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**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 2106**

CITY OF TSHWANE METROPOLITAN MUNICIPALITY  
 CENTURION AMENDMENT SCHEME 1537C

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 Eldoraigne Extension 67, being an amendment of the Centurion Town-planning Scheme, 1992.

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 Centurion Amendment Scheme 1537C.

(13/2/Eldoraigne x67 (1537C))  
 \_ August 2007

Acting Head: Legal and Secretarial Services  
 (Notice No 1077/2007)

**PLAASLIKE BESTUURSKENNISGEWING 2106**

STAD TSHWANE METROPOLITAANSE MIINISIPALITEIT  
 CENTURION WYSIGINGSKEMA 1537C

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 Eldoraigne Uitbreiding 67, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, goedgekeur he!

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

Hierdie wysiging staan bekend as Centurion-wysigingskema 1537C.

(13/2/Eldoraigne x67 (1537C))  
 \_ Augustus 2007

Waarnemende Hoof: Regs- en **Sekretariële** Dienste  
 (Kennisgewing No 1077/2007)

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CITY OF TSHWANE METROPOLITAN MUNICIPALITY

**DECLARATION OF ELDORAIGNE EXTENSION 67 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 Eldoraigne Extension 67 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Eldoraigne x67 (1537C))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD IN TERMS OF 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 PORTION 666 (A PORTION OF PORTION 174) OF THE FARM ZWARTKOP 356JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. **CONDITIONS OF ESTABLISHMENT**

1.1 **NAME**

The name of the township shall be Eldoraigne Extension 67.

1.2 **DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 6486/2007.

## 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 conditions in Title Deed *T107698/2004*, which do not affect the township;

1.3.1.1 Condition A (a), in Deed of Transfer *T1 07698/2004*:

"A The former Remaining Extent of Portion "d" of a Portion of the said farm ZWARTKOP no. 356, Registration Division J.R. district Pretoria, measuring 145,0537 Hectares (whereof the property hereby transferred forms a part) is SUBJECT and ENTITLED to the following terms and conditions.

"(a) The use and enjoyment of the water from the Hennops River to which-

- (1) The Remaining Extent of Portion "d" of a portion of the farm ZWARTKOP No. 356, Registration Division J.R., district Pretoria, Measuring as such 115,0537 Hectares;
- (2) The Remaining Extent of the Western Portion of the farm, measuring as such 364, 8041 Hectares;
- (3) The Remaining Extent of the Middle Portion of the farm, measuring as such 167,2707 Hectares;
- (4) Portion B of the Middle Portion of the said farm, measuring 577,7308 Hectares;

are entitled. is divided as follows:-

I. The owner of the following three properties, namely:-

- (a) Certain Portion 121 of Portion B of the Middle Portion of the said farm ZWARTKOP No. 356, Registration Division JR, district Pretoria, measuring 306,2476 Hectares;
- (b) Certain portion 122 of the Western Portion of the said farm ZWARTKOP No. 356, Registration Division *JR.*, district Pretoria, Measuring ,9250 Hectares;
- (c) Certain portion 123 of the Western Portion of the said farm ZWARTKOP No. 356, Registration Division *JR.*.. district Pretoria, Measuring 13,6049 Hectares;

all as transferred by Deed of Partition Transfer no *18504/1939* on the 20<sup>th</sup> of October, 1939, shall be entitled to:-

- i. The right to pump water from the Hennops River above the drift known as "Kalk Drift" and East of the Eastern boundary of the said portion 121 for 4,2827 (FOUR comma TWO EIGHT TWO SEVEN) hectares of land, the quantity of such 4,2827 (FOUR comma TWO EIGHT TWO SEVEN) hectares to be determined by reference to the order of the Water Court dated 24<sup>th</sup> day of October. 1927.
- ii The right to pump water from the Hennops River at the Swimming Bath upon the said portion 121 for forty eight (48) continuous hours per week for the purpose of filling the said oath and irrigation 1,7131 (ONE comma SEVEN THREE ONE THREE) hectares to be determined by reference of the aforesaid Order of the Water Court, with the alternative right to irrigate the land for twenty four (24) continuous hours per week by gravitation from the weir in the Hennops River.

