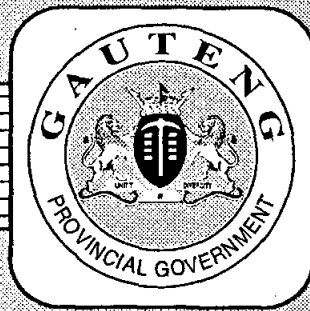


**THE PROVINCE OF  
GAUTENG**



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**Provincial Gazette Extraordinary  
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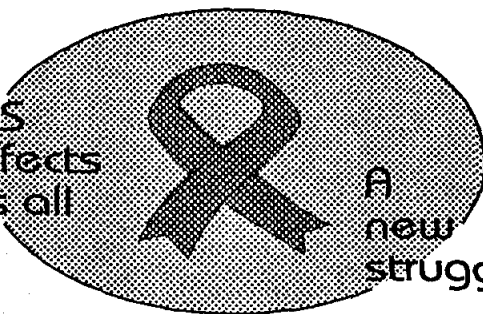
Vol. 11

PRETORIA, 11 OCTOBER 2005  
OKTOBER

No. 428

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
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DEPARTMENT OF HEALTH

**Prevention is the cure**



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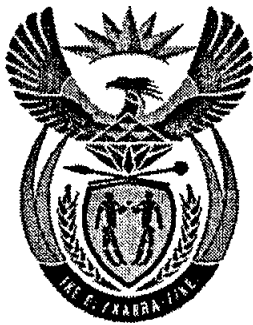
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**THE GOVERNMENT PRINTING WORKS****PUBLICATIONS DIVISION**

NB: The Publications Division of the Government Printing Works will be relocating to its new premises within the:

**MASADA BUILDING at 196 PROES STREET, PRETORIA  
(i.e. CORNER OF PAUL KRUGER AND PROES STREETS)  
with effect from 3 May 2005.**

For enquiries and information:

**Mr M Z Montjane  
Tel: (012) 334-4653  
Cell: 083 640 6121**

**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 2470**

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**CENTURION AMENDMENT SCHEME 1347C**

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Eldoraighe Extension 53, being an amendment of the Centurion Town-planning Scheme, 1992.

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

This amendment is known as the Centurion Amendment Scheme 1347C.

(13/2/Eldoraighe x53)  
 \_\_\_ October 2005

**Head: Legal and Secretarial Services**  
 (Notice No 908/2005)

**PLAASLIKE BESTUURSKENNISGEWING 2470**

**STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT**

**CENTURION WYSIGINGSKEMA 1347C**

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 Metropolitaanse Munisipaliteit, 'n wysigingskema met betrekking tot die grond in die dorp Eldoraighe Uitbreiding 53, synde 'n wysiging van die Centurion Dorpsbeplanningskema, 1992, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Hoof: Regs- en Sekretariële Dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as die Centurion Wysigingskema 1347C.

(13/2/Eldoraighe x53 (1347C))  
 \_\_\_ Oktober 2005

**Hoof: Regs- en Sekretariële Dienste**  
 (Kennisgewing No 908/2005)

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**DECLARATION OF ELDORAIGHE EXTENSION 53 AS APPROVED TOWNSHIP**

In terms of section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City of Tshwane Metropolitan Municipality hereby declares the township Eldoraighe Extension 53 to be an approved township, subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY HANMAG 159 (PTY) LIMITED IN TERMS OF CHAPTER III OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP SITUATED ON PART OF PORTION 639 (A PORTION OF PORTION 612) OF THE FARM ZWARTKOP 356JR HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT**

**1.1 NAME**

The name of the township shall be Eldoraighe Extension 53.

02020000

## 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 9794/2004.

## 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 rights to minerals, but excluding –

1.3.1 the following condition which affect all the erven in the township:

- F. "SUBJECT to the following conditions imposed and enforceable by the City of Tshwane Metropolitan Municipality, namely:

An engineer must be appointed before building plans are submitted, who must submit, together with the building plans, a certificate which states that he has studied the relevant geological report and that he has established the necessary measures with regard to the building work, drainage of the buildings and the site and the installation of wet services so that the whole development is safe as far as possible from a geological point of view."

1.3.2 the following servitudes which affect Erf 4432 in the township only:

- D. "Kragtens Notariële Akte Nr K.2434/1982-S gedateer 8 Julie 1982 is die bogemelde eiendom hiermee getranspoteer onderhewig aan 'n ewigdurende Kraglyn Servituut aangedui deur die figuur A B C D E F G H J K L d c b a A op die aangehegde Kaart L.G. No 9695/2002 ten gunste van die STADSRAAD VAN VERWOERDBURG tesame met bykomende regte soos meer volledig blyk uit gemelde Notariële Akte, waarvan 'n afskrif aan Sertifikaat van Gekonsilideerde Titel nr 8173/1974 aangeheg is."

