

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Vol. 21

PRETORIA, 16 JANUARY 2015
JANUARIE 2015

No. 8

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 16

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 442T

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 Soshanguve South Extension 6, 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 442T.

(13/2/Soshanguve South x6 (442T))
__ January 2015

CHIEF LEGAL COUNSEL
(Notice No 207/2015)

PLAASLIKE BESTUURSKENNISGEWING 16

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 442T

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 Soshanguve South Uitbreiding 6, 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 442T.

(13/2/Soshanguve South x6 (442T))
__ January 2015

HOOFREGSADVISEUR
(Kennisgewing No 207/2015)

CITY OF TSHWANE

DECLARATION OF SOSHANGUVE SOUTH EXTENSION 6 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 Soshanguve South Extension 6 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Soshanguve South x6 (442T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAFDEV SSDC (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 349 (A PORTION OF PORTION 347) OF THE FARM KLIPFONTEIN NO 268JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Soshanguve South Extension 6.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 5641/2013.

1.3 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Parks (public open space): Erven 27305 up to and including 27310.
Municipal Purposes: Erven 24188, 24244 and 24355.

1.4 COMPLIANCE WITH CONDITIONS IMPOSED BY THE 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.

1.5 ACCESS

No ingress from Provincial Road K-6 to the township and no egress from to Provincial Road K-6 from the township shall be allowed.

1.6 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 K-6 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.7 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along K-6, if and when the need arises to erect such screening.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The applicant 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 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.

1.11 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.

1.12 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.

1.13 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 take all the necessary steps at his own expense to comply with and strictly adhere to all the conditions and requirements imposed by the Gauteng Department of Agriculture and Rural Development, if legally applicable, those by which exemption has been granted from compliance with regulations number 1182 and 1183, promulgated in terms of section 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. The township owner indemnifies the City of Tshwane Metropolitan Municipality in this regard.

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 provide 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, including the reservation of the rights to minerals –

3.1 **excluding** the following conditions and servitudes in Deed of Transfer T52247/2013 which do not affect the township area:

"2A. The former Remainder of Portion 170 (a portion of portion 1) of the farm Klipfontein No 268 J.R., as indicated by the figures aa B C D E kk bb aa on Diagram SG 147/2013, of which this property forms a portion is subject to the following conditions:

(a) SPECIAAL onderworpen aan een servituut ten faveur van Gedeelte B van gezegde plaats groot 2217,9082 hektaar, zooals getransporteerd onder transport 743/1905 van een eeuwigdurend recht van helft van het watter van zekere fontein gelegen op gemelde Gedeelte 1, alsook het eeuwigdurwnd recht gezegde water te leiden van af de fontein langs de bestaande watervoor over gemelde Gedeelte 1.

"C By virtue of Notarial Deed K 1878/1978 S, the right has been granted to ESCOM to convey electricity over the property hereby conveyed , together with ancillary rights, and subject to conditions, as will more fully appear on reference to the said notarial deed, the route of which servitude has been defined by Notarial Deed of route description K2369/1984 S, in terms of which the centre line of the overhead transmission lines with underground cables traverse the property along the route indicated by the line a b and c d on diagram S.G. No. A 840/83, which diagram was approved by the surveyor general on the 4th November 1978, the extent and width of the servitude being 11,00 metres wide on either side of the said line."

"D In terms of endorsement on Deed of Partition transfer T 30543/1971, a portion of the within mentioned property, measuring 8,80 hectares, has been expropriated by the SOUTH AFRICAN TRANSPORT SERVICES in terms of section 11(1)(b) of Act 37/1955 (vide expropriation notice EX 712/75)."

"E In terms of endorsement on Deed of Partition transfer T 30543/1971, a portion of the within mentioned property, measuring approximately 3101 square metres, has been expropriated by the SOUTH AFRICAN TRANSPORT SERVICES in terms of section 11(1)(b) of Act 37/1955 (vide expropriation notice EX 437/76)."

"F In terms of endorsement on Deed of Partition transfer T 30543/1971, a portion of the within mentioned property, measuring 1 340 square metres, has been expropriated by the SOUTH AFRICAN TRANSPORT SERVICES in terms of section 11(1)(b) of Act 37/1955 (vide expropriation notice EX 339/81)."

