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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2204

KUNGWINI LOCAL MUNICIPALITY DECLARATION OF THE HILLS EXTENSION 6 AS APPROVED TOWNSHIP

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Kungwini Local Municipality hereby declares the township of the Hills Extension 6 to be an approved township, subject to the conditions as set out in Schedule hereto.

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY BLUECORE INVESTMENTS (PTY) LTD (HEREINAFTER REFERRED TO AS THE APPLICANT) IN TERMS OF THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1084 (A PORTION OF PORTION 1077) OF THE FARM RIETFONTEIN 375 JR HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT (CONDITIONS WHICH WILL BE APPLICABLE TO THE APPROVED TOWNSHIP IN TERMS OF SECTION 103 OF ORDINANCE 15 OF 1986)

1.1 NAME

The name of the township shall be THE HILLS X 6

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General, Plan No. SG 3850/2008.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding -

1.3.1 The following conditions will only be carried forward into the title deed of Erf 907 as it does not affect any of the other individual erven:

1.3.1.1 Die Suid-Oostelike Gedeelte, tans bekend as Gedeelte 1 van die voormelde plaas (gedeelte waarvan hiermee geregistreer word) is Spesiaal onderworpe aan die volgende:

"Met recht tot en onderworpen aan het volgende servituut betrekkelijk water te weten: De eigenaar van dit Zuid Oostelyke gedeelte en die eigenaar van het Restant van die gezegde plaas, groot als zoodanig 980,2195 hektaar, zoals gehouden by Acte van Transport no 5016/1910, zal ieder gelyke rechten hebben tot het water loopende in de waterloop of spruit scheiding makende tusschen de twee gedeelten voornoemd volgens die kaarten daarvan en ook het volle recht in gemelde waterloop of spruit dammen te leggen van wal tot wal en watervoren uit te halen op zyn gedeelte."

1.3.1.2 ONDERWORPE aan die reg ten gunste van die Elektrisiteitsvoorsieningskommissie verleen om elektrisiteit oor bovermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes soos meer volledige sal blyk uit Notariële Akte K188/1950S en soos aangedui deur die lyn ab as die hartlyn van die bogrondse Elektriese kraglyn met ondergrondse Elektriese Kabels soos aangedui op Kaart SG No 3500/2007 aangeheg by Sertifikaat van Verenigde Titel T74882/2007.

Kragtens Notariële Akte No K468/1960S, gedateer 16 Oktober 1959, en geregistreer op 16 Mei 1960, is die bepaling van bogemelde Notariële Akte van Servituut K188/1950S gewysig soos meer ten vole sal blyk uit gesegde Notariële Akte.

- 1.3.1.3 ONDERWORPE aan die reg ten gunste van die elektrisiteitsvoorsieningskommissie verleen om elektrisiteit oor bovermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes soos meer ten volle sal blyk uit Notariële Akte K467/1960S, waarvan die middellyn aangedui word deur die lyn s t op Kaart SG No 3500/2007 aangeheg by Sertifikaat van Verenigde Titel T74882/2007.
- 1.3.1.4 Die binnegemelde eiendom is geregtig op alle waterregte wat kleef aan die eiendom bekend as Gedeelte 71 ('n Gedeelte van Gedeelte 1) van die plaas Rietfontein 375 JR, groot 6,4334 hektaar, soos meer volledige sal blyk uit dokumente geliasseer by Akte van Transport T9317/1995.
- 1.3.2 The following conditions, which will not be carried forward into the title deeds of individual erven:
- 1.3.2.1 Kragtens Notariële Akte K5115/1991S gedateer 18 Oktober 1991 verleen die registreerde eienaar aan Eskom 'n ewigdurende reg tot 'n gedeelte, groot ongeveer 2500 vierkante meter van binnegemelde eiendom en die reg om 'n subslasie en sodanige werk en toerusting op te rig as wat hy nodig ag soos meer volledige sal blyk uit genoemde akte.
- 1.3.2.2 Kragtens Notariële Akte van Roetebepaling No K7667/1993S gedateer 6 Desember 1993 is die roete van die serwituut soos uiteengesit in Akte van Serwituut No K5115/1991S bepaal en word nou aangedui deur die figuur mnpq op die aangehegte Kaart SG No 3500/2007 synde 'n serwituutgebied soos meer volledige sal blyk uit voormelde Akte van Serwituut K7667/1993 soos geregistreer op 21 Desember 1993.
- 1.3.2.3 ONDERWORPE aan die reg ten gunste van die Elektrisiteitsvoorsieningskommissie verleen om elektrisiteit oor bovermelde eiendom te vervoer, tesame met bykomende regte, en onderworpe aan voorwaardes soos meer ten volle sal blyk uit Notariële Akte K546/1972S.
- 1.3.2.4 Kragtens Notariële Akte van Wysiging van Serwituut K2209/1978S gedateer 28 Augustus 1978 en geregistreer op 13 September 1978 is die roete van die serwituut soos uiteengesit in Akte van Serwituut K546/1972S bepaal en word nou aangedui as die middellyn van die lyne abc, def en gh van 'n elektriese Kraglyn Serwituut op die aangehegte Kaart SG No 12082/2007, soos meer volledige sal blyk uit die voormelde Notariële Akte.