- E. "By virtue of Notarial Deed of Servitude K3654/1998 S dated 10<sup>th</sup> June 1998, and registered on 10 July 1998, the property hereby transferred is subject to a perpetual servitude for sewerage and other municipal services in favour of the TOWN COUNCIL OF CENTURION as follows;

- (a) The line efgh represents the Southern Boundary of the servitude 5,00 metres wide, and the Northern Boundary of the servitude 2,00 metres wide, as indicated on the annexed Diagram S.G. No. A9695/2002.

together with ancillary rights as will more fully appear from the said Notarial Deed of Servitude"

1.3.3 the following servitude which affect Erven 4432, 4428 and 4423 in the township only:

- E. "By virtue of Notarial Deed of Servitude K3654/1998 S dated 10<sup>th</sup> June 1998, and registered on 10 July 1998, the property hereby transferred is subject to a perpetual servitude for sewerage and other municipal services in favour of the TOWN COUNCIL OF CENTURION as follows;-

- (b) The line fjk represents the centre line of the servitude 3,00 metres wide as indicated on the annexed Diagram SG No. A9695/2002."

together with ancillary rights as will more fully appear from the said Notarial Deed of Servitude"

1.3.4 the following conditions which shall not be passed on to the erven in the township:

"A(a) The owner of Portion 9 (a portion of Portion 3) of the farm Zwartkop No 356, Registration Division J.R. Transvaal, transferred under Deed of Transfer No 4386/1905 on the 5<sup>th</sup> June, 1905, (of which the property held hereunder is a portion) together with the owner of Portion 8 (a portion of Portion 3) of the said farm, measuring 577,7309 (FIVE HUNDRED AND SEVENTY SEVEN comma SEVEN THREE NOUGHT NINE) Hectares, and the owners of the Remaining Extent of Portion 10 of the said farm measuring as such 146,9310 (ONE HUNDRED AND FORTY SIX comma NINE THREE ONE NOUGHT) Hectares, transferred respectively under Deeds of Transfer No 4387/1905. No 7338/1922 and No 7347/1922 dated the 5<sup>th</sup> June 1905, and the 26<sup>th</sup> July 1922,

are entitled to certain rights of water and furrow over Portions 11 (a portion of Portion 10) and 15 (a portion of Portion 10) of the said farm measuring respectively 271,6791 (TWO HUNDRED AND SEVENTY ONE comma SIX SEVEN NINE ONE) Hectares, and 204,3343 (TWO HUNDRED AND FOUR comma THREE THREE FOUR THREE) Hectares, held respectively under Certificates of Partition Title No's 7340/1922 and 7341/1922, all of which are more fully set out in the said Certificate of Partition Title.

A(b) The owner of the said Portion 9 (a portion of Portion 3) of the farm ZWARTKOP (of which the property held hereunder is a portion) is specially entitled to a half share in the profits derived from the sale of a township also to the right of water and right of way on the Portion 8 (a portion of Portion 3) of the said farm in extent 577,7309 (FIVE HUNDRED AND SEVENTY SEVEN comma SEVEN THREE NOUGHT NINE) Hectares, transferred by Deed of Transfer No 4387/1905. and specially subject to similar rights in favour of the said portion marked Portion 8 (a portion of Portion 3) of the said farm, all of which will more fully appear from Notarial Deed of Servitude No 139/1905-S. provided that-

(i) by virtue of an Order of the Supreme Court of South Africa (Transvaal Provincial Division) dated the 30<sup>th</sup> of June 1977 (Case No M.319/77) the Condition relating to profits derived from sale of a Township as set out above, confers no rights on the registered owner of Portion 279 of the Farm in respect of Portions 23 and 132 of the farm Zwartkop No 356, Registered Division J.R. district Pretoria, which form part of the consolidated property being Portion 279 of the said Farm against Grace Jeanette Melle on her property being the Remainder of Portion 121 of the said farm held by her under Deed of Partition Transfer No 18504/1939 dated the 20<sup>th</sup> of October 1939, as will be more fully appear from the said Order of Court filed under BC 1107/79 and

(ii) by virtue of Notarial Waiver of Rights No K.803/19815. dated the 22<sup>nd</sup> January 1981, the right to receive any share in the profits derived from a Township upon the Remaining Extent of Portion 121 (a portion of Portion 62) of the Farm Zwartkop No 356 Registered Division J.R. Transvaal, held under Deed of Transfer No 81504/39 is hereby cancelled as will more fully appear from a copy of the said Notarial Deed annexed to Certificate of Consolidated Title 8173/74.

A(c) The rights and servitudes contained in Notarial Deed of Servitude No. 139/1905-S., to which the said Portion 9 (a portion of Portion 3) of the said farm Zwartkop, transferred to Henricus Lorentz by Deed of Transfer No 4386/1905 on the 5<sup>th</sup> day of June 1905, (of which the property held hereunder is a portion) is subject and entitled, have been amended and varied by Notarial Deed No 495/22-S registered on the 26<sup>th</sup> July, 1922, and by Notarial Deed No. 847/449-S, both dated 12<sup>th</sup> November 1949.

