

THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

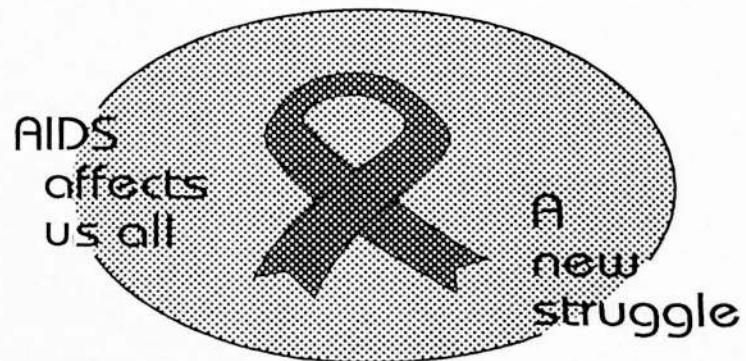
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No. 53

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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 237

CITY OF TSHWANE

PRETORIA AMENDMENT SCHEME 9823P

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 Annlin Wes Extension 43, 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 9823P.

(13/2/Annlin Wes x43 (9823P)
____ February 2012

Executive Director: Legal Services
(Notice No 242/2012)

PLAASLIKE BESTUURSKENNISGEWING 237

STAD TSHWANE

PRETORIA WYSIGINGSKEMA 9823P

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 Annlin Wes Uitbreiding 43, 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 9823P.

(13/2/Annlin Wes x43 (9823P))
____ Februarie 2012

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 242/2012)

CITY OF TSHWANE

DECLARATION OF ANNLIN WES EXTENSION 43 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 Annlin Wes Extension 43 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Annlin Wes x43 (9823P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE TRUSTEES FOR THE TIME BEING OF THE WONDERBOOM JUNCTION RETAIL TRUST, 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 THE REMAINDER OF PORTION 41 (A PORTION OF PORTION 18), PORTION 380 (A PORTION OF PORTION 44) AND PORTION 139 (A PORTION OF PORTION 41) OF THE FARM WONDERBOOM 302JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Annlin Wes Extension 43.

1.2 DESIGN

The township shall consist of erven, a park and streets as indicated on General Plan SG No 3241/2008.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

1.3.1 Portion 139 (a portion of Portion 41) of the farm Wonderboom 302JR. Deed of Transfer T113130/2007:

1.3.1.1 All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following, namely:

- (i) (a) The servitude for Electricity purposes in favour of the City of Tshwane as appears from Notarial Deed of Servitude K964/1964S, and indicated on diagram SG No A538/1960, which affects only Erf 190 in the township.
- (b) The servitude for the installation and maintenance of municipal services as appears from Notarial Deed of Servitude K2389/1997S, and indicated on diagram SG No 12159/1996, which affects only Erf 188 and 190 in the township.
- (c) The following servitude NOT indicated in Deed of Transfer T49455/2003:

Servitude vide Notariël Deed K 1785/1991S, as indicated on Diagram SG No 7080/1989 which affects only Erf 190.

1.3.1.2 All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals;

- (i) excluding the following rights and servitudes which do not affect the township:
 - "A.(a) Onderworpe aan die reg van die eienaar van gedeelte "C" van gedeelte gesegde plaas, oorspronklik deur Akte van Transport Nr 8729/1904 getransporteer, tot een-vierde (1/4de) 4, en Gedeelte "a" van Gedeelte 2, van voormalde Gedeelte "A", beide gehou onder Sertifikaat van Verdelingstitel Nr 10065/1933, tot drie-agste (3/8ste) deel van die bestaande dam in die Apiesrivier op en watervoer oor gemelde Resterende Gedeelte van Gedeelte 2, soos op die kaart daarvan aangetoon, en van die water daarin; sowel as aan 'n serwituit van deurleiding van water en reg van weg vir reparasie en besproeiingsdoeleindes na gesegde dam en watervoer ten gunste van die eienaars van gesegde gedeeltes.
 - (b) ONDERWORPE aan die bepaling dat die eienaars van voormalde Gedeelte "C", gemelde Resterende Gedeelte van Gedeelte 2, en gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, in verhouding met die groottes van gemelde Gedeeltes "A" en "C", sal moet betaal vir die onderhoud van gesegde dam en watervoer; watter verpligting, wat betref die eienaars van gemelde Gedeelte "A", in gelyke dele gedra sal word deur die eienaar van gemelde resterende gedeelte van Gedeelte 2 en die eienaar van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2.
 - (c) ONDERWORPE aan die bepaling dat die Leivoor uit voormalde watervoer op en oor gemelde Resterende Gedeelte van Gedeelte 2, na gemelde Gedeelte 4, soos op die kaart van Gedeelte 2 aangetoon, vir gesamentlike gebruik is van die eienaars van gemelde Resterende Gedeelte van Gedeelte 2 en van Gedeelte 4 en Gedeelte "a" van Gedeelte 2; en is gemelde Resterende Gedeelte van Gedeelte 2 onderworpe aan 'n serwituit van Leivoor en deurleiding van water ten gunste van die eienaar van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2.

