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CONTENTS

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
PROCLAMATION • PROKLAMASIE		
83	186	3
Town-Planning and Townships Ordinance (15/1986): Kirkney Extension 46.....		

PROCLAMATION • PROKLAMASIE

PROCLAMATION 83 OF 2018**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4624T**

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 Kirkney Extension 46, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 4624T.

(CPD 9/2/4/2-4324T) & (CPD 9/1/1/1-KNYx46 0310))
(13/2/Kirkney x46 (4624T))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

(Notice 180/2018)
__ JULY 2018

CITY OF TSHWANE**DECLARATION OF KIRKNEY EXTENSION 46 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 Kirkney Extension 46 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/2/4/2-4624T & CPD 9/1/1/1-KNYx46 0310))
(13/2/Kirkney x46 (4624T))

CONDITIONS UNDER WHICH THE APPLICATION MADE BY KIRKNEY SECURITISATION (PTY) LIMITED, 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 324 OF THE FARM ZANDFONTEIN 317JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Kirkney Extension 46.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3859/2015.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erven shall be transferred to the City of Tshwane by and at the expense of the township owner simultaneously with the first transfer of any erf in the township:

Parks (public open space): Erf 1520
Infrastructure Works: Erven 1366, 1375 -1380, 1399, 1439 and 1500

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 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 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.

1.9 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.

1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Public Transport, Roads and Works, has granted consent for the development.

1.11 DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS: ACOUSTIC SCREENING MEASURES

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Road K20.

1.12 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 Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, 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.

1.13 ACCESS

No ingress from Provincial Road K20 to the township and no egress to Provincial Road K20 from the township shall be allowed.

Unless the consent in writing of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works has been obtained, no ingress from Road K20 to the township and no egress to Road K20 shall be allowed.

1.13.1 Ingress from Road K20 to the township and egress to Road K20 from the township shall be restricted to the intersection as shown on the lay-out plan.

1.13.2 The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Public Transport, Roads and Works.

1.14 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 K20 and he shall receive and dispose of the storm water running off or being diverted from the road.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

2.1 Excluding the following entitlements / rights which do affect the township, but shall not be passed on to the erven of the township due to its locality:

1. The former Portion 323 (a portion of Portion 40) of the farm Zandfontein No 317 Registration Division JR, Province of Gauteng is subject to:

- A. Geregtigd zyn tot een recht van weg ter wydte van 12.46 meter zoals aangetoond op die ~~Generale Plan~~ Diagram A. No. 691/1931 gevyld in het Registratie Kantoor.
- B. "ENTITLED to a right of way 12.59 metres wide along the Eastern Boundary of Portion 130 (a Portion of Portion 40 of the Western Portion) of the said farm, now known as Portion 135 (a portion of Portion 17) of the Farm Zandfontein 317, Registration Division JR, Province of Gauteng, held by Deed of Transfer 30178/1951, dated the 5th December 1951 and lettered C.F.X.Y.C. on the diagram of the said Portion namely diagram L.G. No. A533/51 annexed thereto."

2. The former Portion 322 (a portion of Portion 42) of the farm Zandfontein No 317, Registration Division JR, Province of Gauteng is subject to:

- a) Het gezegd gedeelte 42 (Gedeelte van Gedeelte 17) van der Plaats Zandfontein 317 is onderworpen aan een recht van weg ter wydte van 12.46 meter en ter lengte van 30.23 meter aan de Noord Oostelike hoek daarvan zoals aangetoond op de kaart van gezegd gedeelte en op het Generale Plan van het Westelik gedeelte der plaats ten faveure van de eigenaren van de andere gedeelte van gemeld Westelike gedeelte der plaats, en zal geregtigd zyn tot de rechten van weg zoals aangetoond op gemelde Generale Plan in het Registrasie Kantoor.

2.2 Including the following which does affect the township and shall be made applicable to all erven in the township.

1. The former Portion 322 (a portion of Portion 42) of the Farm Zandfontein No 317, Registration Division J.R Province of Gauteng, as indicated by the figures ABCDEFGHJKLMNaUA on Consolidated Diagram SG No 3858/2015 and the former Portion 323 (a portion of Portion 40) of Farm Zandfontein No 317, Registration Division J.R Province of Gauteng as indicated by the figures TUaPQRST on consolidated diagram S.G No. 3858/2015 is:

- A. Subject to a perpetual servitude for electrical power transmission and a perpetual servitude for telecommunication and other related purposes in favour of Eskom Holdings Limited with ancillary rights, as will more fully appear from Notarial Deed of Servitude No K3771/2012S.

2. The former Portion 322 (a portion of Portion 42) of the farm Zandfontein No 317, Registration Division JR, Province of Gauteng is subject to:
 - b) By Notarial Deed No K3356/2017 dated 29 March 2017 the within-mentioned property is SUBJECT to a 2,2403Ha Servitude of right of way and municipal purposes indicated by figures ABCDEFGHJ KLMNPQRSTUVA on Diagram SG No 2008/2016 in favour of the City of Tshwane.

3. CONDITIONS OF TITLE

3.1 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)

3.1.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.4

3.1.1.1 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.

3.1.1.2 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.

3.1.1.3 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.

3.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS:

In addition to the relevant conditions set out in paragraph 3.1.1.1, 3.1.1.2 and 3.1.1.3 above, the undermentioned erven shall be subject to the conditions as indicated:

3.1.2.1 ERF 1416

3.1.2.1.1 The erf shall be subject to a servitude 3m wide for municipal services (stormwater) in favour of the City of Tshwane, as indicated on the general plan.

3.1.2.1.2 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 therefrom.

3.1.2.1.3 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 essential, 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 main sewer pipelines and other works.

3.1.2.2 ERF 1381

3.1.2.2.1 The erf shall be subject to a servitude 3m wide for municipal services (stormwater and sewer) in favour of the City of Tshwane, as indicated on the general plan.

3.1.2.2.2 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 therefrom.

3.1.2.2.3 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 essential, 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 main sewer pipelines and other works.

3.1.2.3 ERF 1373

The erf is subject to a servitude 3m² servitude, in favour of the Local Authority for municipal purposes (stormwater line), as indicated on the General Plan.

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