- “3.A The former Portion 279 (A portion of portion 122) of the farm Klipfontein 268 JR Gauteng, indicated by the figures A aa bb dd F G H J K A on diagram SG 147/2013, of which this property forms a portion is subject to the following conditions:-
- (a) SPECIAAL onderworpen aan een servituut ten faveure van Gedeelte B van gezegde plaats groot 2217,9082 hektaar, zoals getransporteerd onder transport T 743/1905 van een eeuwigdurend recht van heft van het water van zekere fontein gelegen op gemelde Gedeelte A, alsook het eeuwigdurwnd recht gezegde water te leiden van af de fontein langs de bestaande watervoor over gemelde Gedeelte A.
- “B.1. ONDERHEWIG aan ‘n servituut van reg van weg waarvan die noordelike grens 15,74 meter wyd is en aangetoon word deur die lyn A aa en die suidelike grens 4,96 meter wyd soos aangetoon deur die lyn A aa op Diagram SG 147/2013 vir die volle lengte daarvan ten gunste van die hiernavermelde eiendom gehou deur CARMEN JOHANNA SOPHIE GRAY (gebore TEICHMAN) weduwee kragtens akte van verdelingstransport T 30543/1971 geregistreer op 3 SEPTEMBER 1971, naamlik-
- SEKERE gedeelte 170 (‘n gedeelte van gedeelte 1) van die plaas KLIPFONTEIN 268, Registrasie Afdeling JR, Transvaal, groot 255,3120 hektaar.
- Waarvan die roete van die noordelike grens nou bepaal is deur die figure A aa en die suidelike grens nou bepaal is deur die figure A aa op Diagram SG 147/2013.
2. A portion measuring approximately 2,73 hectares of the within-mentioned property has been expropriated by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION. SEE expropriation notice EX 255/1974.
 3. A portion measuring approximately 7,40 hectares of the within-mentioned property has been expropriated by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION. SEE expropriation notice EX 585/1977.
 4. A portion measuring approximately 8,65 hectares of the within-mentioned property has been expropriated by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION. SEE expropriation notice EX 528/1978.
 5. A portion measuring approximately 3,20 hectares of the within-mentioned property has been expropriated by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION. SEE expropriation notice EX 445/1980.
 6. A portion measuring approximately 3,20 hectares of the within-mentioned property has been expropriated by the SOUTH AFRICAN RAILWAYS AND HARBOURS ADMINISTRATION. SEE expropriation notice EX 500/1982.
 7. A portion in extent approximately 10,3380 hectares of the within-mentioned property has been expropriated by the CITY COUNCIL OF PRETORIA in terms of section 5 of act 63 of 1975. SEE expropriation notice EX 199/1985.
 8. ‘n GEDEELTE groot ongeveer 5,02 hektaar van binnegemelde eiendom is onteien deur die STADSRAAD VAN AKASIA vir openbare doeleindes. KYK onteieningskennisgewing EX 358/1985.”
- 3.2 **excluding** the following rights/entitlements which shall not be passed on to the erven in the township:
- “1. GEREGTIG tot sekere voorwaardes en restriksies met betrekking tot bou, geboue en bewoning en die voorbehoud van handelsregte teen die volgende eiendomme, naamlik-
 - (i) Gedeelte 83 (‘n gedeelte van Gedeelte 1) van die pleas Klipfontein voormeld soos meer ten voile sal blyk uit Akte van Transport 8394/194816 MAART 1948.

