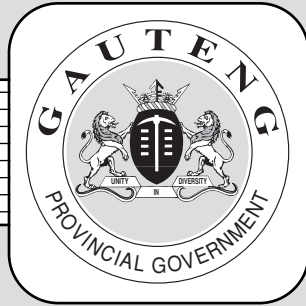


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

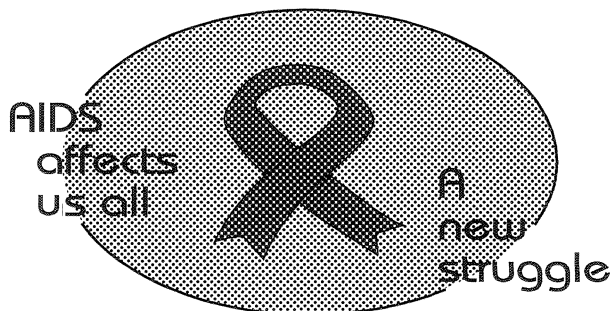
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DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1214

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 403T

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 88, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 403T.

(13/2/Kosmosdal x88 (403T))
__ July 2015

SED: GROUP LEGAL SERVICES
(Notice No 239/2015)

PLAASLIKE BESTUURSKENNISGEWING 1214

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 403T

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 88, 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 403T.

(13/2/Kosmosdal x88 (403T))
__ Julie 2015

HOOFREGSADVISEUR
(Kennisgewing No 239/2015)

CITY OF TSHWANE

DECLARATION OF KOSMOSDAL EXTENSION 88 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 88 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kosmosdal x88 (403T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAMRAND DEVELOPMENT (PROPRIETARY) LIMITED IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 413 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 88.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on lay-out plan KMDX88/7 and General Plan SG No 4237/2013.

1.3 PRECAUTIONARY MEASURES

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

- 1.3.1 water will not accumulate to the effect that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and
- 1.3.2 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, to the satisfaction of the Municipality.

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 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.

1.8 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.

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

Erven 5461 and 5462 shall be transferred to the non profit Company (homeowners' association) 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.

1.10 NOTARIAL TIE OF ERVEN

The township owner shall at his own expense have Erven 5461 and 5462, Kosmosdal Extension 88 and Erf 860, Kosmosdal Extension 11 notarially tied.

1.11 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 5441 and 5442 in the township consolidated. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation in respect of Section 92(2) of Ordinance 15 of 1986.

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

2.1 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 2.2.

2.2 THE DEVELOPER'S OBLIGATIONS

2.2.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a non profit company (homeowner's association) in terms of the 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 must be submitted to the City of Tshwane.

The Memorandum of Incorporation must clearly state that the main objective of the homeowner's association is the maintenance of the non profit company's property and who is responsible for the maintenance of the private open space erven, landscaping and all walkways. 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.

2.2.2 PROVISION OF ENGINEERING DRAWINGS

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

2.2.3 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 storm water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane may at its own discretion allow an exception in respect of the internal road and storm water sewers. 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 recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Public Works and Infrastructure Development Department.

2.2.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services i.e. water, sewerage, electricity, and the road and storm water sewers have been completed.

A maintenance guarantee must be issued for the said period 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 issued in favour of the municipality 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 City of Tshwane Metropolitan Municipality.

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 servitudes or conditions which due to location do not affect the township area:

- (i) 3. By virtue of Notarial Deed of Servitude K1385/84S, dated 17 February 1984 and registered 18th April 1984, the within mentioned property is subject to a perpetual right to convey water by way of pipelines on a portion measuring 1,5726 hectares as indicated by the figure ABCDEFGHJKLMNPQRSA on diagram SG No. A1673/81 as will more fully appear from the said Notarial Deed with diagrams annexed thereto;
- (ii) 5. By virtue of Notarial Deed K272/91S dated 26th November 1990 and registered on 23rd January 1991 the within mentioned property is subject to perpetual right in favour of Rand Water Board to take and to convey water over the property by way of pipelines 825 square metres as indicated by the figure ABCD on diagram SG No A5114/88 as will more fully appear from the said Notarial Deed;
- (iii) By virtue of Notarial deed of Servitude K2944/99S dated 18/6/99 the within mentioned property is subject to a servitude for municipal purposes along the line ABCDEFGHJKLMNPQRST on diagram SG. No A9743/93, which represents the centre line servitude 2 metres wide and the figure UVWX, represents the servitude area over the property, in favour of the Town Council of Centurion, with ancillary rights as will more fully appear from the said deed.
- (iv) By virtue of Notarial deed of Servitude K2945/99S dated 18/6/99 the within mentioned property is subject to
 1. a servitude for municipal purposes along the line ABCDEFGHJKLMNPQR which represents the centre line of a Sewer Pipe line Servitude 5 metres wide, 1,50 metres to the west side and 3,50 metres to the east side.
 2. a servitude for municipal purposes along the line RS which represents the centre line of a sewer pipe line servitude 3,50 metres wide, 1,50 metres to the north side and 2,00 metres to the south side.
 3. a servitude for municipal purposes along the line PT on diagram SG. No A 4648/86, which represents the centre line of a sewer pipe line servitude 3,00 metres wide, 1,50 metres to the north and 1,50 metres to the south side in favour of the Town Council of Centurion, as will more fully appear from the said deed.

