

**THE PROVINCE OF
GAUTENG**



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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION NOTICE 83 OF 2021**

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY BARKOROX INVESTMENTS PROPRIETARY LIMITED, REGISTRATION NUMBER 2009/007508/07 (HEREINAFTER REFERRED TO AS THE APPLICANT) UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 902 (A PORTION OF PORTION 812) OF THE FARM DOORNKLOOF, 391 J.R., GAUTENG HAS BEEN APPROVED

1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE TOWNSHIP BEING DECLARED AN APPROVED TOWNSHIP IN TERMS OF THE PROVISIONS OF SECTION 103 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) (HEREINAFTER REFERRED TO AS ORDINANCE 15 OF 1986)

1.1. INSTALLATION AND PROVISION OF SERVICES

The applicant shall make the necessary arrangements for the finalization of the service agreements with the Municipality for the provision and installation of water, electricity and sanitation as well as the construction of roads and stormwater drainage in the township provided that, the engineering service agreement in terms of Section 40 of the Development Facilitation Act (DFA) shall be regarded as an engineering service agreement in terms of Chapter V of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

If external services are not available or the existing external services are not sufficient to accommodate the township, special arrangements will have to be made after consultation with the applicable departments in the Municipality.

1.2. STORMWATER MANAGEMENT PLAN

The applicant must satisfy the municipality that the design of the stormwater services fits in with the approved storm water management system and Stormwater Management Plan approved for Irene Extension 52.

1.3. GEOLOGY

(a) An Engineering geologist must certify that he has compared the final layout plan with the geological report in conjunction with the consultant town planner and that he is satisfied that buildings can be erected on every erf. Any erf for which special arrangements must be made, must be mentioned specifically in the certificate and these arrangements must be set out therein. The final township layout must be vetted by the Council for Geoscience.

(b) A dolomitic stability- and foundation investigation has been carried out and that a report which indicates the developable areas with conditions under which development may take place, has been submitted to the Council for Geoscience and the Municipality for approval;

1.4. GENERAL

The township applicant shall satisfy the City of Tshwane Metropolitan Municipality that -

- (a) satisfactory access is available to the township and that a public street system is available to all erven in the township;
- (b) The Applicant shall at his own expenses arrange for satisfactory arrangements to accommodate and protect the civil services necessary for the township over adjacent properties;
- (c) the name of the township as well as the street names have been approved by the Council and it is indicated on the layout plan or General Plan in accordance with regulation 18.(1)(a)(iv) of Ordinance 15 of 1986;
- (d) A copy of the approved General Plan of the development area shall be submitted to the Tshwane Metropolitan Municipality (hereinafter the "Municipality");
- (e) the relevant amendment scheme (in terms of section 125 of Ordinance 15 of 1986) has been compiled and can be published consecutively with the declaration of the township an approved township.
- (f) The Non Profit Company (Homeowner's Association), Southdowns Homeowners Association NPC (Registration nr 2005/021423/08), has been extended to include the erven in Irene extension 186. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.
- (g) The Memorandum of Incorporation must clearly state what the main objective of the home owner's association is and who is responsible for the internal engineering services of the development (i.e. water, sewerage, electricity and the road and stormwater sewers).

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

2.1. NAME

The name of the township shall be **Irene Extension 203**.

2.2. DESIGN

The township shall consist of erven and streets as indicated on **General Plan S.G. Number 187/2021**.

2.3. PRECAUTIONARY MEASURES

- (a) The township owner shall appoint a competent person(s) to compile:-
 - (i) 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 D designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

- (ii) A Dolomite Risk Management Plan, specific to the development. The legal transfer of the responsibility for the management of the Risk Management Plan, to the Southdowns Home Owners' Association NPC must be included.
- (b) The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.
- (c) 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 tar, cement or bitumen to the satisfaction of the Municipality; and
 - (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, to the satisfaction of the Municipality.

2.4. 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

2.5. COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development, if applicable, those by which exemption has been granted from compliance with regulations No 1182 and 1183, promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be.

