

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1415

CITY OF TSHWANE

PRETORIA AMENDMENT SCHEME 9793P

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 Ashlea Gardens Extension 6, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 9793P.

(13/2/Ashlea Gardens x6 (9793P))
 ___ September 2009

Executive Director: Legal Services
 (Notice No 558/2009)

PLAASLIKE BESTUURSKENNISGEWING 1415

STAD TSHWANE

PRETORIA WYSIGINGSKEMA 9793P

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 Ashlea Gardens Uitbreiding 6, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9793P.

(13/2/Ashlea Gardens x6 (9793P))
 ___ September 2009

Uitvoerende Direkteur: Regsdienste
 (Kennisgewing No 558/2009)

CITY OF TSHWANE

DECLARATION OF ASHLEA GARDENS 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 Ashlea Gardens Extension 6 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Ashlea Gardens x6 (9793P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY GOVERNMENT EMPLOYEES PENSION FUND 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 627 OF THE FARM GARSFONTEIN 374JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Ashlea Gardens Extension 6.

1.2 DESIGN

The township shall consist of erven as indicated on approved General Plan SG No A3215/2008.

1.3 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, but excluding –

1.3.1 the following condition which do not affect the township, namely:

1.3.1.1 Condition on page 2 of Deed of Transfer No. 61031/2006:

- (i) "With the right to water for one day out of every week from the furrow running over the property hereby transferred, subject to the conditions that the water shall flow free and undisturbed over the said property for two days out of every week for the use of the owners;
- (ii) Certain portion of a portion of Portion G, measuring 1,2334 hectares, transferred to MARION PARFITT, born Royston, married out of community of property to WILLIAM PARFITT, by Deed of Transfer 4919/1905, dated the 26th June, 1905, and
- (iii) That portion of a portion of Portion G, measuring 1,0207 hectares, adjoining the portion of the said MARION PARFITT;
- (iv) And that the owner of the property hereby transferred shall assist in cleaning and repairing the said water furrow, and the dam which the water is obtained in proportion to this share in the water.
- (v) Further subject to a right of way 3,92 metres wide on the northern boundary of the property hereby transferred as defined on diagram thereof, in favour of the owners of portion of the said farm as shown on the sketch annexed to Deed of Transfer T4920/1905, and entitled to one-fourteenth (1/14th) share of the right to grazing on certain portion, measuring 3,4261 Hectares of Portion G of the said farm, held by ANDRIES JOHANNES VERDOORN, by Deeds of Transfer 6312/1904 and 3754/1905, and to a right of way as shown on the said sketch, on which the portion subject to the above right of grazing is also defined". This condition affects the Remaining Extent of Portion 23 (a portion of Portion 13) of the farm Garstfontein 374, Registration Division J.R., Province of Gauteng and Erven 199 and 200 of the township.