A(d) Subject to a right of way-leave in favour of the City Council of Pretoria, for the purpose of conveying electricity by means of high or low tension or underground cables or overhead transmission lines, etc., with certain ancillary rights and subject to certain conditions, all as will more fully appear from Notarial Deed No 2/1935-S."

02020000

- B. "The former Portion 23 (a portion of Portion 9) of the aforesaid farm, measuring 18,8794 (EIGHTEEN comma EIGHT SEVEN NINE FOUR) Hectares, (indicated by the figure lettered A1 middle of Six Mile Spruit B1 F G H J A1 on Diagram S.G. No A.3022/72 annexed to certificate of consolidated Title No T8173/1974) is –

SUBJECT to the right granted to the City Council of Pretoria to convey electricity over the said property together with ancillary rights and subject to certain conditions, as will more fully appear from Notarial Deed of servitude No 495/70-S; dated 30th June 1970, as indicated by the figure N O on diagram S.G. No A.3022/72 annexed to Certificate of Consolidation Title No T.8173/1974."

- C. "The former Portion 172 (a portion of Portion 9) of the aforesaid farm, measuring 23,4458 (TWENTY THREE comma FOUR FOUR FIVE EIGHT) Hectares, (indicated by the figure lettered B1 middle of Six Mile Spruit C1 M L K E J H G F B1 on Diagram S.G. No A.3022/72 annexed to certificate of consolidated Title No T8173/1974) is –

1. SUBJECT to the right in favour of the City Council of Pretoria to convey electricity over the said property together with ancillary rights and subject to conditions, as will more fully appear from Notarial Deed No 1129/.. S dated 24th October 1959.
2. SUBJECT to the right in favour of the City Council of Pretoria to convey electricity over the said property together with ancillary rights and subject to conditions, as will more fully appear from Notarial Deed No 496/1970-S; dated 30th June 1970, as indicated by the figure O P on Diagram S.G. No A.3022/72 annexed to Certificate of Consolidated Title No T.8173/74."

#### 1.4 PRECAUTIONARY MEASURES

The township owner shall at its own expense, make arrangements with the local authority in order to ensure that –

- 1.4.1 water will not accumulate to the effect that the entire surface of the dolomite area/s is drained properly and that streets are sealed effectively with tar, cement or bitumen; and
- 1.4.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

#### 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 City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality.

#### 1.7 REMOVAL OR REPLACEMENT OF MUNICIPAL AND TELKOM SERVICES

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal and Telkom services, the cost thereof shall be borne by the township owners.

## 1.8 THE DEVELOPER'S OBLIGATIONS

### 1.8.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

The following municipal services will be transferred to the Municipality: Water, sewerage, electricity and storm water sewers.

No building plans will be approved before the services are completed and (if applicable) taken over by the division of the Service Delivery Department.

1.8.2 Erven 4284, and 4423 to 4434 shall be registered in the name of the Section 21 Company and said portions may not be sold or in any way disposed of without prior written consent of the Council.

1.8.3 Each and every owner of Erven 4267-4283, 4285-4308 and 4310-4422 shall become a member of the Section 21 company upon transfer of the erf, such company shall have full responsibility for the functioning and proper maintenance Erven 4284 and 4423 to 4434.

1.8.4 The Section 21 Company shall have full legal power to levy from each and every member the costs incurred in fulfilling its function, and shall have legal recourse to recover such fees in the event of a default in payments by any member.

1.8.5 All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association. Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the association.

## 1.9 DEPARTMENT OF TRANSPORT AND PUBLIC WORKS (GAUTENG PROVINCIAL GOVERNMENT)

A physical barrier consisting of a 2m high brick and mortar wall shall be erected on the lines of no access along the boundary of Erf 4432 with K103.

### 1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed by or by which the Gauteng Department of Agriculture, Conservation and Environment has granted the applicant exemption from compliance with regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

## 2. CONDITIONS OF TITLE

THE ERVEN MENTIONED HEREUNDER SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986.

### 2.1 ALL ERVEN

2.1.1 The erf is subject to a servitude, 3m 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 3m 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.

2.1.2 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.

2.1.3 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.

2.2 ERVEN 4423-4434

The erf is entirely subject to a servitude for general municipal services in favour of the Local Authority, as shown on the general plan.

2.3 ERVEN 4268, 4314-4319, 4324, 4326-4328, 4346-4351 AND 4401-4405

The erf is subject to a servitude of no building area due to restrictions as laid down by the Council of Geoscience, as shown on the general plan.

2.4 ERVEN 4268, 4314-4319, 4324, 4326-4328, 4346-4351 AND 4401-4405

The erf is subject to a servitude of no building area due to restrictions as laid down by the Council of Geoscience, as shown on the general plan.

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