2.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

- (i) The stormwater plan for the development area must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas.
- (ii) The low points in roads and the accumulation of stormwater in crescents, cull-de sacs and lower lying erven must be drained to the satisfaction of the local authority.

2.7 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION NPC)

Erven 4784, 4785, 4786, 4787 and 4788 shall be transferred to the Southdowns Homeowners Association NPC (Registration nr. 2005/021423/08) within a period of 6 months after proclamation of the township by and at the expense of the township owner.

2.8 PARK ENDOWMENT

No endowment is payable in accordance with the provisions of Section 81 of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

3. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

3.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

- (a) A certificate issued in terms of section 82 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title. The engineering service agreement in terms of Section 40 of the Development Facilitation Act (DFA) shall be regarded as an engineering service agreement in terms of Chapter V of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).
- (b) The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.
- (c) The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.
- (d) The Applicant shall pay the agreed contributions for external engineering services and roads as provided for in the Addendum to the Services Agreement for Irene Extensions 52 to 54.
- (e) The Bulk Services Exemption Agreement with regard to Highveld Extension 49, relating to the provision of services between the City of Tshwane Metropolitan Municipality and the applicant shall be applicable to this application. An addendum to the mentioned agreement shall be signed by the relevant parties prior to the development of the land development area.

3.2 RESTRICTIONS ON THE TRANSFER OF LAND:

In terms of Section 82(1) of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) not Erf or Erven in the Township may be transferred, until the City of Tshwane Municipality has certified that the Township owner has complied with his obligations as contained in Section 82 and the conditions of establishment have been complied with.

In terms of Section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with Section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

3.3 THE DEVELOPER'S OBLIGATIONS

(a) MEMORANDUM OF INCORPORATION

The developer shall incorporate the township into the existing Southdowns Homeowners' Association NPC (Registration Number 2005/021423/08) in terms of its Memorandum of Incorporation for the purposes of owning and maintaining the private streets (Erven 4784 to 4788) and internal services.

(b) 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 detail design 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.

The detail design drawings will only be evaluated after the required Services Reports have been approved.

(c) PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the relevant engineering departments of the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Registered Professional Engineer for water, sewerage, electricity and the road and stormwater services, in which it is certified that the engineering services have been completed and that the Professional Engineer accepts liability for the services, after which the applicable Divisions of the Municipality namely Roads & Stormwater, Water & Sanitation and Electricity, will certify that these services have been installed to their satisfaction to the Legal Department of the Municipality.

(d) 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 submit proof to the Municipality that:

- (i) the Southdowns Homeowners' Association NPC has been furnished with a maintenance guarantee, issued by a recognized financial

institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract.

- (ii) the Municipality has been furnished with a maintenance guarantee, issued by a recognized 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, prior to the commence date of the contract.

3.4. FORMATION, DUTIES AND RESPONSIBILITIES OF THE NON PROFIT COMPANY (HOMEOWNERS ASSOCIATION)

- (a) All the owners of erven and/or units in the township must become members of the Southdowns Homeowners' Association NPC.
- (b) The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfillment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.
- (c) Erven 4784 to 4788 shall be transferred to the Southdowns Homeowners' Association NPC within a period of 6 months after a Section 82 certificate for the construction thereof have been issued, by and at the expense of the township owner.
- (d) The erf may not be transferred thereafter by the Southdowns Homeowners' Association NPC before the consent of the City of Tshwane Metropolitan Municipality first been obtained.
- (e) A servitude for access and municipal services shall be registered over Erven 4784 to 4788 in favour of all the erven in the township.
- (f) The property owners association, shall have the right to construct and maintain over the servitude area, any construction equipment, security system, electric fence, lighting systems, electric surveillance system, and/or communication system or anything related to or ancillary thereto. In this regard it is recorded that the said company shall at all times be entitled to bring upon the servitude area by means of its officials, agents, contractors, workmen and servants, all such machinery, equipment and materials as, in the opinions of the company or its authorized representatives may be necessary or desirable for the construction or maintenance of systems installed or to be installed or for inspecting, maintaining or replacing the same from time to time, and the company shall be entitled to permit the use of the servitude area as a Right of Way for access purposes, by such persons as it in its discretion may consider need to use same.