1.3.2 The following conditions in Deed of Transfer No. 190729/2006:

- (i) "SUBJECT to the rights of way and the laying of pipes and with rights of grazing and way and the laying of pipes and the rights of grazing and way as more fully described in Deed of Transfer T4922/1905." This condition affects the Remaining Extent of Portion 21 (a portion of Portion 15) of the farm Garstfontein 374, Registration division J.R., Province of Gauteng and Erven 201 and 202 of the township.
- (ii) "SUBJECT to a right of way 4,72 (four comma seven two) metres wide on the Eastern and 3,94 (Three comma Nine Four) metres wide on the Southern boundary of the property hereby transferred as defined on the diagram thereof, in favour of the owners of portions of the said farm and shown on the sketch annexed to said Deed of Transfer T 4921/1905 and entitled to one fourteenth (1/14th) share of the right to grazing on certain portion measuring 3,4261 (three comma four two six one) hectares of Portion 13 of the said farm held by ANDRIES JOHANNES VERDOORN, by Deeds of Transfer 6312/1904 and 3754/1905, and to a right of way as shown on the said sketch, on which the portion subject to the above right of grazing is also defined." This condition affects the Remaining Extent of Portion 22 (a portion of Portion 15) of the farm Garstfontein 374, Registration Division J.R., Province Gauteng and Erven 201 and 202 of the township.
- (iii) "Portion 22 (a portion of portion 15) whereof the property hereby transferred forms a portion is SUBJECT to RIGHT OF WAY 4,72 (four comma seven two) metres wide on the Eastern and 3,94 metres wide on the Southern boundary as defined on the diagram thereof in favour of the owners of portions of the said farm and shown on the sketch annexed to Deed of Transfer T 4921/1905 which rights of way as far as Portion 318 is concerned are indicated by the figures marked as ABCcaA and DEedD on Diagram SG No A 1455/79, annexed to Deed of Transfer T 52229/2002, and entitled to one-fourteenth (1/14th) share of the said farm held by ANDRIES JOHANNES VERDOORN, by Deeds of Transfer 6312/1904 and 3754/1905 to a right of way as shown on the said sketch on which the portion subject to the above right of grazing is also defined." This condition affects Portion 348 (a portion of Portion 318) of the farm Garstfontein 374, Registration Division J.R., Province Gauteng and Erf 202 of the township.
- (iv) "Subject to a right of way 4,72 metres wide in favour of the owners of Portions of the said farm Garsfontein as hereinafter set forth, which said portions are subject to rights-of-way in favour of the owner of the property hereby transferred is entitled to one-fourteenth (1/14th) share of the right to grazing on certain portion measuring 3,4261 hectares of the said farm Garsfontein held by Deed of Transfer No S 6312/1904 and 3754/1905. The portions subject to the above rights-of-way over the property hereby transferred as above set forth are defined on the sketch attached to the said Deed of Transfer No 3004/1906 all of which rights and conditions are therein described." This condition affects Portion 33 (a portion of Portion 15) of the farm Garstfontein 374, Registration Division J.R., Province of Gauteng and Erf 202 of the township.

1.4 LAND FOR MUNICIPAL PURPOSES

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

Parks (public open space): Erven 200 and 201.

CO-OPERATIVE AGREEMENT

The applicant shall enter into an agreement with the City of Tshwane and to the sole discretion of the City of Tshwane in respect of the public open space in the township, which agreement shall inter alia, and not limited to, contain the following:

- (a) The access of City of Tshwane officials to the public open space.
- (b) The maintenance of the public open space.
- (c) Environmental Management of the public open space.
- (d) Stormwater management.

1.5 ACCESS

No ingress from Provincial Road K50 (Garsfontein Road) to the township and no egress to Provincial Road K50 (Garsfontein Road) from the township shall be allowed.

Access to the township shall be from Matroosberg Road, by way of a right of way servitude and access road over Erven 199, 200 and 201 as indicated on the layout plan.

1.6 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 Garsfontein Road and he shall receive and dispose of the storm water running off or being diverted from the road.

1.7 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.

1.8 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.

1.9 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.

1.10 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.

1.11 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.

1.12 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation and Environment 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.

1.13 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.

CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1.1 ERVEN 199 AND 202

2.1.1.1 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, except 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 shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during 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.

2.2 CONDITIONS IMPOSED BY THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED IN TERMS OF THE NATIONAL ROADS ACT 54 OF 1971, AS AMENDED

The erven mentioned hereunder shall be subjected to the following conditions:

2.2.1 ERF 202

2.2.1.1 Except for any essential stormwater drainage structure, no building structure, or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the land of the erf at a distance less than 20m from the boundary of the erf abutting on Road N1 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the South African National Roads Agency.

2.2.1.2 Ingress to and egress from the erf shall not be permitted along the boundary of the erf abutting on Road N1.

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 shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during 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.

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The erven mentioned hereunder shall be subjected to the following conditions:

2.2.1 ERF 202

2.2.1.1 Except for any essential stormwater drainage structure, no building structure, or other thing which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the land of the erf at a distance less than 20m from the boundary of the erf abutting on Road N1 nor shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made except with the consent in writing of the South African National Roads Agency.

2.2.1.2 Ingress to and egress from the erf shall not be permitted along the boundary of the erf abutting on Road N1.
