

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1425

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 343T

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 Kosmosdal Extension 85, 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 343T.

(13/2/Kosmosdal x85 (343T))
 __ October 2013

Chief Legal Counsel
 (Notice No 616/2013)

PLAASLIKE BESTUURSKENNISGEWING 1425

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 343T

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 Kosmosdal Uitbreiding 85, 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 343T.

(13/2/Kosmosdal x85 (343T))
 __ Oktober 2013

Hoofregsadviseur
 (Kennisgewing No 616/2013)

CITY OF TSHWANE

DECLARATION OF KOSMOSDAL EXTENSION 85 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 Kosmosdal Extension 85 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kosmosdal x85 (343T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAFRICH RPP JV (PROPRIETARY) LIMITED IN TERMS OF THE PROVISIONS OF CHAPTER III: SECTION A AND 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 46 OF THE FARM OLIEVENHOUTBOSCH 389JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Kosmosdal Extension 85.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan No SG 1600/2012.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

1.3.1 The following servitudes which do not affect the township due to location:

- i) Die voormalige Gedeelte 46 ('n Gedeelte van Gedeelte 5) van die gemelde plaas OLIEVENHOUTBOSCH 389, Registrasie Afdeling J R is onderhewig aan
 - a. 'n serwituut van elektrisiteitleiding tesame met bykomende regte ten gunste van ESKOM soos volledig sal blyk uit Notariële Akte 762/1971 S gedateer 1 Julie 1971
 - b. geregtig tot 'n reg van weg groot 3191 vierkante meter oor die Resterende Gedeelte van Gedeelte 290 van die plaas Olievenhoutbosch 389, Registrasie Afdeling J R provinsie GAUTENG, gehou kragtens Sertifikaat van Verenigde Titel T120214/04, welke serwituut aangetoon word deur die figuur A B C D E F A op Kaart LG Nr 7480/2005 geheg aan Notariële Akte K903/2006 S
 - c. Kragtens Notariële Akte K8676/04S is die eiendom onderhewig aan 'n kraglynserwituut ten gunste van ESKOM tesame met bykomende regte.

1.3.2 the following condition which affects Erf 5428 in the township;

- (i) (e) - Kragtens Notariele Akte van Serwituut K904/1006s, is die binnegemelde eiendom onderhewig aan 'n riool pyplynserwituut 3 meter wyd, voorgestel deur die figuur ABCDEF op die aangehegte Kaart LG A198/1981 ten gunste van die Plaaslike Bestuur, soos meer volledig sal blyk uit gemelde Notariele Akte.

1.4 PRECAUTIONARY MEASURES

The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-

- 1.4.1 water will not dam up, that the entire surface of the township area 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 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.5 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): Erf 5428

1.6 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.

1.7 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 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 5430 shall be transferred to the Non Profit Company (homeowners' association), SUMMERFIELD ESTATE (Kosmosdal Extension 81, 82, 84 and 85 homeowner's association No 2007/030017/08) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever is the sooner, by and at the expense of the township owner.

The erf may not be transferred thereafter by the Non Profit Company unless the consent of the City of Tshwane Metropolitan Municipality first been obtained.

1.9 RESTRICTIONS ON THE ALIENATION OF LAND:

Regardless the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of condition 1.10.

1.10 THE DEVELOPER'S OBLIGATIONS

1.10.1 MEMORANDUM OF UNDERSTANDING

The developer must facilitate the incorporation of the township into the SUMMERFIELD ESTATE (Kosmosdal Extension 81, 82, 84 and 85 homeowner's association), a Non Profit Company in terms of in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). A copy of the registered Memorandum of understanding must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Understanding must clearly state that the main objective of the homeowners' association is the access control and maintenance of the road, water, sewerage, stormwater and electrical services of the development. The developer is deemed to be a member of the Non Profit Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.10.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the Municipality complete engineering drawings in respect of internal services and sewer connection points and complete engineering drawings in respect of the internal road and stormwater services as well as water and electricity services, prior to the commencement of the construction of the said services.

1.10.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and stormwater services, in which it is certified that the internal engineering services, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Municipality may at its own discretion allow an exception in respect of the internal road and stormwater services.

If this is the case, the developer must give the Municipality an undertaking that the developer will complete these services on or before a certain date and must provide the Municipality with a guarantee issued by a recognized financial institution.

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

1.10.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must furnish the Non Profit company with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or

materials with regard to the civil engineering services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the Municipality.

1.11 ACCEPTANCE AND DISPOSAL OF STORMWATER

1.11.1 The stormwater plan for this development must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas. Any new or enlarged stormwater systems to address all stormwater runoff must be investigated and designed by a professional civil engineer to the satisfaction of the local authority.

1.11.2 The low points in roads and the accumulation of stormwater in crescents, culs-de-sac and lower lying erven must be drained to the satisfaction of the local authority.

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 METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

2.1.1 ALL ERVEN EXCLUDING ERF 5428

2.1.1.1 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; Where the erf is actually affected by a Council sewer line it must be protected by a 3 meter wide servitude

2.1.1.2 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 3m thereof.

2.1.1.3 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.

2.1.2 ERF 5429

2.1.2.1 The erf shall be subject to a servitude (3m wide) for municipal services (stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated 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 thereof.

2.1.2.3 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.

2.1.2.4 The erf shall be subject to a servitude for road purposes, 4m wide, in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan. Upon submission of a certificate/letter by the City of Tshwane Metropolitan Municipality to the Registrar of Deeds in which it is mentioned that such servitude is no longer needed, the condition shall lapse.

2.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/
CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

2.2.1 ERVEN 5429 AND 5430

2.2.1.1 Any owner of an erf, or any subdivision thereof, or any interest herein, or any unit as defined in terms of the Sectional titles Act 95 of 1986, shall become and shall remain a member of the Home Owners Association and be subject to its memorandum of understanding until it ceases to be an owner of aforesaid. No erf or any subdivision thereof, or interest therein, or any unit thereon, shall be transferred to any person who has not committed itself to the satisfaction of the Home Owners Association to become a member of the Home Owners Association.

2.2.1.2 The owner of the erf or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Titles Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision or any interest therein, or any unit thereon, without a clearance certificate from the Home Owners Association that all monies have been paid.

2.2.1.3 The term Home Owners Association in the above context shall refer to the SUMMERFIELD ESTATE (Kosmosdal Extension 81, 82, 84 and 85) homeowner's association No 2007/030017/08 (Owner association incorporated under provisions of the Companies Act, 2008 (Act 71 of 2008)).

2.2.1.4 As this erf (stand, land, etc) forms part of an area which may be subject to dust pollution, shock vibration and/or noise as a result of open-cast mining activities past, present or future in the vicinity thereof, the owner thereof accepts that inconvenience with regard to shock vibration, dust pollution and/or noise as a result thereof, may be experienced.