- (g) All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association.
- (h) Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the Association as specifically provided for in the Articles of Association.

3.5 ARCHITECTURAL GUIDELINES

The developer shall satisfy the General Manager: City Planning that the approved architectural guidelines for Irene Extension 52 will be made applicable to the township to ensure that the sense of place be conserved and the character of the area be endorsed.

4. DISPOSAL OF EXISTING CONDITIONS OF TITLE

4.1. All erven shall be made **SUBJECT** to the existing conditions and servitudes, if any, as contained in Certificate of Consolidated Title Number T50137/2012:-

4.1.1 Excluding the following conditions and servitudes, which do not affect the Township due to locality:-

- D. By Notarial Deed K511/66S, dated the 27th September 1965, the Remaining Extent of portion "A" of the farm Doornkloof aforesaid, measuring 299, 5751 hectares, of which the portion indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is subject to a perpetual servitude to convey water by means of pipelines in favour of the RAND WATER BAORD as will more fully appear from reference to the said Notarial Deed.
- E. The former remaining extent of portion 2 of the said farm, measuring 276, 4591 hectares, a portion whereof is hereby registered, and indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011, is by Notarial Deed K2257/1982S subject to a pipelines servitude 1400 metres long and more fully appear from reference to the said Notarial Deed.
- I. The former remaining extent of portion 1 of the said farm, indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, a portion whereof is hereby registered, is subject to the following servitudes: -
 - (1) **SUBJECT** to a servitude of aquaduct in favour of the Town Council of Pretoria, as will more fully appear from Notarial Deed No 798/1929S. The rights granted under the said Notarial Deed No 798/1929S have been supplemented and added to as will more fully appear from Notarial Deed K391/1931S.

- J. The former remaining extent of portion called Irene of the said farm DOORNKLOOF, measuring 929,4451 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 form a portion, is subject and entitled to the following:
5. That the owners of the said portions 25 and 26 shall not be entitled to the use of any water from the existing water furrows traversing the property but in respect of such furrow the property shall be subject to a servitude of acqueductus in favour of the owners of the former remaining extent of portion called Irene of the said farm Doornkloof aforementioned, and the owners of the remaining extent of portion A of the said farm Doornkloof, measuring 1326,9481 hectares, who shall be entitled to go upon the said property namely portions 25 and 26 aforesaid, in order to inspect, clean, maintain and repair the said furrow and to take on the said property such material as may be necessary accordingly.
- K. The former remaining extent of portion called IRENE of the said farm DOORNKLOOF, measuring 920,1142 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, or any reduced area thereof, is subject to the following conditions in favour of the owners of the remaining extent of portion called Irene, aforesaid, namely –
2. The owners of the said remaining extent, undertake to supply a reasonable amount of water for domestic purposes at current prices.
 3. To an electric way leave as shown on the diagram SG No A2659/54 annexed to the aforesaid Deed of Transfer of portion 31 (a portion of Portion called Irene) together with the right to go on to the property, to maintain, repair, place and generally replace and generally for the purpose of keeping the said electric line in good order and condition.
 4. To a right of way 6,30 metres wide, along the western boundary of portion 31 aforesaid as indicated on the aforementioned diagram of the said property by the letters D E F G H A.
 7. All fences, gates and pipes on the said portion 31 shall remain the property of the owners of the remaining extent of portion called Irene aforesaid, who may remove or repair same at their own free will. The said owner of the remaining extent of Irene must remove same, except the pipes aforesaid to in clause 4 within a reasonable time on being requested so to do by the owner of portion 31.
- M. By Notarial Deed K511/1966S dated the 27th September 1965 the former remaining extent of Portion called Irene in extent 646,2647 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is subject to a perpetual servitude to convey water by means of pipelines in favour of the RAND WATER BOARD as will more fully appear from the said Notarial Deed.
- R. The Remaining Extent of Portion 1 of the Farm Doornkloof 391, measuring 104,3438 Hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is subject to the terms of

Expropriation Notice EX396/98, in terms of which a servitude for water purposes approximately 90 square metres has been expropriated by the GREATER PRETORIA METROPOLITAN COUNCIL.