- (d) GEREKTIG tot 'n reg van drein-voor oor gemelde Gedeelte "a" van Gedeelte 2 en Gedeelte 4, soos op die kaarte van hierdie gedeeltes aangetoon, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 om die afloopwater weg te lei van gemelde resterende gedeelte na die rivier.
- (e) ONDERWORPE aan die bepaling dat voormalde Leivoor oor die Resterende Gedeelte van Gedeelte 2, en die dreinvoor oor gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, onderhou en skoon gemaak sal word deur die eienaars van gemelde resterende gedeelte van Gedeelte 2 en van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, in gelyke dele."
- (f) GEREKTIG tot 'n reg van weg oor Gedeelte 5 van voormalde Gedeelte "A", gehou onder Sertifikaat van Verdelingstitel Nr 10065/1933, met die bestaande pad daaroor, soos op die kaart daarvan aangetoon, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 en Gedeelte 1 van voormalde Gedeelte "A", gehou onder paragraaf (1) van gemelde Sertifikaat van Verdelingstitel Nr 10066/1933 (die restant waarvan onder paragraaf (1) van Transport Nr 32474/1945 getransporteer is).
- (g) GEREKTIG tot 'n reg van weg oor gemelde Gedeelte 5 met die bestaande pad daaroor na die Nek, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2.
- (h) SEKERE Gedeelte "B" van gedeelte van gesegde plaas, oorspronklik deur Akte van Transport T 8728/1904 getransporteer, is onderworpe aan 'n serwituit van reg van weg oor die Nek langs die grootpad na Pretoria, ten gunste van die eienaars van voormalde Gedeelte "A" watter reg behou word deur die eienaars van gemelde Gedeelte 1, die Resterende Gedeelte van Gedeelte 2, Gedeeltes 3, 4, 5, Gedeelte a van Gedeelte 2, en die Resterende Gedeelte van voormalde Gedeelte "A".
- (i) Die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 en van die Resterende Gedeelte van Gedeelte 1 van Gedeelte "A" van gesegde plaas, groot as sodanig 149,9616 (EEN VIER NEGE komma NEGE SES EEN SES) Hektaar, soos oorspronklik gehou onder paragraaf (1) van voormalde Sertifikaat van Verdelingstitel Nr 10066/1933, is gerektig tot 'n serwituit van reg van weg met die bestaande pad oor Gedeelte "a" van Gedeelte 1 van Gedeelte "A" van gesegde plaas, groot 5,6731 (VYF komma SES SEWE DRIE EEN) Hektaar, gehou onder Akte van Transport Nr 9878/1937, gedateer 28 Mei 1937, soos meer ten volle sal blyk uit klousule (a) van paragraaf (1) van gemelde Transport Nr 9878/1937 en die kaart daaraan geheg."
- (ii) but excluding the following servitude which does not affect the township, because it became redundant;
 - "B. (a) KRAGENS Notariële Akte 347/1963 S, gedateer 24 Januarie 1963, is die hierinvermelde eiendom gerektig tot 'n serwituit van reg van weg, 4,72 meter wyd, oor Resterende Gedeelte van Gedeelte A van die plaas WONDERBOOM 302, Registrasie Afdeling JR, Transvaal, gehou onder T.37319/1947 soos meer volledig sal blyk uit gemelde Notariële Akte waarvan 'n afskrif geheg is aan Akte van Transport T.18951/1994."

(c) KRAGTENS Notariële Akte K.698/1997S, gedateer 5 Julie 1957, is die hieringemelde eiendom onderworpe aan sekere beperkende voorwaardes betreffend onderverdeling, opritging van geboue, besigheid en vervoerding soos meer volledig sal blyk uit gesegde Notariële Akte".

