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# **LOCAL AUTHORITY NOTICE**

## **LOCAL AUTHORITY NOTICE 282**

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

#### **CENTURION AMENDMENT SCHEME 1535C**

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 Kosmosdal Extension 82, being an amendment of the Centurion Town-planning Scheme, 1992.

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

This amendment is known as Centurion Amendment Scheme 1535C.

(13/2/Kosmosdal x82 (1535C))  
 \_\_ January 2008

**Executive Director: Legal Services**  
 (Notice No 274/2008)

## **PLAASLIKE BESTUURSKENNISGEWING 282**

### **STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT**

#### **CENTURION WYSIGINGSKEMA 1535C**

Hierby word ingeвоolge 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 Kosmosdal Uitbreiding 82, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Uitvoerende Direkteur: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Centurion-wysigingskema 1535C.

(13/2/Kosmosdal x82 (1535C))  
 \_\_ Januarie 2008

**Uitvoerende Direkteur: Regsdienste**  
 (Kennisgewing No 274/2008)

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

#### **DECLARATION OF KOSMOSDAL EXTENSION 82 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 Kosmosdal Extension 82 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Kosmosdal x82 (1535C))

#### **SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY SAFRICH RPP JV (PTY) LTD IN TERMS THE PROVISIONS OF CHAPTER III: SECTION A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 334 OF THE FARM OLIEVENHOUTBOSCH 389-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

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

##### **1.1 NAME**

The name of the township shall be Kosmosdal Extension 82.

## 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 5216/2007.

## 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 servitude which do not affect the township:

- (i) 1A(b) & 4A(a) - Geregtig tot 'n Serwituut van Reg-van-Weg 9,45 meter wyd oor die Resterende Gedeelte van die plaas Brakfontein Nr.104 geleë in die Distrik Pretoria, groot as sodanig 940,2815 hektaar, soos gehou kragtens Akte van Verdelingstransport Nr 3173/48 en soos meer volledig beskrywe op Serwituutkaart Nr A5624/47, geheg aan Akte van Verdelingstransport Nr 3173/1948.
- (ii) 1B - Kragtens Notariële Akte Nr K239/1973S is die reg aan Eskom verleen om elektrisiteit oor die hierin gemelde eiendom te vervoer tesame met bykomende regte en onderhewig aan die kondisies soos meer volledig sal blyk uit gesegde Notariële Akte geregistreer op die 19de Februarie 1973.
- (iii) 4B Kragtens Notariële Akte Nr K403/1971S is die reg aan die Eskom verleen om elektrisiteit oor die hierin gemelde eiendom te vervoer tesame met bykomende regte en onderhewig aan die kondisies soos meer volledig sal blyk uit gesegde Notariële Akte geregistreer op die 1ste dag van April 1971.

### 1.3.2 The following servitudes which only affect streets in the township:

- (i) 1C- The withinmentioned property is subject to a perpetual servitude for municipal purposes in extent 2,6231 (Two Comma Six Two Three One) Hectares as indicated on Diagram SG No 4968/2002, which was expropriated and ceded to the City of Tshwane Metropolitan Municipality by virtue of Deed of Cession K7343/02 on 29 November 2002, as will more fully appear from the said Deed of Cession.
- (ii) 4C- In terms of Expropriation notice 100/2003 the above mentioned property is subject to a perpetual servitude for municipal purposes in extent 2383 square metres as indicated on Diagram SG No 4970/2002 attached to Notarial Servitude K7343/02S, in favour of the City of Tshwane Municipality.

### 1.3.3 The following servitude which only affect Erf 5052 in the township:

- (i) By virtue of a Notarial Deed of Servitude \_\_\_\_\_ dated \_\_\_\_\_ the owner grants the City Council a sewer servitude 3m wide indicated by the lines ABCDEF on SG Diagram No 199/81 as will more fully appear from the said Notarial Deed.
- (ii) By virtue of a Notarial Deed of Servitude \_\_\_\_\_ dated \_\_\_\_\_ the owner grants the City of Tshwane Metropolitan Municipality a sewer servitude 3 meters wide as more fully depicted on SG Diagram No 194/81 as will more fully appear from the said Notarial Diagram

## 1.4 PRECAUTIONARY MEASURES

The township owner shall at its 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 dolomite area/s 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 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 or Telkom services, the cost thereof shall be borne by the township owner.

#### 1.6 MINING ACTIVITIES

The developer shall notify prospective buyers of erven, in writing, of opencast mining activities in the vicinity, which may cause inconvenience with regard to noise, dust pollution and/or shock vibrations.

#### 1.7 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 1.8.

#### 1.8 THE DEVELOPER'S OBLIGATIONS

##### 1.8.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners association) for Erven 4696-4941 in terms of provisions of the Companies Act, 1973 (Act 61 of 1973). A copy of the registered Deed of Association (CM4) and the Company Statutes must be submitted to the City of Tshwane Metropolitan Municipality. One Section 21 Company shall be established for the townships Kosmosdal Extensions 81, 82 and 84.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the access control and maintenance of the road, stormwater and electrical services of the development. 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.

##### 1.8.2 PROVISION OF ENGINEERING DRAWINGS

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

##### 1.8.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and stormwater services, in which it is certified that the internal engineering services, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Municipality may at its own discretion allow an exception in respect of the internal road and stormwater services.

If this is the case, the developer must give the Municipality an undertaking that the developer will complete these services on or before a certain date and must provide the Municipality with a guarantee issued by a recognised 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.

#### 1.8.4 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 stormwater services) have been completed. The developer must:

1.8.4.1 furnish the Section 21 company with a maintenance guarantee, issued by a recognised 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 5% 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 Municipality.

1.8.4.2 furnish the municipality with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and / or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services.

#### 1.9 TRANSFER OF LAND TO THE SECTION 21 COMPANY

Erven 5047 to 5051 and 5053 shall be transferred by and at the cost of the applicant to a homeowners' association (Section 21 Company), registered in terms of the Companies Act, 1973 within a period of 6 months after proclamation of the township or prior to the first transfer in the township, whichever ever the sooner, by and at the expense of the township owner.

#### 1.10 LAND FOR MUNICIPAL PURPOSES

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

Parks (public open space): Erf 5052.

#### 1.11 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/developer shall be responsible for any costs involved in the erection of Acoustic Screening, if and when the need arises to erect such screening.

### 2. CONDITIONS OF TITLE

#### 2.1 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)

##### 2.1.1 ALL ERVEN

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

##### 2.1.2 ALL ERVEN WITH THE EXCEPTION OF ERVEN 5047 TO 5051

The erf is subject to a servitude, 2m 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.

2.1.2.1 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.

2.1.2.2 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.

2.1.3 ERF 5047-5051

The entire erf is subject to a servitude for general municipal services in favour of the Municipality.

2.1.4 ERVEN 4950-4956, 4958,4959, 4960, 4963,4964, 4969-4972, 4975-4977, 4979, 4980, 4982-4984, 4986-4991 ,4993-4997, 5001-5005, 5016, 5017, 5019, 5020, 5024-5026, 5030-5032, 5036-5038, 5041-5045

The erven are subject to 3m municipal servitude in favour of the Municipality as indicated on the General Plan.

2.1.5 ERF 5046

The erf is subject to a Right of Way servitude, in favour of Erf 5053, as indicated on the General Plan.

2.1.6 ERVEN 4950-5046 TO 5051

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.