

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE VAN
GAUTENG**

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1720 OF 2016**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****TSHWANE AMENDMENT SCHEME 3234T**

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Annlin Wes Extension 51, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the SED: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 3234T.

(13/2/Annlin Wes x51 (3234T))
5 October 2016

(Notice 256/2016)

SED: GROUP LEGAL SERVICES

PLAASLIKE OWERHEID KENNISGEWING 1720 VAN 2016**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 3234T**

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 Annlin Wes Uitbreiding 51, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 3234T.

(13/2/Annlin Wes x51 (3234T))
5 Oktober 2016

(Kennisgewing 256/2016)

SUD: GROEP REGSDIENSTE

CITY OF TSHWANE METROPOLITAN MUNICIPALITY**DECLARATION OF ANNLIN WES EXTENSION 51 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 Metropolitan Municipality hereby declares the township of Annlin Wes Extension 51 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Annlin Wes x51 (3234T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY GLOBEFLEX INVESTMENTS 120 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 361 OF THE FARM WONDERBOOM 302JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Annlin Wes Extension 51.

1.2 DESIGN

The township shall consist of erven and streets as indicated on Plan CPD Annlin Wes X51/2. If the General Plan has to change due to the final position of the storm water berm it will be for the cost of the developer.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any,

1.3.1 But excluding the following conditions which will not be brought forward into the title deeds of the respective erven in the township, due to locality;

“1.A.1(a) SUBJECT to a Right of Way in favour of the owner of the Remaining Extent of Portion A of the remaining Western Portion, measuring as such 15,8255 hectares held under Deeds of Transfer T9565/1903 and T9657/1903 as indicated on the annexed Diagram SG Number 8705/2006 by the figure v w Q ‘q’ Western Bank of the Furrow v’.”

“1.A.1(b) ENTITLED to a Right of Way 4,72 metres wide over the said Remaining Extent of Portion A in favour of the owner of the property herein, and which said Right of Way may also be used by the Owner of the said Remaining Extent of Portion A, the said Right of Way, being shown on diagram SG Number A2653/35 and lettered F R r’ f’ F.”

“1.A.1(c) SUBJECT to a Right of Way over the property hereby transferred in favour of the Owner of the Remaining Extent, which said Right of Way may also be used by the owner of the property herein and which Right of Way is indicated on the annexed Diagram SG Number 8705/2006 by the figure R S s’ Western Bank of Furrow r’ and V W w’ Western Bank of Furrow v’.”

"1.A.2 The owner of the Remaining Extent, measuring as such 15,8255 hectares retains the sole right to use and to take water from the borehole shown on the said diagram SG Number 2653/1935 and lettered B H and he shall have a Right of Access to the said borehole. The owner of the property hereby transferred shall do nothing to diminish or detract from the supply of water in such borehole."

"1.A. 3 The property is subject to

- (i) A right of water;
- (ii) The condition that the owner of the property hereby transferred shall do his share in keeping the water-furrow in order, as will more fully appear from Deed of Sale dated 1st of June 1897, and registered in the Deeds Office at Pretoria under No 293/1903-S.

The rights to water from the Aapies River and the use of such water, above referred to, have been regulated and defined, as will more fully appear from Notarial Deed No. 67/1914-S, registered in the Deeds Office, at Pretoria, on the 2nd day of April 1914.

The owner of the property shall be entitled to all the rights and subject to all obligations of the said Hugh Romilly Abercrombie as owner of the Remaining Extent of Portion A measuring as such 49,1603 hectares (of which the property herein forms a portion) reserved or provided in the said Notarial Deed Number K67/1914S."

"1.B. SUBJECT to a perpetual storm water drain servitude indicated by the figure W f1 g1 h1 Middle of Aapies River j1 k1 l1 m1 on the annexed diagram SG Number 8705/2006, in favour of the Republic of South Africa as will more fully appear from Notarial Deed Number K1265/1965S dated 14 September 1965 and registered on 21 September 1965 which servitude has been ceded to the CITY COUNCIL OF PRETORIA by virtue of Notarial Deed of Servitude Number K1266/1965S DATED 14 September 1965 and registered on 21 September 1965."