- X. By Notarial Deed K423/1988S the former remaining extent of portion 1 of the said farm measuring 575,7624 hectares, a portion whereof is hereby registered, and indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, is subject to a sewer pipeline servitude 6 metres wide indicated by the figure on diagram SG No 613/2004, in favour of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY.
- Y. By virtue of Notarial Deed of Servitude K4921/2002S dated 6 August 2002, the former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 90,8014 Hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is subject to a right of servitude in perpetuity to convey and transmit water by means of pipelines already laid, as depicted by the figure p.1Y.q.r.n.p on Consolidation Diagram SG No. 4608/2011, in favour of RAND WATER BOARD and as will more fully appear in the said Notarial Deed.
- Z. By virtue of Notarial Deed K6989/2008S, the former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 64,9731 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is subject to a stormwater servitude 2,00 metres wide for municipal purposes.
- A1. By virtue of Deed of Transfer Number T10917/1957, the property is subject to Right of Way Servitudes, in favour of the City of Tshwane Metropolitan Municipality, as will appear from figures e.f.g.h.j.k.e and h.l.m.j.h on Diagram S.G. Number 4608/2011, as will appear from the said deed.
- A4. The former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 621,8675 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is SUBJECT to the following conditions imposed by the CITY OF TSHWANE METROPOLITAN MUNICIPALITY on subdivision—

The transferee shall only be entitled to erect buildings on the property in area geologically suitable for building purposes.

4.1.2 Including the following conditions and servitudes which affect Erven 4771 to 4788 in the township and shall be carried forward into the Title Deeds of the Erven in the township:-

- A. The property hereby registered is subject and entitled to the following conditions and servitudes:
 - 1. The former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 621,8675 hectares , of which the portion indicated by the figures a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, and the former Remaining Extent of Portion 2 of the Farm Doornkloof, measuring 276, 4591 hectares, of which the portion indicated by the figure

A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is SUBJECT to the terms of an Order of the Water Court true copy marked 'B' of which is annexed to Deed of Transfer no 10851/1920;

- A5. The former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 621,8675 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, and the former Remaining Extent of Portion 2 of the Farm Doornkloof, measuring 276,4591 hectares, of which the portion indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is SUBJECT to Notarial Deed of Servitude No. 125/1904 registered on the 13th June 1904, in respect of certain dams, water furrows and water rights.
- C. The former remaining extent of portion "A" of the farm Doornkloof aforesaid, measuring 305,3699 hectares, of which the portion indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is subject to the following conditions—
- (a) SUBJECT to the terms of an Order of the Water Court true copy marked "B" of which is annexed to Deed of Transfer no 10851/1920. It is agreed between the said owners of the remaining extent aforesaid and the Government of the Republic of South Africa or its successors in title that the government aforesaid shall keep and maintain the water furrow and pipes referred to in the said Order of Court on the servient tenement in good order and repair.
 - (e) The owners of the remaining extent of portion A aforesaid shall have a right of pre-emption should the owner of portion 41 or its successors in title decide to sell or in any other way dispose of the said property or any portion thereof.
 - (f) The owners of the remaining extent of portion A aforesaid retain both jointly and severally all shooting rights over the said property for their lifetime.
- F. The former remaining extent of portion 2 of the said farm, measuring 276,4591 hectares, a portion whereof is hereby registered, and indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011, is subject to an order of the Supreme Court of South Africa made on the 3rd July 1979 in Case no M 1722/79, the said Order and Agreement is filed under BC 9566/83.
- G. By virtue of Notarial Deed K1710/83S the said remaining extent of portion 2 measuring 276,4591 hectares, a portion whereof is hereby registered, and indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J

.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011, is subject to a servitude in favour of the CITY COUNCIL OF CENTURION to convey electricity there over, together with ancillary rights, all as will more fully appear from reference to the said Notarial Deed and indicated by the figure c.d.2A.2B.c on Diagram S.G. No. 4608/2011.