1.4 PRECAUTIONARY MEASURES

- (a) The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-
- (i) Water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with interlocking blocks or an asphalt surface.
- (ii) 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

Unless the consent in writing of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works have been obtained, no ingress from Road 321 to the township and no egress to Road 321 shall be allowed.

- (a) Ingress from Road 321 to the township and egress to Road 321 from the township shall be restricted to the intersection of future K50 (doubled Road 321) at km 10, 160.

- (b) The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in (a) above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Public Transport, Roads and Works.
- (c) Written consent has to be obtained from the Gauteng Provincial Government Department of Public Roads and Works to relocate the approved access off K147 at km 5,150 to km 5,504 to suit the township development.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The roads will be designed to receive stormwater drainage from the township and the necessary curb inlet and under ground pipe network will be installed to discharge stormwater into natural drainage lines.

1.7 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.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by Kungwini 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 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Kungwini Local Municipality, when required to do so by the Municipality.

1.11 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.

1.12 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.

1.13 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACEL

The township owner shall at his own expense comply with all the conditions imposed by or by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs 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 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.15 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 902, 903, and 907 shall be transferred to the Section 21 Company (homeowners' association) or to a Company registered in terms of Section 21 of the Companies Act, 1973 by and at the expense of the township.

1.16 THE DEVELOPER'S OBLIGATIONS**1.16.1 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 and/or 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 Kungwini Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the enforcement of architectural guidelines, security control and the communal matters. 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.

1.16.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the Kungwini Local 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.

1.16.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the Kungwini Local 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 Kungwini Local 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 Kungwini Local Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the Kungwini Local Municipality with a guarantee issued by a recognized financial institution.

2. CONDITIONS OF TITLE**2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY KUNGWINI MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****2.1.1 ALL ERVEN (EXCEPT ERVEN 840 TO 905 & 907)**

- (a) The erf shall be subject to a servitude, (3) m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority and Section 21 Company along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for services, 2m wide, over the entrance portion of the erf, if and when

required by the local authority: Provided that the Section 21 Company may waive any such servitude.

- (b) 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 it.
- (c) Kungwini Municipality and the Section 21 Company 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 Kungwini Local Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Kungwini Local Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 Erf 902, 904, 905 & 907

- (a) The erf is subject to a servitude for municipal purposes (sewer) in favour of the Kungwini Local Municipality as indicated on the general plan.

2.1.3 Erf 907

- (a) The erf is subject to a servitude for services (sewer and water) in favour of the Kungwini Local Municipality along a route or routes to be determined. The purpose of this servitude is to allow owners of Erven 840 to 901 to in the most cost-effective way and with the least disturbance to the environment, link the sewer and water services required for each of the said erven with the main supply line.
- (b) The erf is subject to a servitude for services (electricity) and right of way in favour of Erven 840 to 901 along a route or routes to be determined. The purpose of this servitude is to allow the owners of the said erven to in the most cost-effective way and with the least disturbance to the environment, provide access to the said erven (should access other than the panhandle of the erf be required) and link the electricity services required by the owner of the said erven to the main electricity supply line.

2.1.4 ERF 734, 739, 740, 741, 742, 769, 770, 788, 789, 790, 791, 792, 793, 794, 795, 797, 799, 801, 802, 805, 806, 809, 810, 813, 814, 817, 818, 821, 822, 823, 824, 825, 826, 827 & 828

- (a) The erf is subject to a servitude for municipal purposes (sewer) in favour of the Kungwini Local Municipality as indicated on the general plan.

2.1.5 ERF 823

- (a) The erf is subject to a servitude for municipal purposes (electrical) in favour of the Kungwini Local Municipality and the Section 21 Company as indicated on the general plan.

LOCAL AUTHORITY NOTICE 2205**KUNGWINI LOCAL MUNICIPALITY**

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 Kungwini Local Municipality has approved an amendment scheme with regard to the land in the township of the township, The Hills Extension 6, being an amendment of the Peri-Urban Areas Town Planning Scheme, 1975.

Map 3 documents and Scheme Clauses of the amendment scheme are filed with the Acting Head Legal and Secretarial Services and are open to inspection during normal office hours at the Kungwini Local Municipality situated at 54 Church Street, Bronkhorstspuit.

The amendment is known as Peri Urban Areas Town Planning Scheme Number 464.

PLAASLIKE BESTUURSKENNISGEWING 2205**KUNGWINI PLAASLIKE MUNISIPALITEIT**

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 Kungwini Plaaslike Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp The Hills Uitbreiding 6, synde 'n wysiging van die Buite Stedelike Gebied Dorpsbeplanningskema, 1975, goedgekeur het.

Kaart 3 dokumente 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 by die Kungwini Plaaslike Munisipaliteit, geleë te 54 Kerkstraat, Bronkhorstspuit.

Hierdie wysiging staan bekend as die Buite Stedelike Gebied Dorpsbeplanningskema Nommer 464.
