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**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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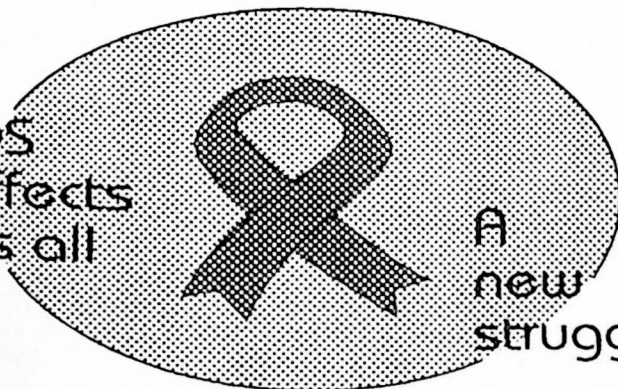
Vol. 12

PRETORIA, 27 FEBRUARY 2006
FEBRUARIE

No. 75

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 461

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

AKASIA/SOSHANGUVE AMENDMENT SCHEME 0234A

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 Heatherview Extension 27, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

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

This amendment is known as Akasia/Soshanguve Amendment Scheme 0234A.

(13/2/Heatherview x32 (0234A))
 ___ November 2005

Acting General Manager: Legal Services
 (Notice No 482/2006)

PLAASLIKE BESTUURSKENNISGEWING 461

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0234A

Hierby word ingevolge die bepalings van artikel 125 (1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Heatherview Uitbreiding 27, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

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

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0234A.

(13/2/Heatherview x27 (0234A)
___ Februarie 2006

Waarnemende Hoofbestuurder: Regsdienste
(Kennisgewing No 482/2006)

LOCAL AUTHORITY NOTICE 462

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF HEATHERVIEW EXTENSION 27 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 Heatherview Extension 27 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Heatherview x27)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY EDWARD ENGLAND UNDER THE PROVISIONS OF PART C OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 658 (A PORTION OF PORTION 287) OF THE FARM WITFONTEIN 301JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Heatherview Extension 27.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 4828/2005.

1.3 ENDOWMENT

The township owner shall, in terms of the provisions of section 98(2) of the Townplanning and Townships Ordinance, 1986 pay a lump sum endowment of **R120 000,00** to the City of Tshwane Metropolitan Municipality for the provision of land for a park (public open space).

1.4 ENGINEERING SERVICES

1.4.1 The township owner shall be responsible for the installation and provision of internal engineering services.

1.4.2 The applicant shall be fully responsible for the installation of all link services to the existing Municipal infrastructure, namely: water, sanitation, roads and stormwater.

1.4.3 The township owner shall, when he intends to provide the township with engineering services:

By agreement with the local authority, classify every engineering service to be provided for the township in terms of Section 116 of the Town Planning and Townships Ordinance, 1986 as internal and external engineering services in accordance with chapter V of the same legislation and guidelines; and

1.4.4 Install or provide all internal services so agreed upon to the satisfaction of the local authority and for this purpose, shall lodge reports, diagrams and specifications as the local authority may require.

1.4.5 The City of Tshwane Metropolitan Municipality shall be responsible for the maintenance of the engineering services once the engineering divisions are completely satisfied with the construction work of all the services that are to be taken over by this Municipality. Furthermore, all services are to be constructed to the complete satisfaction, standards and specifications laid down by the various divisions of the Department: Service Delivery.

1.5 DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

1.5.1 the following condition which affects erven 674, 675 and 676 in the township only:

"4. The holding shall have no direct access to Road P106/1"

1.5.2 the following servitude which shall not be passed on to the erven in the township:

"2. Further subject to the right in favour of the City Council of Pretoria to carry electricity by overhead power lines and under ground cables over the property along a route to be agreed upon between the City Council of Pretoria and Heatherdale Holdings (Proprietary) Limited together with certain ancillary rights as will more fully appear from Notarial Deed No. 1307/1956 S, registered the 13th day of December, 1956.