- II. The owners of the remainder of the said four properties, namely:-
- (a) The said Remaining Extent of Portion "d" of Portion of the said farm ZVIARTKOP No. 356, Registration Division J.R. District Pretoria, measuring as such 115,0537 (ONE HUNDRED AND FIFTEEN comma NOUGHT FIVE THREE SEVEN) hectares;
  - (b) The Remaining Extent of the Western Portion of the said farm ZWARTKOP, measuring as such 350,2741 (THREE HUNDRED AND FIFTY comma TWO SEVEN FOUR ONE) hectares;
  - (c) The Remaining Extent of the middle portion of the said farm ZWARTKOP, measuring as such 167,2707 (ONE HUNDRED AND SIXTY SEVEN comma TWO SEVEN NOUGHT SEVEN hectares);
  - (d) The Remaining Extent of Portion B of the middle portion of the said farm ZWARTKOP, measuring as such 271,4831 (TWO HUNDRED AND SEVENTY ONE comma FOUR EIGHT THREE ONE) hectares; all as transferred by Deed of Partition Transfer nO.118505f1939 shall be entitled to the balance of the said water.

- (b) ENTITLED to a right-of-way twelve comma five nine (12,59) meters wide over:-

Portion 121 of Portion B of the middle portion of the said farm ZWARTKOP No. 356, Registration Division JR. district Pretoria, measuring 306,2476 (THREE HUNDRED AND SIX comma TWO FOUR SEVEN SIX) hectares, as transferred by Deed of Partition Transfer no. 18504/1939 on the 20<sup>th</sup> October 1939, so as to give access to the main road between Pretoria and Johannesburg via the existing road (or right-of-way) over:-

Portion A of the middle portion of the said farm ZWARTKOP No. 356, Registration Division J.R., District Pretoria.

- (c) ENTITLED to a servitude of the right to lay a pipeline over

Portion 123 of the Western portion of the said farm ZWARTKOP No. 356. Registration Division J.R.. district Pretoria. measuring 13.6049(THIRTEEN comma (SIX NOUGHT FOUR NINE) hectares. as transferred by Deed of Partition Transfer no. 18504/1939 aforesaid, and over.

Portion 121 of Portion B of the middle portion of the said farm ZWARTKOP No. 356, Registration Division J.R.. district Pretoria. measuring 306,2476(THREE HUNDRED AND SIX comma TWO FOUR SEVEN SIX) hectares. as transferred by Deed of Partition Transfer no. 18504/1939 along the Western Boundary of the said Portion 121 to the Remaining Extent of Portion B of the Middle Portion of the said farm ZWARTKOP Measuring as such 271,4831 (TWO HUNDRED AND SEVENTY ONE comma FOUR EIGHT THREE ONE) hectares;

- (d) SUBJECT servitude of Water Furrow across the Eastern corner in favour of the aforementioned Portion 121 of Portion B of the Middle Portion.

The corner referred to would be the area of the triangle produced by extending the Western boundary of the former Remaining Extent of the Western Portion of the said farm. measuring as such 364.8041 (THREE HUNDRED AND SIXTY FOUR comma EIGHT NOUGHT FOUR ONE) hectares to make contact with the Southern boundary of the former Remaining Extent of Portion "d" of Portion of the farm. measuring as such 115,0537 (ONE HUNDRED AND FIFTEEN comma NOUGHT FIVE THREE SEVEN) hectares."

## 1.3.1.2 Condition B, in Deed of Transfer T107698/2004:

"The property hereby transferred is,

Specially Subject to the condition that Holding No 9 Sunderland Ridge Agricultural Holdings, district Pretoria, held under Deed of Transfer no. 10240/1950 dated 7<sup>th</sup> June, 1950. is entitled to a supply of potable water for domestic purposes of not less than 200 gallons per diem from the borehole situated on the former Remaining Extent of the Western Portion of the said farm Zwartkop No 356, Registration Division J.R., district Pretoria, Measuring as such 298,5750 (Two hundred and Ninety Eight comma Five Seven Five **Nought**) hectares held under Deed of Transfer No 18505/1939, dated the 20<sup>th</sup> of October, 1939, conveyed by means of water piping across portion 173 (a Portion of the Western portion) of the said farm Zwartkop transferred under paragraph 1 hereof, to the reservoir situated on the property hereby transferred and thereto to the aforesaid Holding No.9, Sunderland Ridge Agricultural Holdings, as will more fully appear from Notarial Deed No. 436/1950-S dated 11th day of May 1950, and registered on the 7<sup>th</sup> day of June, 1950."

