

**THE PROVINCE OF
GAUTENG**



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IMPORTANT

Information

from Government Printing Works

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 19 OF 2015**CITY OF TSHWANE****CENTURION AMENDMENT SCHEME 1607C**

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 75, 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 1607C.

(13/2/Kosmosdal x75 (1607C)
August 2015

(Notice No 243/2015)

SED: GROUP LEGAL SERVICES —

PROKLAMASIE 19 VAN 2015**STAD TSHWANE****CENTURION WYSIGINGSKEMA 1607C**

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 75, 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 1607C.

(13/2/Kosmosdal x75 (1607C)
Augustus 2015

(Kennisgewing No 243/2015)

HOOFREGSADVISEUR —

CITY OF TSHWANE**DECLARATION OF KOSMOSDAL EXTENSION 75 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 75 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kosmosdal x75 (1607C))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY MITRAJAYA DEVELOPMENT SA PROPRIETARY LIMITED, UNDER THE PROVISIONS SECTION A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 366 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 75.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 720/2009.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

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

- (i) The former Remaining Extent of Portion 2 of the farm Olievenhoutbosch 389JR., Province Gauteng, whereof the property hereby registered forms a portion, was subject to Notarial Deed K155/74S, registered on 28th January 1974 whereby the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with 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."
- (ii) Die vorige Resterende gedeelte van Gedeelte 2 van die plaas Olievenhoutbosch 389, Registrasie afdeling JR, Provinsie van Gauteng, Groot 645,0113 hektaar (waarvan die eiendom hiermee getranspoteer deel vorm) is onderhewig aan 'n servituut gebied vir munisipale doeleindes, groot 7,1266ha, met bykomende regte ten gunste van Stadsraad van Centurion soos meer volledig sal blyk uit Notariële Akte van servituut K8139/1996 geregistreer op 20 November 1996.
- (iii) By virtue of Notarial K4991/1999-S dated 20 September 1999 the undermentioned property is subject to a servitude for municipal purposes indicated by the figures ABCDEA which represents a servitude area of 103m² on diagram SG No 3398/1999, in favour of the Town Council of Centurion.
- (iv) By virtue of Notarial Deed No.K4992/1999-S dated 20 September 1999 the undermentioned property is subject to a servitude for municipal services indicated by the figures ABCDA which represents a servitude area of 105m² on diagram SG No 3396/1999 in favour of the Centurion Town Council.
- (v) By virtue of Notarial Deed K4993/1999-S dated 20 September 1999 the undermentioned property is subject to a servitude for municipal services indicated by the figures ABCDEFGHA which represents a servitude area of 8 012m² on diagram SG No 3397/1999 in favour of the Town Council of Centurion.
- (vi) By virtue of Notarial Deed K4994/1999-S dated 20 September 1999 the undermentioned property is subject to a servitude for of Right of Way indicated by the figures ABCDEFGHJKLMNPQRSTUVWXYZA'B'C'D'E'F'G'H'J'K'L'M'N'P'Q'A which represents a servitude area of 4,0095ha on diagram SG No 3394/1999 in favour of the Town Council of Centurion.
- (vii) By virtue of Notarial Deed K4995/1999-S dated 20 September 1999 the undermentioned property is subject to a servitude for of Right of Way indicated by the figures ABCDEFGHJKLMNPQRSTUVWXYZ A'B'C'D'E'F'G'H'J'K'L'M'N'P'Q'R'S'T'U'V'W'X'A which represents a servitude area of 8,9268ha on diagram SG No 3395/1999 in favour of the Town Council of Centurion.
- (viii) The property is subject to a servitude for municipal purposes together with ancillary rights and subject to conditions, as will more fully appear from the attached diagram SG No A2623/1999 where the lines abcdefghjkl represents the centre line of a Sewer Pipe Line servitude 2,00 (TWO) metres wide and the figure xyzw represents a servitude area, registered by virtue of Notarial Deed of Servitude K2944/99S."
- (ix) The property is subject to a servitude for municipal purposes together with ancillary rights and subject to conditions, as will more fully appear from the attached diagram SG No A2623/1999 where the line mnpqrstuvw represents the reference line of a sewer servitud 5,00 (FIVE) meters wide, registered by virtue of Notarial Deed of Servitude K2945/1999-S
- (x) By virtue of Notarial Deed K6079/2003S dated. 18 December 2002, the property is subject to a perpetual right of way indicated by the figure ABCDEGHJKLMA, which represents a servitude area of 3 392m² on

