

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 537

CITY OF TSHWANE

CENTURION AMENDMENT SCHEME 1572C

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 Highveld Extension 78, 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 1572C.

(13/2/Highveld x78 (1572C))
___ March 2009

Executive Director: Legal Services
(Notice No 313/2009)

PLAASLIKE BESTUURSKENNISGEWING 537

STAD TSHWANE

CENTURION WYSIGINGSKEMA 1572C

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 'n wysigingskema met betrekking tot die grond in die dorp Highveld Uitbreiding 78, 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 1572C.

(13/2/Highveld x78 (1572C))
___ Maart 2009

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 313/2009)

CITY OF TSHWANE

DECLARATION OF HIGHVELD EXTENSION 78 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 Highveld Extension 78 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Highveld x78 (1572C))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PTY) LTD IN TERMS OF 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 175 OF THE FARM BRAKFONTein 390JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Highveld Extension 78.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 3666/2008.

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 in Title Deed T74351/2002, which do not affect the township:

- (a) Kragtens Notariële Akte van Serwituut K.4200/1993-S gedateer 15 Maart 1993 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 349,2487 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, onderhewig aan 'n reg om stormwater by wyse van pyplyn of op enige ander wyse uit te laat deur die veerduikweg onder die Ben Schoeman Hoofweg op die dienende eiendom ten gunste van (1) Resterende Gedeelte van Gedeelte 20 ('n gedeelte van Gedeelte 2) van die plaas Brakfontein 390, JR en (2) Gedeelte 42 van die plaas Brakfontein 390 J.R. soos meer ten volle sal blyk uit bogenoemde Notariële Akte.
- (b) Kragtens Notariële Akte van Serwituut Nr K91/1982S gedateer 5 November 1981 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende reg om elektrisiteit te voorsien deur middel van drade en/of kables en ander toebehore ondergronds en/of bogronds langs roete aangedui deur letters ABC en EFGHJKLMNO PQ op Diagram LG Nr A.5338/1978 ten gunste van die City of Tshwane.
- (c) Kragtens Notariële Akte van Serwituut nr K.3561/1982S gedateer 29 November 1982 is die Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 565,9643 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, onderhewig aan die ewigdurende reg ten gunste van die City of Tshwane om 'n subtasie vir elektriese kragleiding op te rig en om elektrisiteit te gelei deur middel van drade en/of kables of ander toebehore ondergronds en/of bogronds langs roetes deur die letters ABCDE en FGHJKLM op die Diagram LG Nr 6202/1981 en AB en BC op Diagram LG Nr 3167/1982 hierby aangeheg, soos meer volledig sal blyk uit gemelde Notariële Akte van Serwituut.
- (d) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die City of Tshwane vir munisipale doeleindes vir 'n kraglyn oor 'n serwituutgebied 3 meter wyd waarvan die oostelike grens aangedui word deur die lyn AB op die Serwituut Kaart LG Nr A.5069/1984, en welke reg van serwituut sal insluit die reg om 'n kraglyn bogronds of ondergronds in die serwituutgebied aan te lê, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr K.214/1995-S.
- (e) Die voormalige Resterende Gedeelte van Gedeelte 2 van die plaas Brakfontein 390, groot 331,7435 hektaar, waarvan die binne-gemelde eiendom 'n deel vorm, is verder onderhewig aan 'n ewigdurende reg van serwituut ten gunste van die City of Tshwane vir munisipale doeleindes, vir elektrisiteitsgeleiding, vir stormwaterafvoer, watertoevoer en vir die installasie en onderhoud van 'n rioolpyplyn, oor 'n serwituutgebied soos aangedui deur die letters ABCDEFGHJKLM op die Serwituut Kaart LG Nr A.6652/1989 en verder deur 'n aangrensende 4 meter wyd serwituutgebied soos aangedui deur die verwysingslyn NPQRSTU VWX en meegaande rigtingswysers op die Serwituut Kaart LG Nr A.6652/1989, welke serwituut geregistreer is kragtens Notariële Akte van Serwituut Nr K.215/1995S.

- (f) Kragtens Notariële Akte van Serwituut Nr.K216/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes vir watergeleiding oor 'n sewituutgebied 3 meter wyd, waarvan die oostelike grens aangedui word deur die lyn ABC op Kaart LG Nr A8857/1994 met bykomende regte ten gunste van die City of Tshwane, soos meer volledig sal blyk uit gemelde Notariële Akte en Diagram.
- (g) Kragtens Notariële Akte van Serwituut Nr.K217/1995S gedateer 28 Desember 1994, is Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 290,4753 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, onderhewig aan 'n ewigdurende serwituut vir munisipale doeleindes, naamlik paddoeleindes oor 'n sewituutgebied aangedui deur die letters DEFGHJKLMNPQRS op Kaart L.G. Nr. A8857/1994, ten gunste van die City of Tshwane, soos meer volledig sal blyk uit gemelde Notariële Akte en Kaart.
- (h) Die Resterende Gedeelte van Gedeelte 60 (Gedeelte van Gedeelte 2) van die plaas Brakfontein 390, groot 257,6664 hektaar, waarvan die binnegemelde eiendom 'n deel vorm, is onderhewig aan die volgende voorwaardes:
 - (i) 'n ewigdurige serwituut oor 'n gebied waarbinne die pyplyn en werke geakkommodeer sal word, welke gebied 6 meter wyd is en waarvan die middellyn aangetoon word deur die lyn ABCDEFGHJ op Serwituut agram S.G. 5284/1996 vir die installering en oprigting van die pyplyn en werke en die reg om die pyplyn en werke van tyd tot tyd te patroleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlé.
 - (ii) 'n serwituutgebied 1 meter wyd, waarvan die middellyn aangetoon word deur die lyn genommer KLMNLP'Q op Serwituut Diagram S.G.Nr. 5284/1996.
 - (iii) 'n serwituutgebied 2 meter wyd, waarvan die middellyn aangetoon word deur die lyn gemerk NR op die Serwituut Diagram S.G.Nr. 5284/1996 vir die installering en oprigting van katodiese beskermingstoerusting en werke en die reg om katodiese beskermingstoerusting en werke van tyd tot tyd te patroleer, inspekteer, in stand te hou, herstel, hernieu, verwyder en te verlé.

