectares and 8,5587 hectares transferred by Deed of Transfer No 3079/1941 dated the 3rd day of March 1941, to enable him to have access to the said Pretoria-Hebron main road.

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

- C The former Portion 75 (a portion of Portion 1) of the farm WITFONTEIN 301, Registration Division JR, Transvaal, measuring 7,2782 hectares, indicated by the figure f c E e f on the said diagram SG No A 925/1972, is entitled to the following rights and subject to the following conditions:

- (a) THAT the remaining extent of portion A of the farm WITFONTEIN 301, Registration Division JR, district Pretoria, measuring as such 95,1752 hectares, held under Deed of Transfer No 284/1895 dated the 1st day of February, 1895, and Portion 74, measuring 6,1937 hectares and Portion 73 measuring 3,4510 hectares, of the said farm WITFONTEIN, both transferred by Deed of Transfer No 1736/1943 dated the 27th January 1943, and the said Portion 75 are reciprocally subject and entitled to a right of way 7,87 metres wide, extending along the Eastern Boundary of the said remaining extent of WITFONTEIN NO 301, and the Portion 74, 73 of the said Portion A of the farm WITFONTEIN 301, and the said Portion 75, for the purposes of access to and from the Pretoria-Hebron main road, which said right of way the owner of the remaining extent of Portion F of the farm HARTEBEEESTHOEK NO 303, Registration Division JR, District Pretoria, measuring 261,0320 hectares held under Deed of Transfer No 285/1895, dated the 1st day of February 1895, shall also be entitled to use, which said right of way as far as it affects the said Portion 75 as indicated on the aforesaid diagram SG No A 925/1972 along the line lettered c E.
- “E The former Portion 76 (a portion of Portion 1) of the farm WITFONTEIN NO 301, Registration Division JR, Transvaal, measuring 8,5115 hectares, indicated by the figure b B C D c f b on the said SG No A 925/1972, is entitled to the following rights and subject to the following conditions:
- (a) THAT the remaining extent of Portion A of the said farm WITFONTEIN NO 301, Registration Division JR, district Pretoria, measuring as such 75,6229 hectares held under Deed of Transfer No 284/1895 dated the 1st day of February 1895, and portion of the said Portion A of the farm WITFONTEIN being Portions no 73 measuring 3,4510 hectares no 74 measuring 6,1937 hectares, both transferred by Deed of Transfer No 1736/1943 dated the 27th January 1943, No 75 measuring 7,2782 hectares transferred by Deed of Transfer No 10148/1943, dated the 27th April 1943 (which portion 75 forms a part of the aforesaid farm HARTEBEEESTHOEK NO 251, Registration Division JR, Transvaal, and is indicated on the said diagram SG No A 925/1972 by the figure f c E e f) as also no 77 measuring 11,0407 hectares transferred by Deed of Transfer no 10149/1943 dated the 27th April 1943, and the said portion 76, are reciprocally subject and entitled to a right of way 7,87 metres wide extending along the Eastern Boundary of the said Remaining Extent of Portion A of WITFONTEIN NO 301, Registration Division JR, as shown on Diagram SG No A1711/42 annexed to Deed of Transfer no 10150/1943 dated the 27th April 1943 for the purpose of access to and from the Pretoria-Hebron Main Road, which said right of way the owner of the Remaining Extent of Portion F of the farm HARTEBEEESTHOEK NO 303, Registration Division JR, District Pretoria, measuring 261,0320 hectares held under Deed of Transfer No 285/1895, dated the 1st day of February 1895, shall also be entitled to use, which said right of way as far as it affects the said Portion 76 is indicated on the said diagram SG No A 925/1972 along the line lettered D c.
- “G. THE former Portion 48 (a portion of Portion 6) of the farm HARTEBEEESTHOEK NO 303, Registration Division JR, Transvaal, measuring 10,0686 hectare, indicated by the figure d f e F d on the said diagram SG No A 925/1972, is specially entitled to a right of way 7,87 metres wide over the Remainder of Portion A of the farm WITFONTEIN NO 301, Registration Division JR, district Pretoria as also over portion 74 of the said Portion A measuring 6,1937 hectares, and Portion 73 of the said portion A measuring 3,4510 hectares, the latter being Portion of the said Remaining Extent of the said Portion A) transferred by Deed of Transfer No 1736/1943 dated 27th January, 1943 along the Eastern Boundary of the latter properties to the main Pretoria-Hebron road.
- “I THE former Portion 49 (a portion of Portion 6) of the farm HARTEBEEESTHOEK NO 303, Registration Division JR, Transvaal, measuring 9,0076 hectare, indicated by the figure A b f d A on the said diagram SG No A 925/1972, subject to the following conditions:-

THE former remaining extent of Portion F of the above farm (whereof the said Portion 49 is a portion) is specially entitled to a right of way 7,87 metres wide over the remainder of portion A of the said farm WITFONTEIN NO 301, Registration Division JR, district Pretoria, as also over portion 74 measuring 6,1937 hectares and Portion 73 measuring 3,4510 hectares, both transferred by Deed of Transfer No 10148/1943 dated the 27th April 1943 (which portion 75 forms a part of the aforesaid farm HARTBEESTHOEK NO 251, Registration Division JR Transvaal, and is indicated by the figure f c E e F on the said diagram SG No A 925/1972, no 77 measuring 11,0407 hectares transferred by Deed of Transfer no 10149/1943 dated the 27th April 1943, and the former Portion 76 (a portion of portion 1) of the said farm WITFONTEIN (which Portion 76 forms a part of the aforesaid farm figure b B C D c f b on the said diagram SG No A 925/1972) along the Eastern Boundary of the said properties to the main Pretoria-Hebron road, which said right of way as far as it affects the aforesaid Portions 75 and 76 as indicted on the said diagram SG No A 925/1972 along the lines lettered cE and Dc respectively."

- 3.3 the following servitude which effects Erf 8608 and a street in the township only:

"BY virtue of Notarial deed of servitude of right of way K 3919/2005 S dated 26 November 2004 the within mentioned property is subject to a servitude of right of way indicated by the area demarcated by the characters B H J K on diagram SG No 4520/2004 in favour of Portion 9 (a portion of Portion 5) of the farm HARTBEESTHOEK 251JR, Gauteng, 6 253m² held by Certificate of Registered Title T 76389/2005."

- 3.4 the following conditions which effects all erven in the township

"K The owner of the herein mentioned property shall be prohibited from exercising any rights, in accordance with the current zoning, in terms of the Town Planning Scheme, in conflict with those rights vesting in Portion 9 (a Portion of Portion 5) of the Farm Hartebeesthoek No 251, Registration Division JR, Province of Gauteng in extent 6253 (SIX THOUSAND TWO HUNDRED AND FIFTY THREE) square metres, in that it shall not operate or conduct a fuel filling station and/or associated uses, held by Certificate of Registered Title No T 76389/2005."

4. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, 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 ALL ERVEN

4.1.1 The erf shall be 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.

4.1.2 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 thereof.

4.1.3 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 it 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.

4.2 ERF 8608

The erf shall be subject to a servitude for road purposes in favour of the City of Tshwane, as indicated on the general plan. Upon submission of a certificate by the City of Tshwane to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.