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# **LOCAL AUTHORITY NOTICE**

## **LOCAL AUTHORITY NOTICE 612**

### **CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

#### **PERI-URBAN AMENDMENT SCHEME 9PU**

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Blair Atholl Extension 3, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

Map 3 and the scheme clauses of this amendment scheme are filed with the Acting Head: Legal and Secretarial Services, and are open to inspection during normal office hours.

This amendment is known as Peri-Urban Amendment Scheme 9PU.

(13/2/Blair Atholl x3 (9PU))  
 \_\_\_ March 2007

**Acting Head: Legal and Secretarial Services**  
 (Notice No 577/2007)

## **PLAASLIKE BESTUURSKENNISGEWING 612**

### **STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT**

#### **PERI-URBAN WYSIGINGSKEMA 9PU**

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 Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Blair Atholl Uitbreiding 3, synde 'n wysiging van die Peri-Urban dorpsbeplanningskema, 1975, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Waarnemende Hoof: Regs- en Sekretariële Dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Peri-Urban wysigingskema 9PU.

(13/2/Blair Atholl x3 (9PU))  
 \_\_\_ Maart 2007

**Waarnemende Hoof: Regs- en Sekretariële Dienste**  
 (Kennisgewing No 577/2007)

### **CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

#### **DECLARATION OF BLAIR ATHOLL EXTENSION 3 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 Metropolitan Municipality hereby declares the Township of Blair Atholl Extension 3 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Blair Atholl x3 (9PU))

#### **SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WRAYPEX (PTY) LTD UNDER THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF THE FARM BLAIR ATHOLL NO 964JQ, HAS BEEN GRANTED.

#### **1. CONDITIONS OF ESTABLISHMENT**

##### **1.1 NAME**

The name of the township shall be Blair Atholl Extension 3.

## 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 11609/2006.

## 1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to the following conditions and servitudes, including the reservation of the rights to minerals, but excluding –

## 1.3.1 the following conditions that only effects Erf 598, Blair Atholl:

Condition 2.A as indicated in Certificate of Consolidated Title T37231/2006, namely:

- 2.(A) A right of way servitude in favour of the General Public as indicated by Notarial Deed 75/1962 S dated 8<sup>th</sup> December 1961, and registered on the 29<sup>th</sup> January 1962, measuring 15,74 metres wide indicated by figures a,b,c,d,d',e,f of Diagram SG No A 3079/61 annexed to Deed of Transfer T12/1974 dated 2<sup>nd</sup> January 1974, as will more fully appear from reference to the said Notarial Deed.

## 1.3.2 The following conditions that only effects Erf 565, Blair Atholl:

Conditions 3 as indicated on Certificate of Consolidated Title T37231/2006 namely:

THE FORMER PORTIONS 19 and 20 OF THE FARM RIVERSIDE ESTATE NO 497 depicted by the figure 1,J,K,a,A,k,B,C,d,D,c,e,f,g,h,j,1, as indicated on the plan attached hereto, is subject to a Notarial Deed of Lease Servitude No K 75/2006 L dated 6 January 2006, whereby the right has been granted to CECIL VICTOR CAMPHER to lease the aforesaid property, and subject to the conditions of the Notarial Lease, as will more fully appear on reference to said Notarial Deed.

## 1.3.3 The following servitude which shall lapse due to merger:

Condition C in title deed T77949/2005 in respect of Portion 16 of the farm Riverside Estate No 497 Registration Division JQ, Province Gauteng.

## 1.4 ACCESS

Access to or egress from the township shall be to the satisfaction of the City of Tshwane Metropolitan Municipality.

## 1.5 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent roads and for all stormwater running off or being diverted from the road to be accepted and disposed of.

## 1.6 REMOVAL AND/OR REPLACEMENT OF EXISTING MUNICIPAL SERVICES

Should it, by reason of the establishment of the township, become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.

## 1.7 REMOVAL AND/OR REPLACEMENT OF EXISTING ESKOM SERVICES

Should it, by reason of the establishment of the township, become necessary to remove or replace any existing ESKOM services, or to comply to any conditions set by ESKOM, the cost thereof shall be borne by the township owner.

## 1.8 REMOVAL AND/OR REPLACEMENT OF EXISTING TELKOM SERVICES

Should it, by reason of the establishment of the township, become necessary to remove or replace any existing TELKOM services, the cost thereof shall be borne by the township owner.

## 1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own costs cause to be demolished to the satisfaction of the City of Tshwane Metropolitan Municipality, all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

## 1.10 REMOVAL OF LITTER

The township owner shall at his own costs have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required by the City of Tshwane Metropolitan Municipality to do so.

## 1.11 ERF FOR MUNICIPAL PURPOSES

Erf 602 shall, prior to or simultaneously with registration of transfer of the first erf in the township, at the cost of the township owner, be transferred to the City of Tshwane Metropolitan Municipality, for park (public open space) purposes.

## 1.12 RESTRICTION ON THE TRANSFER OF ERVEN

Erven 597 to 601 shall be transferred only to the Section 21 Company established for the development (The Blair Atholl Homeowner's association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever ever the sooner, by and at the expense of the township owner. The Company shall have full responsibility for the functioning and proper maintenance of the said erven and the essential services within the said erven.