- (ii) Gedeelte 149 ('n gedeelte van Gedeelte 125) van die pleas Klipfontein voormeld, gehou kragtens Akte van Transport 13656/1956 gedateer 11 JUNIE 1956.
 - (iii) Gedeelte 145 ('n gedeelte van Gedeelte 125) van die pleas Klipfontein voormeld, gehou kragtens Akte van Transport 19268/1958 gedateer 30 JULIE 1958.
 - (iv) Gedeelte 141 (In gedeelte van Gedeelte 125) van die pleas Klipfontein voormeld, gehou kragtens Akte van Transport 19730/1962 gedateer 14 SEPTEMBER 1962."
- "2A. The former Remainder of Portion 170 (a portion of portion 1) of the farm Klipfontein No 268 J.R., as indicated by the figures aa B C D E kk bb aa on Diagram SG 147/2013, of which this property forms a portion is subject to the following conditions:
- (b) GEREKTIG tot 'n serwituut van reg van weg oor gedeelte 9 van Gedeelte B. Groot 141,9474 hektaar van genoemde plaas KLIPFONTEIN, gehou onder akte van Transport 14230/1940 soos meer volledig uiteengesit in en sal blyk uit Akte van Serwituut K 345/1941 S, geregistreer op 2 JUNIE 1941."
- "2.B GEREKTIG tot 'n serwituut van reg van weg 15,74 meter wyd oor die volgende eiendom, -
- "Gedeelte 122 (gedeelte van Gedeelte 1) van die plaas KLIPFONTEIN 268, Registrasie Afdeling J.R. Gauteng groot: 251,6530 hektaar;
- Gehou deur ERICA LYDIA DOROTHEA DELY (gebore TECHMANN) getroud buite gemeenskap van goedere met FRANCIS CASIMIR DELY (marital mag ingesluit) kragtens Akte van Verdelingstransport T 30545/1971, geregistreer op 3 September 1971, al langsaan en parallel met die gehele noordelike grenslyn van die gesegde Gedeelte 122 ('n gedeelte van Gedeelte 1) gehag by sertifikaat van Geregsitreeerde Titel 46693/1967 vir die volle lengte daarvan en die noordelike grens soos aangedui deur die figure A aa en die suidelike grens nou bepaal is deur die figure A aa op Diagram SG 147/2013."
- "3.A The former Portion 279 (A portion of portion 122) of the farm Klipfontein 268 JR Gauteng, indicated by the figures A aa bb dd F G H J K A on diagram SG 147/2013, of which this property forms a portion is subject to the following conditions:-
- (b) GEREKTIG tot 'n serwituut van reg van weg oor Gedeelte 9, Groot 141,9474 hektaar van genoemde plaas KLIPFONTEIN, gehou onder akte van Transport 14230/1940 soos meer volledig uiteengesit in en sal blyk uit akte van serwituut K 345/1941 S, geregistreer op 2 Junie 1941."
- 3.3 including the following servitude which affects Erf 27309 (park) in the township only:
- "G THE within mentioned property is subject to a servitude in favour of Sasol Gas (Proprietary) Limited, for purpose of construction, maintenance and use of Pipeline and works as indicated on Notarial Deed of Servitude No. K 004840/06 S as indicated by figures s u v w x y z ab s on diagram SG 147/2013."
- 3.4 including the following servitude which affects only Erf 27153 and a street in the township only:
- By virtue of notarial deed of servitude K 1090/1990 S the withinmentioned property is subject to a servitude of right of way in perpetuity as will more fully appear from the abovementioned notarial deed as indicated by the figures n p H q n on diagram SG 147/2013."
- 3.5 including the following servitude which affects only Erven 24188, 24244 and 24355 in the township only:

- (1) By virtue of notarial deed K 3434/1998 S-
- (a) A perpetual electrical powerline servitude 31 metres wide, by the lines c d and e f indicated on the annexed diagram SG No 13013/1998, and
- (b) A perpetual servitude for electrical purposes as indicated by the figure fghjkl on the annexed diagram SG No 13013/1998;

Were ceded to the GREATER PRETORIA METROPOLITAN COUNCIL and of which the centre line of the route has now been determined by the figures a b d and b e and g h k m g on Diagram SG 147/2013."

- 3.6 including the following servitude which affects only Erven 26081, 27308 (Park) and 27309 (Park) in the township only:

"E. By virtue of notarial deed of servitude K5663/2006 S dated 20th MARCH 2006, the within mentioned property is subject to perpetual servitude 3 768m² in favour of SASOL GAS LIMITED as will more fully appear from the said notarial deed as indicated by figures y x ac ad ae ag ah ak y on diagram SG No 147/2013."

4. CONDITIONS OF TITLE

- 4.1 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)

4.1.1 ALL ERVEN

4.1.1.1 The erf 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 Municipality, 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 Municipality: Provided that the Municipality 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 from 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 24243, 24827, 24879, 26366 and 26431

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

4.1.2.2 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 thereof.

4.1.2.3 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 essential, 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 main sewer pipelines and other works.