Ten gunste van die Suid-Afrikaanse Gasdistribusiekorporasie Beperk Nr 64/06005/06 soos meer volledig sal blyk uit Notariële Serwituut Akte Nr K.3517/1997S met aangehegte Serwituut Diagram SG Nr 5284/1996.

- 1.3.2 The following condition which appears as an endorsement on page 6 of Title Deed T.74351/2002 and which does not affect the township:-

By Notarial Deed of Servitude K.8556/2003, the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 218,9431 (of which the within mentioned property forms a part) is subject to a servitude for laying of stormwater, pipe/sewerage pipe/ electrical cable of 5 metres wide and a right of access for inspection, maintenance, repairs in favour of the City of Tshwane, the centre line of which is indicated by the line ABCDEFGHJKLMNPQRSTUVWXYZ on diagram SG No 6101/1998 and will more fully appear from the said Notarial Deed of Servitude.

- 1.3.3 The following condition which appears as an endorsement on page 9 of Title Deed T.74351/2002 and which does not affect the township :-

By Notarial Deed of Servitude K.7177/2006, the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 188,3849 (of which the within mentioned property forms a part) is subject to a servitude, in extent 2,3765 hectares, in favour of the City of Tshwane for municipal purposes/ engineering services and a right of way, as indicated by the figure ABCDEFGHJKLMNPQRSTU on servitude diagram SG No 5816/2006 and will more fully appear from said Notarial Deed of Servitude.

- 1.3.4 The following endorsement which appears on Page 10 of the Title Deed and which does not affect the township :-

In terms of Section 24(1) of Act 8/2001 Notice of Expropriation No EX61/2008 dated the 17 March 2008 a certain portion of the Remaining Extent of Portion 60 (a Portion of Portion 2) of the farm Brakfontein 390, in extent 5,8362 hectares, was expropriated by the Department of Public Transport, Roads and Works, for public purposes.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Roads K54, K109, and the N1 freeway and for all stormwater running off or being diverted from the roads to be received and disposed of.

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Public Transport, Roads and Works, has granted consent for the development.

1.6 PRECAUTIONARY MEASURES

- 1.6.1 The township owner shall appoint a competent person(s) to:-

- (i) compile a complete risk management plan and wet services plan for the entire township; and
- (ii) compile a construction report confirming the conditions on site and the position of structures and wet services.

- 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 Section 21 Company, as applicable.

- 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 township area 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 50 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.7 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.

1.8 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the Local Authority, when required by the local authority to do so.

1.9 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture, Conservation and Environment, as well as any other applicable provisions, in terms of the provision of the Environmental Conservation Act, 73 of 1989 or the National Environmental Management Act, 107 of 1998 as the case may be.

1.10 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.

1.11 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY

Erf 3081 shall, prior to or simultaneously with the registration of the first erven in the township be transferred to the Section 21 Company of Highveld Extension 78 within a period of six months after proclamation of the township or when the first erven in the township becomes transferable which ever the sooner, by and at the expense of the township owner. The Section 21 Company shall take full responsibility for the maintenance of the erf.

1.12 THE DEVELOPERS OBLIGATIONS

1.12.1 ASSOCIATION AND STATUTES

The developer must register a section 21 company in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973).

The owner of Erf 3080, or any subdivision thereof, or of any sectional title unit thereon or of any interest therein, shall automatically become and shall remain members of a Section 21 Company and be subject to its memorandum and articles until such owners cease to be owner as aforesaid. None of the said erven, nor any unit erected thereon, nor any interest therein, shall be transferred to any person who has not bound himself/herself/itself to the satisfaction of the Section 21 Company to become a member thereof and without prior written confirmation of the Section 21 Company that all amounts due to the Section 21 Company by the owner have been paid in full.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal road, as well as landscaping and security. 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.

1.12.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane complete engineering drawings in respect of the internal road, prior to the commencement of the construction of the said service.

1.12.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane must be provided with a certificate by a Professional Engineer for the internal road, in which it is certified that this internal engineering service have been completed and that the engineers accept liability for the service. The City of Tshwane may at its own discretion allow an exception in respect of the internal road. If this is the case, the developer must give the City of Tshwane an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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.

1.12.4 MAINTENANCE PERIOD AND GUARANTEE

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

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED HEREUNDER ARE SUBJECT TO THE CONDITIONS AS IMPOSED BY THE MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986):

2.1.1 ERF 3080

2.1.1.1 The erf is subject to a servitude, 3m 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.

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 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.

2.1.2 ERF 3081

The erf is in totality subject to a servitude for municipal purposes as well as a servitude of Right of Way in favour of the Local Authority.
