

## PROCLAMATION • PROKLAMASIE

### PROCLAMATION 6 OF 2017

#### CITY OF TSHWANE

#### AKASIA/SOSHANGUVE AMENDMENT SCHEME 0304A

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 51, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

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

This amendment is known as Akasia/Soshanguve Amendment Scheme 0304A.

(13/2/The Orchards x51 (0304A))  
JANUARY 2017

(Notice 206/2017)

**SED: GROUP LEGAL SERVICES** —

### PROKLAMASIE 6 VAN 2017

#### STAD TSHWANE

#### AKASIA/SOSHANGUVE WYSIGINGSKEMA 0304A

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 51, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

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

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0304A.

(13/2/The Orchards x51 (0304A))  
JANUARIE 2017

(Kennisgewing 206/2017)

**SUD: GROEP REGSDIENSTE** —

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#### CITY OF TSHWANE

#### DECLARATION OF THE ORCHARDS EXTENSION 51 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 51 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/The Orchards x51 (0304A))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAFDEV LAND 1 (PTY) LTD, 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 492 (A PORTION OF PORTION 143) THE FARM HARTEBEEESTHOEK 303JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be The Orchards Extension 51.

- 1.2 DESIGN  
The township shall consist of erven and streets as indicated on General Plan SG No 5101/2007.
- 1.3 LAND FOR MUNICIPAL PURPOSES  
Erven 7570 to 7572 shall be transferred to the local authority by and at the expense of the township owner as Public Open spaces.
- 1.4 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.
- 1.5 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.
- 1.6 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.
- 1.7 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.
- 1.8 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.
- 1.9 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, including the reservation of rights to minerals, but excluding-

3.1 the following conditions which do not affect the township area:

- “C the property hereby transferred is subject to a servitude in favour of the City Council of Pretoria to convey electricity over the property together with ancillary rights and subject to conditions, as will more fully appear from Notarial Deed K515/1968S.”
- “D The property hereby transferred is subject to a servitude in favour of ELECTRICITY SUPPLY COMMISSION to convey electricity over the property together with ancillary rights and subject to conditions as will more fully appear from Notarial Deed K1071/1973S as amplified by Notarial Deed K2495/1974S.”
- “E The property hereby transferred is subject to a servitude in favour of the South African Gas Distribution Corporation Limited No. 64/06005/06 to convey gas over the property by means of an underground Pipeline, 6 (six ) metres in width of which the centre line is indicated by the line ABCDEF on Diagram S.G. No. 6870/1996, with ancillary rights and subject to conditions as will more fully appear from Notarial Deed of Servitude No K2142/1998 S with the said Diagram attached thereto.”

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

- “B Die vorige Gedeelte B van voormelde plaas (gehou kragtens Transportakte T166/1895 waarvan die gedeelte van hierdie eiendom aangedui deur die figuur abghijklmnMLKPEFGHJa, aangetoon op kaart LG Nr A.2486/19948, aangeheg by Sertifikaat van Verenigde Titel T.3693/1957, 'n deel uitmaak, en die vorige Gedeelte C van voormelde plaas (gehou kragtens Transportakte T167/1895) waarvan die gedeelte van hierdie eiendom aangedui deur die figure bdef en nMLKPDCq aangetoon op voormelde Kaart LG Nr A2486/1948, 'n deel uitmaak, is elk onderhewig aan en geregtig tot die volgende voorwaardes:
  - (a) “Gerechtigd tot een een-vierde (1/4de) aandeel in het water van de grote dam gelegen op het resterende gedeelte van gedeelte gemerkt “A” der bovergenoemde plaats groot als zodanig 320,2887 Hektaar en vroeger behorende aan Petrus Albertus Horn onder Akte van Transport T18/1895.
  - (b) DAT de eigenaar van gezegde gedeelte van gedeelte gemerkt “A” slechts gerechtigd zal zijn tot 'n een-vierde (1/4) aandeel in het water van gezegde grote dam; doch zal hij, de eigenaar van gezegde resterende gedeelte van gedeelte “A” niet het recht hebben enig water bovenkant gezegde dam uit te keren of te belemmeren.
  - (c) Dat het overige drie-vierde (3/4de) gedeelte van het water van de gezegde dam gelegen op het resterend gedeelte van gedeelte “A” als voorzegtd vrij sal moeten lopen in een wattervoor zoals die tans bestaat naar het Noordoostelike gedeelte van voormelde gedeelte gemerkte “A” groot 343,9518 Hektaar vroeger behorende aan Okker Jacobus Venter onder Akte van Transport T182/1895; en
  - (d) Dat de eigenaar van genoemd Noordoostelike gedeelte van gedeelte gemerkt “A” gerechtigd zal sijn een-vierde (1/4de) van het water van de gemelde dam uit de genoemde wattervoor te keren ter benatting van zijn lande; doch zal hij, de eigenaar van genoemd Noordoostelike gedeelte van gedeelte gemerkt “A” echter verplicht en gehoude zijn de overige helft van het water vrij te laten lopen in een wattervoor naar de opstal of ander goed gelegen plek op gedeelte gemerkt “B” en dat de eigenaar daarvan gerechtigd zijn tot gebruik van de helft van gemeld helft der

water dwz to een-vierde van het water, en daarna de overige een-vierde der water, te laten lopen naar gedeelte gemerkt "C".

3.3 excluding the following which only affects Erf 7570 (Park) and Hulton Road:

"F. The property hereby transferred is subject to a servitude in favour of The South African Gas Distribution Corporation Limited No 64/06005/06 to conduct works for Cathodic Protection with regard to an underground Pipeline to convey gas, 1 (one) metre in width of which the centre line is indicated by the line GHJKL,MNPQ and RST and 2 (two) metres in width of which the centre line is indicated by the line NY and 12 (twelve) square metres in extent, indicated by the figure UVWX on Diagram S.G. No. 6870/1996, with ancillary rights and subject to conditions as will more fully appear from Notarial Deed of Servitude No K2143/1998S with the said diagram attached thereto."

#### 4. CONDITIONS OF TITLE

The erven with the exception of the erven mentioned in clause 2.3 shall be subject to the following conditions imposed by the Local Authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

- 4.1 The 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 panhandle 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.
- 4.2 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.
- 4.3 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 course 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 any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

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