

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 45 OF 2019

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 4885T

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 Extension 141, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 4885T.

(CPD 9/1/1/1-ALNx141 008 (4885T))
(CPD 9/2/4/2-4885T)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ MAY 2019
(Notice 115/2019)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF ANNLIN EXTENSION 141 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 Extension 141 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-ALNx141 008 (4885T))
(CPD 9/2/4/2-4885T)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BIARO INVESTMENTS (PTY) LTD (REGISTRATION NO 2003/000566/07), 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 PORTION 410 OF THE FARM WONDER-BOOM 302JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Annlin Extension 141.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 1582/2017.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its own cost 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 CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURAL AND RURAL DEVELOPMENT(GDARD)

The township owner shall, at its own cost comply with and strictly adhere to the conditions and/or requirements imposed by the Gauteng Department of Agriculture and Rural Development, including those by which exemption has been granted from compliance with Regulation No 1182 and 1183 promulgated in terms of Section 21, 22 and 26 of the Environmental Conservation Act, 1989 (Act 73 of 1989), or the National Environmental Act, 1998 (Act 107 of 1998), as amended and the Regulations thereto, as the case may be, for the development of this township.

- 1.5 CONDITIONS IMPOSED BY SA CIVIL AVIATION AUTHORITY AND WONDERBOOM AIRPORT
- 1.5.1 The Township owner shall, at its costs comply with and strictly adhere to all the conditions and/or requirements imposed by the SA Civil Aviation Authority dated 11 March 2009.
- 1.5.2 The following precautionary steps must be taken in respect of all erven:
- 1.5.2.1 As this erf (stand, land, etc) forms part of any area which is subject to aircraft activity and noise as a result of the close proximity to the Wonderboom Airport, the owner therefore accepts the inconvenience with regards to noise that as a result thereof may be experienced.
- 1.5.2.2 The owner further accepts the risk of possible aircraft emergencies, threats and other related risks that may happen or damage to property as a result of aircraft movement and cannot hold the Wonderboom Airport or the City of Tshwane liable for any incident and/or damages that may occur as a result of aircraft operations.
- 1.6 ACCESS
- Access to or egress from the township shall be provided to the satisfaction of the Local Authority and/or Tshwane Roads and Stormwater Department.
- 1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER
- The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater run-off or being diverted from the road shall be received and disposed of, to the satisfaction of the Local Authority.
- 1.8 REFUSE REMOVAL
- The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the 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.
- 1.9 REMOVAL OR REPLACEMENT OF EXISTING SERVICES
- If by reason of the establishment of the township, should it be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be done by the township owner. For purposes of the removal or replacement, the township owner shall, at its own cost, protect the services by means of the registration of servitudes, in favour of the City of Tshwane, should it be deemed necessary.
- 1.10 DEMOLITION OF BUILDINGS AND STRUCTURES
- The township owner shall, at its own cost, cause all existing buildings/structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the Local Authority, when required thereto by the Local Authority or where buildings/structures are dilapidated.
- 1.11 ENDOWMENT
- 1.11.1 The township owner has agreed to provide a servitude area of 10 hectares in extent for purposes of environmental and research purposes, public open space and a children's playground on a part of the Remainder of Portion 264 of the farm Wonderboom 302JR.
- 1.11.2 The township owner has also agreed to register a right of way servitude over a part of the Remainder of Portion 264 of the farm Wonderboom 302JR in order to provide access to the servitude area referred to in 1.11.1 herein above.

1.11.3 The township owner shall, at his own expense, make the necessary arrangements to ensure that the servitudes referred to in 1.11.1 and 1.11.2 herein above are registered in favour of the City of Tshwane over a part of the Remainder of Portion 264 of the farm Wonderboom 302JR, as indicated on SG diagram No 444/2019 and SG diagram No 445/2019 prior to or simultaneously with the transfer of the first erven and/or unit from this township.

1.12 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

1.12.1 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. Erven and or units in the township may not be transferred into the name of a purchaser, prior to the Local Authority certifying to the Registrar of Deeds that these engineering services had been provided and installed; and

1.12.2 The township owner shall, within such period as the Local Authority may determine, fulfill its obligations in respect of the provision of electricity, water and sewerage installation of systems therefor, as previously agreed upon between the township owner and the Local Authority. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the Local Authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said Local Authority; and

1.12.3 Notwithstanding the provisions of Clause 5A hereunder, the township owner shall, at its costs, and to the satisfaction of the Local Authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in 1.12.1 and/or 1.12.2 above. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the Local Authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the Local Authority.

2. RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/LAND

In terms of Section 82(1) of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane 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 Townships 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 and read with Section 53 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), where applicable.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

3.1 Excluding the following which do not affect the township:

3.1.1 Kragtens Notariële Akte No 422/1961 geregistreer op 19 April 1961 is die reg aan die Stadsraad van Pretoria verleen om Elektrisiteit oor die hierin vermelde eiendom te vervoer, tesame met bykomende regte en onderhewig aan kondisies soos meer volledig sal blyk uit gesegde Akte van Kaart.

3.1.2 Kragtens Notariële Akte No K2846/1975-S geregistreer op 15 Oktober 1975 is die reg aan die Stadsraad van Pretoria verleen om Elektrisiteit oor die hierin vermelde eiendom te vervoer, tesame met bykomende regte en onderhewig aan voorwaardes soos meer volledig sal blyk uit gesegde Akte van Kaart.

3.1.3 Kragtens Notariële Akte No K2442/1982-S gedateer 16 Augustus 1982 is die hierin vermelde eiendom onderhewig aan 'n waterpyplyn serwituut 4 meter wyd, aangedui deur lyn ABODE en lyn FGJH op Kaart LG No A3613/81 ten gunste van die Stadsraad van Pretoria, soos meer volledig sal blyk uit gesegde Akte.

4. CONDITIONS OF TITLE

4.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, IMPOSED IN FAVOUR OF THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

4.1.1 ALL ERVEN

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Local Authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a pan-handle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the Local Authority; Provided that the Local Authority may dispense with any such servitude.

4.1.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

4.1.1.3 The Local Authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to the provision that the Municipality shall make good any damage caused during the process of the construction, maintenance or removal of such sewerage mains and other works.

4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

4.1.2.1 ERF 2067

4.1.2.1.1 The erf shall be subject to a servitude 3 meters wide, for municipal services (stormwater) in favour of the Municipality as indicated on the General Plan.

4.1.2.1.2 No building or other structure shall be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within 2m from it.

4.1.2.1.3 The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material as may be excavated during the laying, maintenance or removal of such services and other works which in its discretion it deems 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.

4.1.2.2 ERF 2068

4.1.2.2.1 The erf shall be subject to a servitude 10 meters wide, for municipal services (roads and stormwater) in favour of the City of Tshwane as indicated on the General Plan.

4.1.2.2.2 No building or other structure shall be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within 2m from it.

4.1.2.2.3 The City of Tshwane shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material as may be excavated during the laying, maintenance or removal of such services and other works which in its discretion is regarded 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 services and other works.

4.1.2.3 No thatched roof structures and/or lightning conductors shall be allowed on the erf without the consent of the City of Tshwane.

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