1.5.2 the following servitude which affects all erven in the township:

3. Further subject to the following condition as will more fully appear from Notarial Deed No 1306/1956 S, registered the 13th day of December, 1956:

"The owner of the said property or any portion thereof shall be obliged to receive all storm water or other water discharge thereon from any existing or future Provincial Road and its culverts and from any future alteration of such Provincial Road and its culverts and the owner shall

1.6 ACCESS

No ingress from Provincial Road P106/1 to the township and no egress to Provincial Road P106/1 from the township shall be allowed.

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Road P 106/1 and for all storm water running off or being diverted from the road to be received and disposed of.

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 Deputy Director-General, Roads Branch, as and when required by him to do so and the township owner shall maintain such fence or physical barrier in good order and repair until such time as this responsibility is taken over by the local authority: Provided that the township owner's responsibility for the maintenance thereof shall cease when the local authority takes over the responsibility for the maintenance of the streets in the township.

1.9 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If by any reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost therefore shall be borne by the township owner.

1.10 MINIATURE SUBSTATIONS

Should it become necessary during the installing of services to place miniature substations within a 13m road reserve or smaller the servitudes inside the erven shall be registered in favour of the Council.

1.11 GEOTECHNICAL REPORT

All buildings to be erected on the property shall comply with conditions as specified in report Feb 2004, SOILTEST AFRICA, B 0405.

1.12 RESTRICTION ON THE ALIENATION OF LAND

Regardless of 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 conditions 1.13.1 to 1.13.7 inclusive below.

1.13 THE DEVELOPER'S OBLIGATIONS

1.13.1 ASSOCIATION AND STATUTES

The developer must register a section 21 company (homeowner's association) in term of the provisions of the Companies Act, 1937 (Act. 61 of 1973). A copy of the registered deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowner's association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, and the road and storm water sewers). 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.

1.13.2 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 engineering drawings in respect of the internal

1.13.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan 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 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 storm water sewers. If this is the case, the developer must give the Municipality an undertaking that the developer will complete this service 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.

1.13.4 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 storm water sewers) have been completed. The developer must 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 service, 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 City of Tshwane Metropolitan Municipality.

1.13.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the City of Tshwane Metropolitan Municipality, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the City of Tshwane Metropolitan Municipality must be notified of this without delay.

1.13.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the City of Tshwane Metropolitan Municipality in respect of every erf, according to the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the City of Tshwane Metropolitan Municipality.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.13.7 PROOF OF DEED OF SALE AND FINANCING

The developer must submit proof that there is a valid and enforceable deed of sale between the developer and the buyer with regard to the sale of the relevant erf and the development of the erf by the developer in accordance with the approved plan. The developer must also provide proof that a loan for the proposed development has been approved in respect of each erf. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

1.13.8 ERVEN 661 TO 690 INCLUSIVE

Upon transfer, the owner of the 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.

Transfer of the erf to a third party is allowed only with the consent of the City of Tshwane Metropolitan Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.

1.14 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 691 shall be transferred to the homeowner's association (Section 21 Company) by and at the expense of the developer prior to any other erf being transferred.

2. CONDITIONS OF TITLE

THE ERVEN MENTIONED HEREUNDER SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986.

2.1 ALL ERVEN

- 2.1.1 The erf is subject to a servitude, minimum 1 metre wide and an aggregate 3 metres wide in favour of the local authority, for sewerage and other municipal purposes, along any boundary other than a street or rear boundary and in case of a panhandle erf, an additional servitude for municipal purposes 1 m wide across the access portion of the erf, of and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- 2.1.2 The erf is subject to a servitude in favour of the local authority for municipal purposes, 2 metres wide on the street and rear (mid block) boundary: Provided that the local authority may dispense with any such servitude.
- 2.1.3 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 1m thereof.
- 2.1.4 The local authority shall be entitled to deposit temporarily on the land adjoining the foresaid 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 and for the aforesaid purpose subjected to any damage done during the process of such sewerage mains and other works being made good by the local authority.

2.2 ERVEN 670, 680, 683, 686, 687, 690 AND 691

The erven is subject to a water servitude in favour of the municipality, as indicated on the general plan.