## 1.3.1.3 Condition C, in Deed of Transfer T107698/2004:

"The property hereby transferred is,

Specially subject to the condition that Holding No 11 Sunderland Ridge Agricultural Holdings, district Pretoria, held under Deed of Transfer no 2008/1951 dated 17<sup>th</sup> August, 1951, is entitled to a supply of potable water for domestic purposes of not less than 200 gallons per diem from the borehole situated on the former Remaining Extent of the Western Portion of the said farm Zwartkop No 356, Registration Division J.R., district Pretoria, Measuring as such 298,5750 (Two hundred and Ninety Eight comma Five Seven Five **Nought**) hectares held under Deed of Transfer No 18505/1939, dated the 20<sup>th</sup> of October, 1939, conveyed by means of water piping across the property hereby transferred to the reservoir situated on the property hereby transferred and thence to the aforesaid Holding No. 11, Sunderland Ridge Agricultural Holdings/ as will more fully appear from Notarial Deed No 663/1951-S dated the 17<sup>th</sup> day of July, 1951, and registered on the 16<sup>th</sup> day of August, 1951."

## 1.3.2 The following servitudes in Deed of Transfer T107698/2004 which affects erven:

- (i) Erven 4437, 4523; 4530; 4532; 4544, 4622, 4624 and a public street in the township only:

"Die hierin vermelde eiendom is kragtens Notariele Akte No 3678/1993 onderhewig aan 'n ewigdurende reg tot 'n waterpyplyding-serwituut ten gunste van die Stadsraad van Verwoerdburg, 3 meter wyd. Die Noord en Noord – Oostelike grense van die serwituut word aangedui deur lyn ABCD op kaart LG A69/1993 daarby aangeheg."

- (ii) Erf 4624 in the township only:

"Die hierin vermelde eiendom is kragtens Notariele Akte No 85/1984 onderhewig aan 'n waterpypleiding Serwituut 15 meter breed 1,1894 hektaar groot ewewydig met en langs die hele lengte van grens CA op Kaart SG No 7604/46 met bykomende regte."

- (iii) Erf 4637 and a public street in the township only:

"Subject to Notarial Deed No K 3289/2004 S a servitude in perpetuity in respect of pipelines already laid and which may hereafter be laid along a strip of ground 35 (thirty five) square meters in extent, as depicted by figure ABC on Servitude Diagram SG No A1456/1998 together with the right in perpetuity to lay or carry through, under, over or across the property along the strip."

1.4 LAND FOR MUNICIPAL PURPOSES

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

Municipal: Erven 4530, 4532, 4624 and Erf 4637

1.5 ENDOWMENT

The township owner has provided a 'Public open Space' of 10131,301<sup>2</sup> in the approved township Eldorainge extension 68. Should the township Eldorainge extension 68 not be proclaimed within a reasonable time as determined by the Municipality, the township owner remains liable for the payment of endowment for an area of 291201<sup>2</sup> in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.6 PRECAUTIONARY MEASURES

1.6.1 The township owner shall appoint a competent person(s) prior to issuing the Section 82 certificate to:-

- (i) compile a complete RISK MANAGEMENT PLAN and WET SERVICES PLAN; and
- (ii) compile a Construction Report, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and 0 designation for each stand within the township must be included. Certification on the method of backfilling of boreholes must also be included.

1.6.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Risk Management plan legally to a representative Body Corporate or similar entity, as applicable to the satisfaction and approval of the City of Tshwane.

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

- 1.6.3.1 water will not accumulate to the effect that the entire surface of the dolomite area/s is drained properly and that streets are sealed effectively with tar, cement or bitumen; and
- 1.6.3.2 trenches and excavations for foundations, pipes and cables or for any other purposes, are properly **refilled** with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.7 REMOVAL OF LITTER

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

1.8 REMOVAL OR REPLACEMENT OF MUNICIPAL AND/OR TELKOM SERVICES

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal and/or 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 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.

**1.10 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.

**1.11 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 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

**1.12 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 1.13 and 1.14.

**1.13 OBLIGATIONS IN REGARD TO SECTION 21 COMPANY'**

1.13.1 The applicant shall properly and legally constitute two Section 21 Companies to the satisfaction of the City of Tshwane Metropolitan Municipality prior to the transfer of any erf.

1.13.2 Erven 4437, 4620, 4622, 4625 and 4627, shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Eldo Village Home Owners Association. The Section 21 Company shall take full responsibility for the maintenance of these erven.