3.2 The following servitude which only affects the streets, Rooihuiskraal Road and Samrand Avenue in the township:

"Kragtens Notariële akte van Serwituut K2674/98S gedateer 19de Februarie 1998, verleen aan die eienaar van die binnegemelde eiendom aan die Stadsraad van Centurion 'n ewigdurende serwituut van reg van weg, groot 14,5714ha, soos aangedui deur die letters ABCDEFGHJKLMNPQRSTUVWYZA1B1C1D1E1F1G1H1J1K1L1M1N1P1Q1R1S1T1U1W1X1Y1Z1A2B2C2D2E2F2G2H2J2K2L2M2N2P2Q2R2S2T2U2V2W2X2A, soos meer volledig sal blyk uit diagram LG nr 3406/97 en genoemde akte van serwituut.

3.3 The following servitude which only affects Erven 5450 to 5453 and 5457 to 5460 and 5462, and a street, Samrand Avenue in the township:

1. By virtue of Notarial Deed K155/74S, registered on 28th January 1974, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with the ancillary rights and subject to conditions, as will more fully appear from the said Notarial Deed and by virtue of Notarial Deed of Amendment of Servitude K2445/1979S the route is established, as will more fully appear from the said Notarial Deed of Amendment of Servitude;

3.4 The following servitude which only affect Erven 5437 to 5442 and streets, Rooihuiskraal Road and Samrand Avenue in the township:

3.4.1 Kragtens Notariële Akte No K8139/96S gedateer 4-11-1996 is die hierin-vermelde eiendom onderhewig aan 'n serwituuat met gebied vir munisipale doeleindes, groot 7,1266ha voorgestel deur die figuur ABCDEFG op serwituuatkaart LG No 13240/1995 met bykomende regte ten gunste van die Stadsraad van Centurion.

3.5 The following servitude which only affects a street, Rooihuiskraal Road in the township:

The line ABCDEFGHJKLMNPQRSTUVWXYZ on diagram SG No 2618/1999 represents the Centre Line of a Servitude 3 metres wide over the Remainder of Portion 2 of the farm Olievenhoutbosch No 389-JR.

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

4.1.1 ALL ERVEN EXCLUDING ERVEN 5461 AND 5462

4.1.1.1 The erf shall be 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 pan-handle 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 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 thereof.

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 In addition to the relevant conditions set out in paragraph 4.1.1 above, the under mentioned erven shall be subject to the conditions as indicated:

4.1.2.1 ERVEN 5461 and 5462

The entire erf shall be subject to a servitude for right of way, municipal purposes and stormwater services in favour of the City of Tshwane.

4.1.2.2 ERVEN 5437 to 5442, 5451, 5452 and 5460

4.1.2.2.1 The erf shall be subject to a servitude (2m wide) for municipal services (stormwater) in favour of the City of Tshwane as indicated on the general plan.

4.1.2.2.2 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.

4.1.2.2.3 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 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 main sewer pipelines and other works.

4.1.2.3 ERVEN 5450 to 5453 and 5460

The erf shall be subject to a servitude (3m wide) for municipal services (sewer) in favour of the City of Tshwane as indicated on the General Plan.

4.1.2.4 ERVEN 5437, 5456, 5458 and 5459

The erf shall be subject to a servitude area 18 square metres in extent for municipal services (electricity) in favour of the City of Tshwane as indicated on the General Plan.

4.1.2.5 ERF 5460

The erf shall be subject to a servitude (2m wide) for municipal services (water) in favour of the City of Tshwane as indicated on the General Plan.

4.1.2.6 ERVEN 5445 TO 5447

The erf shall be subject to a servitude (2m wide) for municipal services (sewer) in favour of the City of Tshwane as indicated on the General Plan.

4.2 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:

4.2.1 ALL ERVEN

As this erf (stand, land, etc) forms part of an area which may be subject to dust pollution and 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 dust pollution and noise as a result thereof, may be experienced.

4.2.2 ERVEN 5437 TO 5460

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 Landowners' 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 Association 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 The owner of each erf must be made aware of the risk involved in developing on dolomite. The developer may make use of literature at the disposal of the investigator, together with a list of precautionary measures and monitoring schedules in order to ensure that the property/land owner understands how to manage dolomite stability risk responsibility.

4.2.3 ERF 5437

The erf is subject to a general right of way servitude over the entire Erf 5437, in favour of Portion 254 of the farm Olievenhoutbosch 389-JR, for access purposes.