

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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PROCLAMATIONS • PROKLAMASIES
PROCLAMATION NOTICE 67 OF 2021

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 3491T

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 91, 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 3491T.

(CPD 9/1/1/1-KMDx91 0330 (3491T))

SED: GROUP LEGAL SERVICES

____ JULY 2021
(Notice 123/2021)

CITY OF TSHWANE

DECLARATION OF KOSMOSDAL EXTENSION 91 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 91 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-KMDx91 0330 (3491T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAMRAND DEVELOPMENT PROPRIETARY LIMITED Registration Number: 1994/000475/07, 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 446 (A PORTION OF PORTION 2) 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 91.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3636/2015.

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 dam up, 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 (OWNERS' ASSOCIATION)

Erf 5884 shall be transferred to the non-profit Company (owners' 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.

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

2.1 RESTRICTIONS ON THE TRANSFER OF LAND

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane Municipality has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may be not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

2.2 THE DEVELOPER'S OBLIGATIONS

2.2.1 ASSOCIATION AND STATUTES

The developer must at his own cost establish a single non-profit company (owner's association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008) for Kosmosdal Extension 90 and Kosmosdal Extension 91. All the owners of erven 5878 to 5883 in Kosmosdal Extension 91 and Erven 5872 to 5877 Kosmosdal Extension 90 must become members of the non-profit company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Incorporation must clearly state that the main objective of the owner'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 and any communal fencing of the townships. 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 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 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. 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 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, but excluding –

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

- (i) 3. By virtue of Notarial Deed of Servitude K1385/84S, dated 17 February 1984 and registered on 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 K272/91 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) Kragtens Notariële No K8139/96S gedateer 4 November 1996 is die hierinvermelde eiendom onderhewig aan 'n servituut met gebied vir munisipale doeleindes, groot 7,1266ha voorgestel deur die figuur ABCDEFG op servituutkaart LG No 13240/1995 met bykomende regte ten gunste van die Stadsraad van Centurion.
- (iv) By virtue of Notarial deed of Servitude K2944/99S dated 18 June 1999 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.
- (v) By virtue of Notarial deed of Servitude K2945/99S dated 18 June 1999 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 a street (Rooihuiskraal Road) in the township:
- “Kragtens Notariële akte van Servituut K2674/98S gedateer 19de Februarie 1998, verleen die eienaar van die binnegemelde eiendom aan die Stadsraad van Centurion 'n ewigdurende servituut van reg van weg, groot 14,5714ha, soos aangedui deur die letters ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1I1J1K1L1M1N1P1Q1R1S1T1U1W1X1Y1Z1A2B2C2D2E2F2G2H2J2K2L2M2N2P2Q2R2S2T2U2V2W2X2 A, soos meer volledig sal blyk uit diagram LG nr 3406/97 en genoemde akte van servituut.
- 3.3 The following servitude which only affect Erven 5878 to 5881, Erf 5884 and a street (Rooihuiskraal Road) 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 affects Erven 5881 and 5884 and the street (Rooihuiskraal Road) in the township:
- The line ABCDEFGHJKLMNPQRSTUV on diagram SG No 2618/1999 represents the Centre Line of a Servitude 3 metres wide for sewer over the Remainder of Portion 2 of the farm Olievenhoutbosch No 389-JR, as will more fully appear from Notarial Deed of Servitude K3399/2015S.

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

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 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 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 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 necessary, 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 services and other works.

4.1.2 ERF 5884

The entire Erf is subject to a general servitude in favour of the City of Tshwane Metropolitan Municipality for stormwater and municipal purposes.

4.1.3 ERF 5880

4.1.3.1 The erf shall be subject to a 4m wide servitude for municipal purposes in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

4.1.3.2 The erf shall be subject to a 3.5m wide servitude for municipal purposes in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

4.1.4 ERF 5881

The erf shall be subject to a servitude area, for stormwater and municipal purposes in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

4.1.5 ERF 5881

The erf shall be subject to a 3.5m wide servitude for municipal purposes in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

4.1.6 ERVEN 5881 TO 5883

The erf shall be subject to a 3m wide servitude for municipal purposes (sewer) and stormwater services in favour of the City of Tshwane Metropolitan Municipality, 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**

4.2.1 ALL ERVEN

Condition imposed by the Local Authority in terms of Section 98(2) Ordinance 15 of 1986 on behalf of the Department of Mineral Resources:

As this Erf (stand, land etc.) forms part of an area which may be subject to mining operations, with all its associated risks, and which may be liable to subsistence, settlement, shock and cracking due to such mining operations, the owner thereof accepts all liability of any damage thereto or any structure thereon, which may result from such subsistence, settlement, shock or cracking.

4.2.2 ERVEN 5878 to 5883

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 Owners' 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.