2.3.2 Remaining Extent of Portion 41 (a portion of Portion 18) of the farm Wonderboom 302 JR Deeds of Transfer T113128/2007 and T113129/2007:

2.3.2.1 All erven shall be made subject to existing conditions and servitudes, if any, but excluding the following, namely:

(h) The servitude for the installation and maintenance of municipal services as appears from Notarial Deed of Servitude K2389/1997S, and indicated on diagram SG No 12159/1996, which affects only Erf 188 and 190 in the township.

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

(i) including the reservation of the rights to minerals;

(ii) Deed of Transfer T113129/2007 excluding the following expropriation:

"E "n Gedeelte groot 12470,5 vierkante meter is onteien deur die City of Tshwane kragtens EX 73/2004, vir publieke doeleindes."

(iii) Deed of Transfer T.113128/2007 excluding the following expropriation

"F "n Gedeelte groot 12470,5 vierkante meter is onteien deur die City of Tshwane kragtens EX 73/2004, vir publieke doeleindes."

(iv) but excluding the following rights and servitudes which do not affect the township;

"A (a) Onderworpe aan die reg van die eienaar van gedeelte "C" van gedeelte gesegde plaas, oorspronklik deur Akte van Transport Nr 8729/1904 getransporteer, tot een-vierde (1/4de) deel, en aan die reg van die eienaar van Gedeelte 4, en Gedeelte "a" van Gedeelte 2, van voormalde Gedeelte "A", beide gehou onder Sertifikaat van Verdelingstitel Nr 10065/1933, tot drie-agste (3/8ste) deel van die bestaande dam in die Apiesrivier op en watervoor oor gemelde Resterende Gedeelte van Gedeelte 2, soos op die kaart daarvan aangetoon, en van die water daarin; sowel as aan 'n serwituit van deurleiding van water en reg van weg vir reparasie en besproeiingsdoeleindes na gesegde dam en watervoor ten gunste van die eienaars van gesegde gedeeltes.

(b) ONDERWORPE aan die bepaling dat die eienaars van voormalde Gedeelte "C", gemelde Resterende Gedeelte van Gedeelte 2, en gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, in verhouding met die groottes van gemelde Gedeeltes "A" en "C", sal moet betaal vir die onderhoud van gesegde dam en watervoor; watter verpligting, wat betref die eienaars van gemelde Gedeelte "A", in gelyke dele gedra sal word deur die eienaar van gemelde resterende gedeelte van Gedeelte 2 en die eienaar van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2.