4.2 All erven shall be made ENTITLED to the existing conditions and servitudes, if any, as contained in Certificate of Consolidated Title No.T50137/2012:-

4.2.1 Including the following conditions and servitudes which affect Erven 4771 to 4788 in the township and shall be carried forward into the Title Deeds of the Erven in the township:-

- A. The property hereby registered is subject and entitled to the following conditions and servitudes:
2. The former Remaining Extent of Portion 1 of the Farm Doornkloof, measuring 621,8675 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, and the former Remaining Extent of Portion 2 of the Farm Doornkloof, measuring 276,4591 hectares, of which the portion as indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is ENTITLED to the terms of Notarial Deed no 210/1931S relating to the rights to water in the Kaalspruit and water in the Hennopsrivier above the eastern boundary of the farm Zwartkop 476 district Pretoria, as will more fully appear from the said Notarial Deed.

4.2.2 Excluding the following conditions and servitudes which will not be passed onto the erven in the township:-

- B. The former remaining extent of "A" of the farm DOORNKLOOF, measuring 1326,9481 hectares, of which the portion indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011 forms a portion, is subject to the following conditions:-
4. The owners of the said former remaining extent of portion called Irene of the said farm measuring 930, 0585 hectares shall be entitled to raise the wall in the six Miles spruit by an additional 94 centimetres without the consent of the owners of portions 25 and 26 nor shall the owners of the said portions 25 and 26 be entitled to claim any compensation by reason of the wall being raised as aforesaid.
 5. That the owners of the said portions 25 and 26 shall not be entitled to the use of any water from the existing water furrows traversing the property but in respect of such furrow the property shall be subject to servitude of acqueductus in favour of the former remaining extent of portion called Irene

- of the said farm Doornkloof and the owners of the remaining extent of portion A of the said farm Doornkloof, measuring 1321, 8089 hectares upon the said property namely portions 25 and 26 aforesaid, in order to inspect, clean maintain and repair the said furrow and to take on the said property such material as may be necessary accordingly.
- H. The former remaining extent of portion 2 of the said farm, measuring 175,2644 hectares, a portion whereof is hereby registered, and indicated by the figure A.B.C.D.E.F.G.H.J.K.L.M.N.P.Q.R.S.T.U.V.W.X.Y.Z.1A.1B.1C.1D.1E.1F.1G.1H.1J.1K.1L.1M.1N.1P.1Q.1R.1S.1T.1U.1V.a.b.2A.2B.2C.2D.2E.2F.2G.2H.2J.2K.2L.2M.2N.2P.2Q.2R.2S.A on Diagram S.G. Number 4608/2011, is entitled to a servitude for aquaduct, pipeline and sewer over Portion 555 (a portion of Portion 2) of the said farm, as held under Deed of Transfer T126845/2002, the route of which is still to be determined by the parties.
- J. The former remaining extent of portion called Irene of the said farm DOORNKLOOF, measuring 929,4451 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 form a portion, is subject and entitled to the following:
4. The owners of the said former remaining extent of portion called Irene of the said farm measuring 929,4451 hectares shall be entitled to raise the wall in the Six Mile spruit by an additional 94 centimetres without the consent of the owners of portions 25 and 26, nor shall the owners of the said portion 25 and 26 be entitled to claim any compensation by reason of the wall being raised as aforesaid.
- K. The former remaining extent of portion called IRENE of the said farm DOORNKLOOF, measuring 920,1142 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, or any reduced area thereof, is subject to the following conditions in favour of the owners of the remaining extent of portion called Irene, aforesaid, namely–
- a. In the event of the owner of the said portion 31 at any time wishing to sell the property it shall first be offered to the aforesaid owners of the remaining extent of Irene at the price offered, and the said owner of the remaining extent aforesaid shall be entitled to buy the said property accordingly if they wish to do so, provided they notify the owner of portion 31 of their intention to do so within 14 days of the receipt of the said offer.
- L. The former remaining extent of portion called Irene of the said farm DOORNKLOOF, measuring 646,2647 hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is entitled to the following conditions over portion 52 (a portion of portion called Irene) held under Deed of Transfer No 17057/1959 dated the 8th July 1959, namely –
2. To a servitude in respect of the existing pipeline as shown on the aforesaid diagram marked HJ. The pipes constituting the said pipeline and any other pipes on the said property shall remain the property of the owners of the remaining extent of portion called Irene aforesaid, who shall be entitled to remove same at any time should they wish to do so, and to do everything necessary on the property for the purposes of such removal.