1.13.3 Erven 4621, 4623, 4626 and 4628, shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Eldo Ridge Home Owners Association. The Section 21 Company shall take full responsibility for the maintenance of these erven.

**1.14 THE DEVELOPER'S OBLIGATIONS****1.14.1 ASSOCIATION AND STATUTES**

1.14.1.1 The developer must register two section 21 companies (home-owners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973).

1.14.1.2 Each and every owner of Erven 4438 - 4457; 4459 - 4529; 4531; 4533 - 4544 and 4630 - 4636 shall become a member of Eldo Village Home Owners Association upon transfer of the erf and remain a member until he or she ceases to be the registered owner of that erf. Such company shall have full responsibility for the functioning and proper maintenance of the guardhouse, landscaping, security, roads, stormwater network and maintenance of facilities on Erven 4437; 4620; 4622; 4625 and 4627.

1.14.1.3 Each and every owner of Erven 4545 -4616 shall become a member of Eldo Ridge Home Owners Association upon transfer of the erf and remain a member until he or she ceases to be the registered owner of that erf. Such company shall have full responsibility for the functioning and proper maintenance of the guardhouse, landscaping, security, roads, stormwater network and maintenance of facilities on Erven 4621, 4623, 4626 and 4628.

1.14.1.4 A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

1.14.1.5 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.

1.14.2 PROVISION OF ENGINEERING DRAWINGS

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

1.14.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any *ert* is transferred, the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Professional Engineer for the internal road and storm water sewers, in which it is certified that these 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.

1.14.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when 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 said civil engineering services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil services and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

1.14.5 TEMPORARY SECURITY BARRIER ON LION STREET

That after the installation of services and the construction of Lion Street, the applicant reinstate the status quo on the security barrier for the Raslow, Deltodia and Sunderland Ridge Agricultural Holdings, as per the 29 August 2002 decision of Council, on the northern boundary to the satisfaction of the Municipality and that the applicant be responsible for the removal of proposed renewal of restriction of access to the Raslow area.

2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as indicated imposed by the City of Tshwane Metropolitan Municipality in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

2.1 ALL ERVEN

2.1.1 The erf is subject to a servitude, 3m wide, in favour of City of Tshwane Metropolitan Municipality, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle *ert*, an additional servitude for municipal purposes 3m wide across the access portion of erf, if and when required by the City of Tshwane Metropolitan Municipality: Provided that the City of Tshwane Metropolitan Municipality may dispense with any such servitude.

2.1.2 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.

2.1.3 The City of Tshwane Metropolitan Municipality 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 City of Tshwane Metropolitan Municipality.

2.2 ERVEN 4439; 4440; 4450-4453; 4455-4457; 4459-4463; 4466-44694474-4478; 4492-4501;4505-4508;4513;4516;4517;4522,4524;4533-4538;4546;4564-4569; 4572; 4574-4576; 4580-4588; 4611-4614; 4630-4632 AND 4634-4636.

The erven are subject to a 3m wide servitude for municipal purposes (sewer), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

2.3 ERVEN 4523; 4533; 4540, 4560-4564 AND 4608

The erven are subject to a 2.5m wide servitude for municipal purposes (sewer), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

2.4 ERVEN 4523; 4564; 4584; 4604 AND 4627

The erven are subject to a 3m wide servitude for municipal purposes (stormwater), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

2.5 ERVEN 4523; 4533; 4540, 4560-4564 AND 4608.

The erven are Subject to a 2.5m wide servitude for municipal purposes (stormwater), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

2.6 ERVEN 4523 AND 4544

The erven are subject to a 6m wide servitude for municipal purposes (water), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.

2.7 ERF 4634

The erf is subject to a 4.5m wide right of way servitude, in favour of Erven 4635 and 4636, as indicated on the General Plan.

2.8 ERF 4635

The erf is subject to a 4.5m wide right of way servitude, in favour of Ert 4636, as indicated on the General Plan.

2.9 ERVEN 4622 AND 4623

The entire erf are subject to a general servitude for right of way and/or municipal purposes (water, sewer and electricity) in favour of the municipality.

2.10 ERVEN 4523 AND 4624

The erven are subject to an overhead electrical power line servitude vide diagram SG No A5321/1978.

2.11 ERVEN 4437

The erf is subject to a servitude of varying width, for municipal purposes (water), in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.