"1.C. SUBJECT to a servitude area measuring 1200 square metres for a storm water drain indicated by the figure b1 c1 Middle of Aapies River d1 e1 Western Bank of Furrow on the annexed diagram SG Number 8705/2006 in favour of the CITY COUNCIL OF PRETORIA as will more fully appear from Notarial Deed of Servitude Number 1014/1969S dated 24 July 1969 and registered on 6 August 1969."

"1.D. SUBJECT to right granted to the CITY COUNCIL OF PRETORIA to convey electricity over the property together with ancillary rights, indicated by the line ef which represents the centre line 56,99 metres wide of an Overhead Electric Power Line Servitude on Diagram SG Number 8705/2006 annexed hereto and as will more fully appear from Notarial Deed Number K422/1961S registered on 19 April 1961."

"1.E. SUBJECT to a storm water pipeline servitude 8 metres wide, the centre line of which is indicated by the line x y z a1 on the diagram SG Number 8705/2006 annexed hereto in favour of the CITY COUNCIL OF PRETORIA together with ancillary rights, as will more fully appear from Notarial Deed of Servitude Number K796/1990S dated 6 February 1990."

- “1.F. SUBJECT to the right granted to the City Council of Pretoria to convey electricity over the property together with ancillary rights, as will more fully appear from Notarial Deed Number K506/1964S registered on 27 April 1964, which servitude is indicated by the figure C1 n1 p1 q1 on the annexed diagram SG Number 8705/2006.”
- “2(a) The property is entitled to one-half (1/2) share of the water to which the whole portion marked “A” of the said farm WONDERBOOM measuring 95,460.5 Hectares originally held under Deeds of Transfer Nos 9656/1903 and 9657/1903 may be entitled to out of the furrow all as will more fully appear from Notarial Deed No 53/06-S registered on the 15th day of March 1906.”
- “2(b) The property is subject to
- (i) A right of water;
 - (ii) The condition that the owner of the property hereby transferred shall do his share in keeping the water-furrow in order, as will more fully appear from the Deed of Sale dated 1st of June 1897, and registered in the Deeds Office at Pretoria under No 293/1903-S.
- The rights to water from the Apies River and the use of such water, above referred to, have been regulated and defined, as will more fully appear from Notarial Deed No. 67/1941-S registered in the Deeds Office, at Pretoria, on the 2nd day of April 1914.”
- “2(c) The property is subject to Notarial Deed No 850/1962 whereby the right has been granted to CITY OF TSHWANE to convey electricity over the property together with ancillary rights and subject to the conditions as will more fully appear on reference to said Notarial Deed and which servitude is indicated on the annexed diagram SG Number 8705/2006 by the line f g h which presents the centre line of the servitude.”
- “2(d) The property is subject to Notarial Deed No 642/1967 whereby the right has been granted to CITY OF TSHWANE to convey electricity over the property together with ancillary rights and subject to the conditions as will more fully appear on reference to said Notarial Deed and indicated on the annexed diagram SG Number 8705/2006 by the figure r1 s1 n1 C1 D1.”
- “3.A. SUBJECT to the right granted to the CITY COUNCIL OF PRETORIA to convey electricity over the property together with ancillary rights, as will more fully appear from Notarial Deed Number K422/1961S registered on 19 April 1961, and which servitude is indicated by the lines jkl, np, mn an pq on the annexed diagram SG Number 8705/2006 which lines represents the centre line of the servitude 56,99 metres wide.”
- “3.B. (i) THE FORMER portion 163 (a portion of portion 34) (of which the property transferred hereby forms a portion) of the farm WONDERBOOM 302, Registration Division JR, Province Gauteng, indicated by the figure aBCd middle of Apies River a on Diagram SG Number A64/1969 annexed to Certificate of Consolidated Title Number T8778/1976 is SUBJECT to the following conditions:

- (a) Voorvermeld Resterende Gedeelte, gedeelte "a" groot 58,2656 hektaar en Gedeelte "b" groot 58,0557 hektaar, voorvermelde Gedeelte 2 van die plaats gehoude respektiewelik onder deze akte en onder Certificaten van Verdelingstitel Nommers 2567/1925 en 2568/1925 zyn onderling gerechtigd tot en onderworpen aan een gezamentlike wagen weg, lopende over deze drie gedeelten vanaf de brug over de Aapes Rivier op het resterend gedeelte tot aan de Zuidelike grens van gedeelte "a".
- (b) Onderhewig aan Notariële Akte Nommer K2846/1975S, geregistreer op 15 Oktober 1975 waarvolgens die reg aan die Stadsraad van Pretoria verleen is om elektrisiteit oor die eiendom te vervoer tesame met bykomende regte en onderhewig aan kondisies soos meer volledig sal blyk uit gesegde Notariële Akte."