In connection with the above referred to servitudes, the owners of the Remaining Extent of Irene aforesaid reserved to themselves the right to maintain, repair and reconstruct the said water furrow and relay the said pipeline and for these purposes do whatever may be necessary on the said portion 52 accordingly.

- N. The former remaining extent of portion 1 of the said farm, measuring 621,8675 hectares, indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, or any reduced area thereof, a portion of which is hereby registered, is entitled to certain servitudes over portion 114 (a portion of portion called Irene) measuring 15,1500 hectares held by Deed of Transfer No T18746/1971.
- O. The former remaining extent of portion 1 of the said farm, measuring 575,7624 hectares, indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, a portion whereof is hereby registered, is entitled to servitudes of aquaduct, powerline, right of way and dam wall, together with ancillary rights over Portion 143 (a portion of Portion 1) of the said farm as held under Deed of Transfer No T17417/1979.
- P. The former remaining extent of portion 1 of the said farm, measuring 548,2760 hectares, a portion whereof is hereby registered, and indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, is entitled to a servitude of aquaduct, the route which is still to be determined, over portion 163 (a portion of Portion 1) of the said farm as held under Deed of Transfer No T53696/1987.
- Q. By virtue of Notarial Deed K4464/1997S, the Remaining Extent of Portion 1 of the Farm Doornkloof 391, 126,0503 Hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is entitled to a Servitude of Right of Way and Water pipeline servitude over portion 330 of the farm Doornkloof 301, Registration Division JR Gauteng, as held under T75645/1997.
- S. The former remaining extent of Portion 1 of the said farm, measuring 90,6276 hectares, a portion whereof is hereby registered, and indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, is entitled to a servitude for aqueduct, pipeline and sewer over Portion 559 (a portion of Portion 1) of the said farm, as held by Deed of Transfer T26838/2002, the route of which is still to be determined.
- T. The former remaining extent of Portion 1 of the said farm, measuring 90,0759 hectares, a portion whereof is hereby registered, and indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, is entitled to a servitude for aqueduct, pipeline and sewer over Portion 562 (a portion of Portion 1) measuring 5519 square metres of the said farm, as held by Deed of Transfer No T126842/2002.
- U. The former remaining extent of Portion 1 of the said farm, measuring 89,2565 hectares, a portion whereof is hereby registered, and indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011, is entitled to a servitude for aqueduct, pipeline and sewer over Portions 563 and 553 measuring 2,5474 hectare as will more fully appear from Notarial Deed of Servitude K5823/2002S.

- V. By virtue of Notarial Deed of Servitude K4517/2005S dated 11 April 2005 the former Remaining Extent of Portion 1 of the Farm Doornkloof 391, measuring 89,2563 Hectares, of which the portion indicated by the figure a.1W.1X.1Y.1Z.b.a on diagram SG No. 4608/2011 forms a portion, is entitled to a Servitude of Aquaduct 186 meters over Portion 143 of the farm Doornkloof 391 as indicated by the figure ABCD on diagram SG No 7450/2002 as will more fully appear from the said Notarial Deed.

5. CONDITIONS OF TITLE

- 5.1 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)

5.1.1 ALL ERVEN WITH THE EXCEPTION OF ERVEN 4784 TO 4788

- (a) The erf subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as “the services”), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.
- (b) No building 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) The City of Tshwane Metropolitan Municipality 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 City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- (d) The erven in the township lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the Local Authority for approval shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geotechnical report for the township, unless it is proved to the Local Authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

5.1.2 ERVEN 4784 to 4788

The entire erven are subject to a servitude for municipal purposes and a right of way in favour of the local authority.