## 1.13 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed by or by which the Gauteng Department of Agriculture, Conservation and Environment 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.

## 1.14 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.

## 1.15 THE DEVELOPER'S OBLIGATIONS

### 1.15.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of erven/units in the township must become members of the Section 21 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 that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, sewerage package plant, electricity, and the road and storm water sewers) as well as the payment of the municipal account from the City of Tshwane and the recovering of these costs from the members of the Association. In the event that any of these services are provided by another institution, this should be clearly indicated as such, after consultation with the Municipality. The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

#### 1.15.2 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.

#### 1.15.3 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 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 City of Tshwane Metropolitan Municipality or other recognized parties.

#### 1.15.4 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 storm water sewers) have been completed. The developer must furnish the Section 21 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 City of Tshwane Metropolitan Municipality.

1.15.5 Regardless of 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 may be transferred or otherwise dealt with until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of conditions 1.15.1 to 1.15.4 inclusive above.

#### 1.16 ERF 597

The erf is subject to a servitude of right of way in favour of:

- 1.16.1 Blair Atholl Extension 1: Erven 417 to 507
- 1.16.2 Blair Atholl Extension 2: Erven 511 to 524 and 526 to 544
- 1.16.3 Blair Atholl Extension 3: Erven 554 to 601
- 1.16.4 Blair Atholl Extension 4: Erven 296 to 407, 410 to 416
- 1.16.5 Erven in the townships Riverside, Lindley Proper and Lindley Extension 1.

#### 1.17 ERVEN 554 TO 596, 598 TO 602

The erven are entitled to a right of way across:

- 1.17.1 Blair Atholl Extension 1: Erven 508 to 510
- 1.17.2 Blair Atholl Extension 2: Erven 545 to 549
- 1.17.3 Blair Atholl Extension 3: Erf 597
- 1.17.4 Blair Atholl Extension 4: Erven 408 and 409
- 1.17.5 Erven in the townships Riverside, Lindley Proper and Lindley Extension 1



1.18 ERF 565

The township owner shall not alienate or have the erf, or servitudes in favour of the erf, further developed and transfer of Erf 565 shall not be permitted until the City of Tshwane Metropolitan Municipality is satisfied that the erf, or servitudes in favour of the erf, are no longer subject to flooding as a result of the 1-in-50 year floodline.

2. CONDITIONS OF TITLE

2.1 ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986).

2.1.1 ALL ERVEN (EXCEPT ERVEN 597 TO 602)

2.1.1.1 The erf is subject to a servitude, 2m wide, for municipal services (water, sewer and stormwater) (hereinafter referred to as "the services") in favour of the Municipality and the Section 21 company, 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 City of Tshwane Metropolitan Municipality or the Section 21 Company: Provided that the City of Tshwane Metropolitan Municipality and the Section 21 Company may waive such 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 City of Tshwane Metropolitan Municipality or the Section 21 Company 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 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 construction works being made good by the City of Tshwane Metropolitan Municipality or the Section 21 Company.

2.1.1.4 Upon transfer, the owner of each erf must automatically become a member of the Section 21 Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion. The township owner shall procure that each erf be made subject to the following conditions in favour of the Association:

2.1.1.4.1 Every owner of an 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.

2.1.1.4.2 The owner of any erf or owner of any sub-divided portion thereof or any unit thereon, shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the Association certifying that the provisions of the Constitution have been complied with.

2.1.2 ERVEN 597 TO 601

The erven shall not be alienated or transferred into the name of any purchaser, other than the Section 21 Company established for the development, without the written consent of the City of Tshwane Metropolitan Municipality first having been obtained.

**2.1.3 ERF 597**

2.1.3.1 The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes and right of way, in favour of the City of Tshwane Metropolitan Municipality.

2.1.3.2 The erf shall not be alienated or transferred into the name of any purchaser, other than the Section 21 Company established for the development, without the written consent of the City of Tshwane Metropolitan Municipality first having been obtained.

**2.1.4 ERF 598**

The erf is subject to a servitude for sewer in favour of the General Public, as indicated on the General Plan.

**2.1.5 ERVEN 556 TO 564, 585 TO 592, 595 AND 596**

The erven are subject to a servitude, 2m wide (sewer) in favour of the section 21 company, as indicated on the General Plan.

**2.1.6 ERVEN 587, 598 AND 600**

The erven shall be subject to a servitude for a electrical Mini-sub purposes (6m X 3m), in favour of ESKOM, as indicated on the General Plan.

**2.1.7 ERF 602**

The erf shall be subject to a servitude for a bridge right of way, as indicated on the General Plan.

The erf is subject to a servitude of use and right of way in favour of Erf 565; on condition that the owner of Erf 565 shall satisfy the City of Tshwane Metropolitan Municipality that the servitude area on which any existing or proposed structure are to be erected, are no longer subject to flooding as a result of the 1-in-50 year floodline.

**2.1.8 ERF 600**

The erf is subject to a servitude 2m wide, for electrical cables in favour of the ESKOM, as indicated on the General Plan.

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