"3.C The property hereby transferred is entitled to one-fifth of the water in the river and subject to the conditions that the transferee shall do his share of the work in keeping the water furrow in order as will more fully appear from Deed of Sale dated the 1st of June 1897 annexed to Deed of Agreement registered in the Deeds Office under Number 294/1903S. The use of and rights to such water from the Aapies River having been regulated and defined as will more fully appear from Notarial Deed Number D67/1914S registered in the Deeds Office on the 2nd of April 1914."

1.3.2 The following conditions do not affect the erven in the township but do affect the Provincial Road K8:

"3.A. SUBJECT to the right granted to the CITY COUNCIL OF PRETORIA to convey electricity over the property together with ancillary rights, as will more fully appear from Notarial Deed Number K422/1961S registered on 19 April 1961, and which servitude is indicated by the lines jkl, np, mn an pq on the annexed diagram SG Number 8705/2006 which lines represents the centre line of the servitude 56,99 metres wide".

"3.D Subject to an electricity power line servitude 56,99 metres wide, the centre line of which is indicated by the line s t u on the annexed diagram SG number 8705/2006 in favour of CITY COUNCIL OF PRETORIA together with ancillary rights as will more fully appear from Notarial Deed of Servitude Number K650/1987 dated 16 February 1987."

1.4 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.

1.5 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.

1.6 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, when required to do so by the Municipality.

1.7 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.

1.8 RESTRICTION ON THE ALIENATION AND DEVELOPMENT

The township owner shall not alienate or develop (ground works or filling excluded) Erven 195 and 196 and transfer of Erven 195 and 196 shall not be permitted until the City of Tshwane is satisfied that the erven are no longer subject to flooding as a result of the 1-in-50-year-flood-line.

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 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.

1.11 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 which the Gauteng Department of Roads and Transport, has granted consent for the development.

1.12 GAUTENG DEPARTMENT OF ROADS AND TRANSPORT: ACOUSTIC SCREENING MEASURES

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Road K8.

1.13 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 Head 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.

1.14 ACCESS

Erf 195 and 196 can only be utilised for the purposes of a filling station with direct access from the K8. Should Erf 195 not be utilised for the purpose of a filling station at any given time, the township boundaries must be amended to exclude Erf 195 from the township. Should Erf 196 not be utilised for the purpose of a filling station at any given time, it will only have access via the indicated 10 meter right-of-way servitude over proposed Erf 1 in Annlin Wes Extension 52 and no access will be allowed to the K8.

1.15 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the storm water drainage of the township in such a way as to fit in with that of Road K8 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.16 AVAILABILITY OF ENGINEERING SERVICES

The owner (successor in title) concurs that the availability of the required infrastructure which is the responsibility of the City of Tshwane, cannot be met at this stage, as none of this is included in the present or the new Medium Term Capital Budget. Furthermore, there can be no time limit as to when the City will be in a position to make funding available via its normal budgeting process for the implementation of the required infrastructure. The applicant concurs that finalisation of the services agreements, as far as the road and transport infrastructure is required for sufficient access to the township as well as the provision of the required storm water berm infrastructure to that part of the township below the existing 1-in-50-year flood line, is subject to the availability of funding which is required for the provision of this infrastructure. In terms of the funding required for the infrastructure, the purpose therefore of the approval of the township is to investigate the feasibility of establishing a Special Purpose Vehicle or any other feasible source or funding mechanism to fund such infrastructure.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION 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)

2.1.1 ALL ERVEN

2.1.1.1 The erven shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm water) (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.

2.1.1.2 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.

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

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Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
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