5.1.3 ERVEN 4784 to 4788

The erven are subject to a right of way servitude for access purposes in favour of the remaining erven in the township.

5.1.4 ERF 4771 to ERF 4783

The erven are entitled to a right of way servitudes for access purposes over Erven 4784 to 4788.

5.2. CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

5.2.1 ERVEN 4771 TO 4783

- a) The owner of the erf or any subdivision thereof or any sectional title unit thereon shall automatically be and shall remain a Member of the Southdowns Homeowners' Association NPC (Registration Number 2005/021423/08) referred to in Condition 3.3(a) above, of the Conditions of Establishment of the land development area and shall not be entitled to transfer the erf except with a clearance certificate from the Company to the effect that the Memorandum of Incorporation of the Company have been compiled with.
- b) The erf shall not be transferred to any person who has not bound himself/herself to be a Member of the Southdowns Homeowners' Association NPC (Registration Number 2005/021423/08), to the satisfaction of the Southdowns Homeowners' Association NPC.
- c) All the members of the Southdowns Homeowners' Association NPC shall be bound to any and all of the provisions contained in the Memorandum of Incorporation of the said Southdowns Homeowners' Association NPC.
- d) If the property is sold an amount equal to 0.75% (zero comma seven five percent) plus VAT of the gross selling price payable by the purchaser of the property and if the property is donated, exchanged or otherwise alienated, the said percentage of the then reasonable market value of the property will be paid to the Southdowns Homeowners' Association NPC. In the event of a dispute regarding the said value, it will be determined by an expert who is a registered estate agent and a registered valuer and who will be appointed by two referees, one of each to be appointed by the seller and the purchaser. The said party will act as an expert and not as an arbitrator and his decision will be final and binding upon the parties and not subject to appeal. The expert will be entitled to order one of the parties to pay his costs or each party to pay a specified proportion of his costs. The property may not be transferred unless a certificate is produced by the Southdowns Homeowners'

Association NPC to the effect that the said amount has been paid to it or that the payment thereof has been satisfactorily secured.

5.2.2 ERVEN 4778, 4779, 4781 AND 4782

The erf is subject to a 5m servitude in favour of the Southdowns Homeowners Association for township engineering services.

5.2.3 ERVEN 4777, 4778, 4779, 4780, 4781, 4782, AND 4783

The erf is subject to a 1m servitude in favour of the Southdowns Homeowners Association for Right of Way purposes.

6. CONDITIONS WHICH, IN ADDITION TO THE EXISTING PROVISIONS OF THE RULING TOWN-PLANNING SCHEME, HAVE TO BE INCORPORATED IN THE TSHWANE TOWN PLANNING SCHEME, 2008 IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986

6.1. ERVEN 4771 TO 4783 IRENE EXTENSION 203

1	Use Zone	1 RESIDENTIAL 1
2	Uses permitted	Table B, Column 3
3	Uses with consent	Table B, Column 4
4	Uses not permitted	Table B, Column 5
5	Definitions	Clause 5
6	Density	One dwelling-house per erf
7	Coverage	(1) 50% for single storey structures (2) 40% for double (or a combination of single and double storey structures)
8	Height	2 Stories, provided that the maximum building height shall be 9,0 m above natural ground level. Where a single story is designed as double volume, the maximum height shall also be 9,0m above natural ground level.
9	Floor area ratio	Not applicable
10	Site development plan and landscape development plan	Not applicable
11	Street Building lines	(1) Street Boundaries: 3m (2) Street Boundaries: A garage that faces the street: 5m
12	Building restriction areas	(1) Side boundaries: 2m

