

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

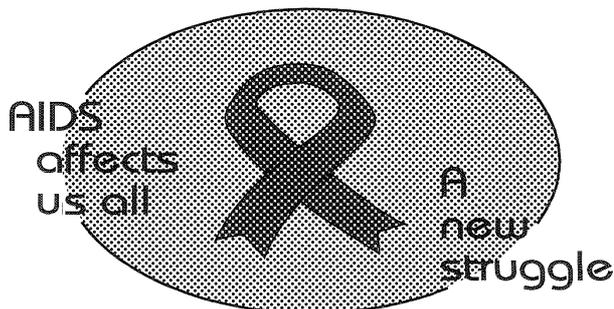
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 269

CITY OF TSHWANE

CENTURION AMENDMENT SCHEME 1611C

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 65, being an amendment of the Centurion Town-planning Scheme, 1992.

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 Centurion Amendment Scheme 1611C.

(13/2/Kosmosdal x65 (1611C)
__ February 2014

CHIEF LEGAL COUNSEL
(Notice No 263/2014)

PLAASLIKE BESTUURSKENNISGEWING 269

STAD TSHWANE

CENTURION WYSIGINGSKEMA 1611C

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 65, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, 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 Centurion-wysigingskema 1611C.

(13/2/Kosmosdal x65 (1611C)
__ Februarie 2014

HOOFREGSADVISEUR
(Kennisgewing No 263/2014)

CITY OF TSHWANE

DECLARATION OF KOSMOSDAL EXTENSION 65 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 65 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kosmosdal x65 (1611C))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY POLENSWA PROPERTIES PROPRIETARY LIMITED, 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 406 OF THE FARM OLIEVENHOUT-BOSCH 389JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Kosmosdal Extension 65.

1.2 DESIGN

The township consists of erven, parks and streets as indicated on General Plan SG No 6104/2008.

1.3 LAND FOR MUNICIPAL PURPOSES

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

Parks (public open space): Erf 5383

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 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 REMOVAL OF 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 Metropolitan Municipality to do so, the township owner shall at its 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.

1.7 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.

1.8 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed by 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 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNER'S ASSOCIATION)

Erven 5381, 5382, 5384 to 5388 shall be transferred to Kosmosdal Extension 51 Homeowners Association No 2004/016952/08 within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erven 5381 and 5382 in favour of all the erven in the township.

1.10 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.

1.11 NOTARIAL TIE OF ERVEN

The township owner shall at his own expense have Erven 5381 and 5382, Kosmosdal Extension 65 notarial tied with Erven 2156, 2079 and 2063, Kosmosdal Extension 51.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

2.1 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.

2.2 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 dealt with otherwise until the City of Tshwane certifies that the developer has complied with the provisions of Condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 MEMORANDUM OF INCORPORATION

The developer must incorporate this township into the non profit Company (homeowners' association) that has been established for Kosmosdal Extension 51 (Kosmosdal Extension 51 Homeowners Association No 2004/016952/08) in terms of provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of erven and/or units in the township must become members of the non profit company. A copy of the registered memorandum of incorporation and the Company's Statutes must be submitted to the City of Tshwane.

The memorandum of incorporation must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services (roads, stormwater and electricity) 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.

2.3.2 PROVISION OF ENGINEERING DRAWINGS

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

2.3.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane 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 have been completed and that the engineers accept liability for the services. If this is the case, the developer must give the City of Tshwane an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane with a guarantee issued by a recognised 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.

2.3.4 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:

2.3.4.1 furnish the non profit company with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services (roads and stormwater) and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil services (roads and stormwater) and 10% of the contract cost of the electrical services, and proof of this must be submitted to the Municipality.

2.3.4.2 furnish the Municipality with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and / or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services.

2.3.5 PROOF THAT PROSPECTIVE BUYERS WERE MADE AWARE OF THE OPENCAST MINING ACTIVITIES IN THE VICINITY OF THE TOWNSHIP

Prior to the issuing of a Section 82 certificate, the developer must submit proof that he has notified prospective buyers of erven in the township, in writing, that opencast mining activities in the vicinity thereof may cause inconvenience with regard to noise, dust pollution and/or shock vibrations.

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 –

3.1 The following that do not affect the erven in the township:

- “(a) Is onderhewig aan 'n servituut van elektrisiteitsleiding tesame met bykomende regte ten gunste van ESKOM soos meer 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 servituut aangetoon word deur die figuur A B C D E F A op Kaart LG Nr 7480/2005 geheg aan Notariële Akte K 903/2006 S.
- (c) Kragtens Notariële Akte K8676/04S is die eiendom onderhewig aan 'n kraglynserwituut ten gunste van ESKOM tesame met bykomende regte.”

3.2 The following that only affects Erf 5321 to 5324

“Kragtens Notariële Akte van Servituut K 8853/96S is die eiendom onderhewig aan 'n Servituut van Reg van Weg en Munisipale doeleindes, groot 2,6816 (Twee komma ses agt een ses) hektaar, soos aangedui deur die figuur ABCDEFGHJKLMNPQ RSTUV op Kaart LG Nr 5279/1996, ten gunste van DIE STADSRAAD VAN CENTURION, welke regte verleen word onderhewig aan verdere voorwaardes soos meer volledig sal blyk uit die Notariële Akte van Servituut.”

3.3 The following that only affects Erf 5383, 5336, 5337 and 5338:

“Kragtens Notariële Akte van Servituut K904/2006 S is die binne gemelde eiendom onderhewig aan 'n riool pyplynserwituut, 3 meter wyd, voorgestel deur die figuur e f g h op die aangehegte Kaart LG Nr 2862/2012 ten gunste van die Plaaslike Bestuur, soos meer volledig sal blyk uit gemelde Notariële Akte.”

4. CONDITIONS OF TITLE

- 4.1 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)

4.1.1 ALL ERVEN WITH THE EXCEPTION OF ERVEN 5381 TO 5388

4.1.1.1 The erf subject to a servitude, 3m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.

4.1.1.2 No building 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.

4.1.1.3 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 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.

4.1.2 ERVEN 5331, 5332, 5333, 5336, 5337, 5348, 5351, 5352, 5356, 5360, 5363, 5367, 5370, 5371, 5374, 5375, 5378 AND 5379

The erf is subject to a 3 metre wide servitude for municipal services in favour of the local authority as shown on the General Plan.

4.1.3 ERF 5384

The entire erf is subject to a servitude for municipal services in favour of the local authority.

4.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF 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:

4.2.1 ERVEN 5381 AND 5382

4.2.1.1 The erf is subject to a servitude of right of way and for the use of municipal services in favour of Erven 5318 to 5380.

4.2.2 ERVEN 5318 TO 5380

The erven are subject to the following conditions in favour of the non profit company to be created on transfer of the erven to any purchaser:

Upon transfer, each and every owner of an erf in the township shall on transfer automatically become a member of the Homeowner's Association (non profit company) for the development (hereinafter referred to as the 'Association') and the township owner shall procure that each erf be made subject to the following conditions in favour of the Association:

4.2.2.1 Every owner of the erf or owner of any sub-divided portion of an erf or owner of any unit thereon, shall on transfer automatically become and shall remain a member of the the Kosmosdal Extension 51 Homeowners Association No 2004/016952/08 and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the association, which condition must be included in the title deed of the portion.

4.2.2.2 As the erf forms part of an area which may be subject to dust pollution, shock vibration and/or noise as a result of opencast mining activities and the operating of opencast 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.