- (c) ONDERWORPE aan die bepaling dat die Leivoor uit voormalde watervoor op en oor gemelde Resterende Gedeelte van Gedeelte 2, na gemelde Gedeelte 4, soos op die kaart van Gedeelte 2 aangetoon, vir gesamentlike gebruik is van die eienaars van gemelde Resterende Gedeelte van Gedeelte 2 en van Gedeelte 4 en Gedeelte "a" van Gedeelte 2; en is gemelde Resterende Gedeelte van Gedeelte 2 onderworpe aan 'n serwituit van Leivoor en deurleiding van water ten gunste van die eienaar van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2.
- (d) GEREKTIG tot 'n reg van drein-voor oor gemelde Gedeelte "a" van Gedeelte 2 en Gedeelte 4, soos op die kaarte van hierdie gedeeltes aangetoon, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 om die afloopwater weg te lei van gemelde resterende gedeelte na die rivier.
- (e) ONDERWORPE aan die bepaling dat voormalde Leivoor oor die Resterende Gedeelte van Gedeelte 2, en die dreinvoor oor gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, onderhou en skoongemaak sal word deur die eienaars van gemelde resterende gedeelte van Gedeelte 2 en van gemelde Gedeelte 4 en Gedeelte "a" van Gedeelte 2, in gelyke dele."
- (f) GEREKTIG tot 'n reg van weg oor Gedeelte 5 van voormalde Gedeelte "A", gehou onder Sertifikaat van Verdelingstitel Nr 10065/1933, met die bestaande pad daaroor, soos op die kaart daarvan aangetoon, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 en Gedeelte 1 van voormalde Gedeelte "A", gehou onder paragraaf (1) van gemelde Sertifikaat van Verdelingstitel Nr 10066/1933 (die restant waarvan onder paragraaf (1) van Transport Nr 32474/1945 getransporteer is).
- (g) GEREKTIG tot 'n reg van weg oor gemelde Gedeelte 5 met die bestaande pad daaroor na die Nek, ten gunste van die eienaar van gemelde Resterende Gedeelte van Gedeelte 2.
- (h) SEKERE Gedeelte "B" van gedeelte van gesegde plaas, oorspronklik deur Akte van Transport T 8728/1904 getransporteer, is onderworpe aan 'n serwituit van reg van weg oor die Nek langs die grootpad na Pretoria, ten gunste van die eienaars van voormalde Gedeelte "A" watter reg behou word deur die eienaars van gemelde Gedeelte 1, die Resterende Gedeelte van Gedeelte 2, Gedeeltes 3, 4, 5, Gedeelte a van Gedeelte 2, en die Resterende Gedeelte van voormalde Gedeelte "A".
- (i) Die eienaar van gemelde Resterende Gedeelte van Gedeelte 2 en van die Resterende Gedeelte van Gedeelte 1 van Gedeelte "A" van gesegde plaas, groot as sodanig 149,9616 (EEN VIER NEGE komma NEGE SES EEN SES) Hektaar, soos oorspronklik gehou onder paragraaf (1) van voormalde Sertifikaat van Verdelingstitel Nr 10066/1933, is gerektig tot 'n serwituit van reg van weg met die bestaande pad oor Gedeelte "a" van Gedeelte 1 van Gedeelte "A" van gesegde plaas, groot 5,6731 (VYF komma SES SEWE DRIE EEN) Hektaar, gehou onder Akte van Transport Nr 9878/1937, gedateer 28 Mei 1937, soos meer ten volle sal blyk uit klosule (a) van paragraaf (1) van gemelde Transport Nr 9878/1937 en die kaart daaraan geheg."

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 rehabilitation of the public open space by the applicant at his own expense in accordance with all the requirements and conditions imposed by the approved "Method Statement For The Rehabilitation Of Riparian Zone" as compiled by Strategic Environmental Focus, to the satisfaction of the Municipality. This rehabilitation must be done prior to the issuing of an occupation certificate for the development on Erf 189.
- (b) The access of City of Tshwane officials to the public open space.
- (c) The maintenance of the public open space.
- (d) Environmental Management of the public open space.
- (e) Storm water management.

1.5 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.

1.6 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 City of Tshwane all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.7 FILLING IN OF EXISTING HOLES

The township owner shall, when required to do so by the local authority, at his own expense have any existing holes and/or furrows, filled in and compacted to the satisfaction of the City of Tshwane.

1.8 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 City of Tshwane.

1.9 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.

1.10 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.

1.11 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.

1.12 NATIONAL HERITAGE RESOURCE ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

2. CONDITIONS OF TITLE**2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION 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 188 AND 189**

- 2.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and storm water) (hereinafter referred to as "the services"), in favour of the City of Tshwane, 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.
- 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 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.

2.1.2 ERF 188

- 2.1.2.1 The erf shall further be subject to a servitude (3m wide) for municipal services (storm water), in favour of Erf 189 and the City of Tshwane, of which the centre line is represented by the line S20, S21 and S22 on the General Plan.
- 2.1.2.2 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 there from.
- 2.1.2.3 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 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 main sewer pipelines and other works.

2.1.3 ERF 188

- 2.1.3.1 The erf shall further be subject to a servitude (3m wide) for municipal services (sewerage), in favour of the City of Tshwane, as indicated on the general plan.
- 2.1.3.2 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 there from.

2.1.3.3 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 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 main sewer pipelines and other works.

2.1.4 ERF 189

The erf shall further be subject to a servitude (with varying width) for road purposes and municipal services in favour of the City of Tshwane Metropolitan Municipality and the general public, represented by figure s23, s24, s25, s26, s40, s27, s28, s29, s30, s31, s32, s33, s34, s35, s36, s37, s38, Q, s39, s23 as indicated on the general plan.

2.1.5 ERF 190

The township applicant shall, prior to the issue of a Section 82 certificate in respect of Erf 188 and Erf 189, register a servitude of encroachment in favour of the City of Tshwane in order to accommodate the private viewing decks which protrude over the berm and transgress into Erf 190.
