

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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CONTENTS • INHOUD*No.**Page
No. Gazette
No.***LOCAL AUTHORITY NOTICE**

12	Town-planning and Townships Ordinance (15/1986): Tshwane Amendment Scheme 436T.....	3	4
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 12

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 436T

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 94, 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 436T.

(13/2/The Orchards x94 (436T))
__ January 2015

CHIEF LEGAL COUNSEL
(Notice No 203/2015)

PLAASLIKE BESTUURSKENNISGEWING 12

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 436T

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 94, 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 436T.

(13/2/The Orchards x94 (436T))
__ Januarie 2015

HOOFREGSADVISEUR
(Kennisgewing No 203/2015)

CITY OF TSHWANE

DECLARATION OF THE ORCHARDS EXTENSION 94 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 94 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/The Orchards x94 (436T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY PALUMA DEVELOPMENTS PROPRIETARY 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 1 OF THE FARM THE ORCHARDS 782 REGISTRATION DIVISION JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be The Orchards Extension 94.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG 3721/2014.

1.3 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.

1.4 ACCESS

No ingress from Provincial Road P200(1) (PWV9) to the township and no egress to Provincial Road P200(1) (PWV9) from the township shall be allowed.

1.5 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 P200(1) (PWV9) 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, i.e. before Township Proclamation.

1.6 ACOUSTIC SCREENING MEASURES/NOISE BARRIER

The applicant/Municipality shall be responsible for any costs involved in the erection of acoustic screening along Road P200(1) (PWV9), if and when the need arises to erect such screening.

1.7 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.

1.8 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.

1.9 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erf 10290 and Erf 10291 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.

1.10 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.

1.11 OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND AESTHETICAL TREATMENT OF JENSEN ROAD

1.11.1 Provision shall be made for pedestrian movement along the eastern side of Jensen Road to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.11.2 The sidewalk and entrances along Jensen Road shall be landscaped and planted with trees to the satisfaction of the City of Tshwane Metropolitan Municipality.

1.12 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.

1.13 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.

1.14 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 which do not affect the township due to locality;

"1.(b) Subject to a right of way of similar width extending along the Eastern boundary of the property hereby transferred in favour of the remaining extent of portion F of the farm HARTEBEEESTHOEK 303, Registration Division JR, district Pretoria, measuring 261,0320 hectares transferred to SAMUEL WESLEY TROLLOPE by Deed of Transfer T285/1895 dated 1st day of February 1895."

(c) excluding the following entitlements which shall not be passed on to erven in the township;

"2. B That the owner of the said property shall not be entitled to make bricks on the property hereby transferred, other than for his own use, i.e. that bricks will not be made for sale upon the said property."

3.2 The following rights/entitlements which shall not be passed on to the erven in the township;

"1.(a) The remaining extent of portion A of the said farm WITFONTEIN 301, Registration Division JR, measuring as such 105,9043 hectares, held under Deed of Transfer T284/1895 dated 1st day of February 1895, and Portion 74 of the said farm WITFONTEIN 301 Registration Division JR measuring as such 6,1937 hectares held under Deed of Transfer T1787/1943 dated 27th January 1943, as also the property hereby transferred as reciprocally entitled to a right of way 7,87 metres wide extending along the Eastern boundary of the said remaining extent of the said Portion 74 and the property hereby transferred, for the purpose of access to and from the Pretoria Hebron Main road. The line Bc on diagram LG A3955/1978 represents the eastern boundary of the servitude of right of way in respect of the property hereby transferred."

- "1.(c) The owner of the said property shall not be entitled to make bricks on the property hereby transferred, other than for his own use, i.e. that bricks will not be made for sale upon the said property."
- "1.(d) that the owners of the remaining extent of portion "A" of the farm Witfontein 301, Registration division JR, measuring as such 112,0962 hectares transferred by Deed of Transfer T284/1895 and the remaining extent of portion "F" of the farm HARTEBEEESTHOEK 303, Registration Division JR, measuring 304,7935 Hectares transferred by Deed of Transfer T285/1895, shall have the right to enforce the foregoing condition (c)."
- "2.A Specially entitled to a right of a way 7,87 metres wide over the remainder of portion a of the said farm WITFONTEIN 301, Registration Division JR, measuring 105,9043 hectares transferred by Deed of Transfer T284/1895 on the 1st day of February 1895 and over Portion 74 of the said farm WITFONTEIN 301, Registration Division JR, measuring 6,1937 hectares held under Deed of Transfer T1736/1943 dated the 27th January 1943 along the Eastern boundary thereof to the Pretoria Hebron Main Road."

4. CONDITIONS OF TITLE

4.1 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)

4.1.1 ALL ERVEN

4.1.1.1 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, 3 m 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.

4.1.1.2 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.

4.1.1.3 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.

4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1 above, the undermentioned erven shall be subject to the conditions as indicated:

4.1.2.1 ERVEN 10290 AND 10291

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

4.1.2.1.2 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.

4.1.2.1.3 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.

4.1.2.2 ERF 10291

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

4.1.2.2.2 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.

4.1.2.2.3 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.

4.1.2.3 ERF 10291

4.1.2.3.1 The erf shall be subject to a servitude 2m wide for municipal services (Electrical) in favour of the City of Tshwane, as indicated on the general plan.

4.1.2.3.2 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.

4.1.2.3.3 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.

4.1.2.4 ERF 10291

4.1.2.4.1 The erf shall be subject to a servitude 4m wide for municipal services (Electrical) in favour of the City of Tshwane, as indicated on the general plan.

4.1.2.4.2 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 therefrom.

4.1.2.4.3 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.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

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The new numbers are as follows:

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 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
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- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.