- Diagram SG No 2213/2002 in favour of the City of Tshwane Metropolitan Municipality, together with ancillary rights.
- (xi) By virtue of Notarial Deed K8104/2003S dated 18 November 2003, the property is subject to servitudes for municipal purposes, 3,00 (THREE) meters wide, where the lines ABCDEF and GHJKL represents the centre lines of such servitudes, as will more fully appear from SG Diagram No 5493/2000.
 - (xii) By virtue of Notarial Deed K8166/2003S dated 18 November 2003, the property is subject to a perpetual servitude for municipal purposes 3,00 (THREE) meters wide, where the line ABCD represents the southern boundary of such servitude as indicated on Diagram SG No 6208/2002, in favour of the City of Tshwane Metropolitan Municipality.
 - (xiii) By virtue of Notarial Deed K8304/2002S dated 18 November 2003, the property is subject to a servitude of right of way for municipal purposes, 275 (TWO HUNDRED AND SEVENTY FIVE) square metres in extent, indicated by the figure ABCA on Diagram SG No 3580/2000, in favour of the City of Tshwane Metropolitan Municipality.
 - (xiv) By virtue of Notarial Deed K207/2004S dated 11 November 2003, the property is subject to a servitude of Right of Way, 987 (NINE HUNDRED AND EIGHTY SEVEN) square metres in extent, indicated by the figure ABCDEA on Diagram SG No 5367/2003, in favour of the City of Tshwane Metropolitan Municipality.
 - (xv) By virtue of Notarial Deed K208/2004S dated 11 November 2003, the property is subject to a servitude for municipal purposes 4,00 (FOUR) metres wide, where the line ABCD represents the western boundary of such servitude, as will more fully appear from servitude diagram SG No 5734/2002, in favour of the City of Tshwane Metropolitan Municipality.
 - (xvi) By virtue of Notarial Deed K209/2004S dated 18 November 2003, the property is subject to a servitude for municipal purposes 3,00 (THREE) metres wide, where the lines ABCDEFGHJK and EL represent the centre line of such servitude, as will more fully appear from servitude diagram SG No 9251/2000, in favour of the City of Tshwane Metropolitan Municipality.
 - (xvii) By virtue of Notarial Deed K8243/2003S dated 18 November 2003, the property is subject to servitudes for municipal purposes 3,00 (THREE) metres wide, where the lines AB and CD respectively represent the western and eastern boundaries of such servitudes, as will more fully appear from servitude diagram SG No 664/2000, in favour of the City of Tshwane Metropolitan Municipality.
 - (xviii) By virtue of Notarial Deed K1485/2004S dated 24 February 2004, the property is subject to a servitude for municipal purposes 4,00 (FOUR) metres wide, where the lines AB, BC and CD represent the western boundary of such servitude, as will more fully appear from servitude diagram SG No 5735/2002, in favour of the City of Tshwane Metropolitan Municipality
 - (xix) By virtue of Notarial Deed K1486/2004S dated 24 February 2004, the property is subject to a servitude for municipal purposes 4,00 (FOUR) metres wide, the centre line of which servitude is indicated by the line ABCDEFG on servitude diagram SG No 5733/2002, in favour of the City of Tshwane Metropolitan Municipality.
 - (xx) By virtue of Notarial Deed K1982/2004S dated 11 March 2004, the property is subject to a servitude for municipal purposes, 117 (ONE HUNDRED AND SEVENTEEN) square metres in extent, indicated by ABCA on servitude diagram SG No 5736/2002, in favour the City of Tshwane Metropolitan Municipality.

1.3.2 Including the following condition which affects all erven in the township

The following title condition, which should be carried over to the erven and streets in the township:

“Further subject to the following condition laid down and enforceable by the City of Tshwane Metropolitan Municipality, namely: That the transferee may only erect

buildings on the property on an area which is geologically suitable for building purposes.”

1.4 PRECAUTIONARY MEASURES

The township owner shall at 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 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 ACCESS

No ingress from Provincial Road K27 to the township and no egress to Provincial Road K 27 from the township shall be allowed.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K27 and he shall receive and dispose of the storm water running off or being diverted from the road.

1.7 REMOVAL OR REPLACEMENT OF TELKOM AND/OR MUNICIPAL SERVICES

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing Telkom and/or municipal services, 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 or by which the Gauteng Department of Agriculture, and Rural Development has granted the applicant authorization in terms of 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.

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

The following erven shall be transferred to the non profit Company 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:

Erven 5312 to 5316

1.10 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 1.11.

1.11 THE DEVELOPER'S OBLIGATIONS

A. Association and Statutes

The developer must register a non-profit company (homeowners' 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 Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state what the main objective of the homeowners' association is. 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.

B. 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.

C. Provision of a Certificate by a Professional Engineer

Before any erf is transferred, the City of Tshwane Metropolitan Municipality 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 Metropolitan Municipality 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 Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan 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.

2. CONDITIONS OF TITLE

2.1 CONDITIONS IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE 15 OF 1986

2.1.1 ALL ERVEN

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 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. Where the erf is actually affected by a Council sewer line it must be protected by a 3 metre 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 2m 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 Erven Subject to Special Conditions imposed by The City of Tshwane Metropolitan Municipality

In addition to the relevant conditions set out in paragraph 3.1.1(a), (b) and (c) above, the under mentioned erven shall be subject to the conditions as indicated.

2.1.2.1 Erven 5312-5316

The erf shall be subject to a general servitude for municipal purposes in favour of the City of Tshwane Metropolitan Municipality as indicated on General Plan SG No 720/2009.

2.1.2.2 Erf 5234

The erf shall be subject to a 3m wide stormwater servitude in favour of the City of Tshwane Metropolitan Municipality, as indicated on General Plan SG No 720/2009.

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

2.2.1 Erven 5233 - 5316 will be made subject to the following conditions:

2.2.1.1 Any owner of an 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 become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as 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 BLUE VALLEY GOLF AND COUNTRY ESTATE HOME OWNERS ASSOCIATION No. 1999/018250/08 (Owners Association incorporated under Section 21 of the Companies Act).

2.3 SERVITUDE NOTES ON GENERAL PLAN

2.3.1 Erf 5278

The erf shall be subject to a servitude, 4.75m wide, in favour of Erf 5279 for access and engineering services as indicated on General Plan SG No 720/2009.

2.3.2 Erf 5303

The erf shall be subject to a servitude, 4.75m wide, in favour of Erf 5302 for access and engineering services as indicated on General Plan SG No 720/2009.

2.3.3 Erf 5279

The erf shall be entitled to a servitude, 4.75m wide, over Erf 5278 for access and engineering services as indicated on General Plan SG No 720/2009.

2.3.4 Erf 5302

The erf shall be entitled to a servitude, 4.75m wide, over Erf 5303 for access and engineering services as indicated on General Plan SG No 720/2009.

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