		<p>(2) Midblock boundaries: 2m</p> <p>(3) No structures, permanent or temporary, services, water features and swimming pools may be placed, constructed or erected within the building restriction area without the written permission of the municipality and the Council for Geoscience for being obtained.</p>
13	Parking requirements	Clause 28, Table A
14	Paving of traffic areas	All parts of the erf upon which motor vehicles are allowed to move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
15	Access to the erf	Entrances to and exits from erven shall be located, constructed, maintained to the satisfaction of the municipality.
16	Loading and off-loading facilities	Not applicable
17	Turning facilities	Not applicable
18	Physical barriers	In accordance with the Development and Architectural Guidelines: Southdowns Estate.
19	Health measures	<p>(1) Any requirements for air pollution-, noise abatement- or health control measures set by the Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.</p> <p>(2) No air-conditioning units or compressors may be mounted to the exterior walls of buildings without the prior consent of the Municipality.</p>
20	Outdoor advertising	Advertisements and/or signboards shall not be erected or displayed on the erf without the written consent of the Local Authority first being obtained in terms of municipal by-laws for outdoor advertising.
21	Detrimental soil conditions	An engineer shall be appointed before the approval of building plans, which states that he/she has studied the relevant geology report and that he/she has established the necessary measures with regard to building work, drainage of the buildings and the site and the installation of wet services so that the whole development is safe as far as possible from a geological point of view. On completion of the buildings, the said engineer shall certify that all his/her specifications have been met.
22	Open space	Not applicable

23	General:
1)	No subdivisions of erven shall be allowed.
2)	No additional dwelling houses applications in terms of clause 14(10) shall be allowed, however a kitchen for staff quarters shall be allowed.
3)	All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines: Southdowns Estate and any and all amendments to the said document as may be affected and approved by the owner's association. Building plans shall only be submitted to the Municipality for final approval once the said plan have been evaluated and approved by the Trustees of the Home Owner's Association.
4)	In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-Planning Scheme, 2008 (Revised 2014).

6.2. ERVEN 4784 TO 4788 IRENE EXTENSION 203

1	Use Zone	28: SPECIAL
2	Uses permitted	Access, private roads, engineering services and associated use (excluding a gatehouse).
3	Uses with consent	None
4	Uses not permitted	All other uses
5	Definitions	Clause 5
6	Density	Not applicable
7	Coverage	Not applicable
8	Height	Not applicable
9	Floor area ratio	Not applicable
10	Site development plan and landscape development plan	Not applicable
11	Street Building lines	Not applicable
12	Building restriction areas	Not applicable
13	Parking requirements	Not applicable
14	Paving of traffic areas	All parts of the erf upon which motor vehicles are allowed to move or park, shall be provided with a permanent dust free surface, which surface shall be paved, drained and maintained to the satisfaction of the municipality.
15	Access to the erf	Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the municipality.
16	Loading and off-loading facilities	Not applicable

17	Turning facilities	Not applicable
18	Physical barriers	Not applicable
19	Health measures	<p>(1) Any requirements for air pollution-, noise abatement- or health control measures set by the Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.</p> <p>(2) No air-conditioning units or compressors may be mounted to the exterior walls of buildings without the prior consent of the Municipality.</p>
20	Outdoor advertising	Advertisements and/or signboards shall not be erected or displayed on the erf without the written consent of the Local Authority first being obtained in terms of municipal by-laws for outdoor advertising.
21	Detrimental soil conditions	An engineer shall be appointed before the approval of building plans, which states that he/she has studied the relevant geology report and that he/she has established the necessary measures with regard to building work, drainage of the buildings and the site and the installation of wet services so that the whole development is safe as far as possible from a geological point of view. On completion of the buildings, the said engineer shall certify that all his/her specifications have been met.
22	Open space	Not applicable
23	<p>General:</p> <p>(1) All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owner's association. Building plans shall only be submitted to the Municipality for final approval once the said plans have been evaluated and approved by the Trustees of the Home Owner's Association.</p> <p>(2) The erf shall be registered in the name of the Non-Profit Company (home owners association) of which all the owners of the security development must be members.</p> <p>(3) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town-Planning Scheme, 2008 (Revised 2014).</p>	

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