

***THE PROVINCE OF
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 204

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

AKASIA/SOSHANGUVE AMENDMENT SCHEME 0257A

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 Eldorette Extension 20, 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 Head: Legal and Secretarial Services, and are open to inspection during normal office hours.

This amendment is known as Akasia/Soshanguve Amendment Scheme 0257A.

(13/2/Eldorette x20 (0257A))
 ___ January 2007

Acting Head: Legal and Secretarial Services
 (Notice No 417/2007)

PLAASLIKE BESTUURSKENNISGEWING 204

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0257A

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 Eldorette Uitbreiding 20, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

Kaart 3 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.

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0257A.

(13/2/Eldorette x20 (0257A))
 ___ Januarie 2007

Waarnemende Hoof: Regs- en Sekretariële Dienste
 (Kennisgewing No 417/2007)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF ELDORETTE EXTENSION 20 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 Eldorette Extension 20 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Eldorette x20 (0257A))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY MILNEX 409 CC UNDER THE PROVISIONS OF CHAPTER III: PART A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 719 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 Eldorette Extension 20.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 5316/2006.

1.3 ENDOWMENT

The township owner shall, in terms of the provisions of section 81 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) pay a lump sum endowment of **R50 500,00** to the City of Tshwane Metropolitan Municipality for the provision of land for a park (public open space).

1.4 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.

1.5 ACCESS

No ingress from the N4 Platinum Highway to the township and no egress to the N4 Platinum Highway from the township shall be allowed.

1.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the N4 Platinum Highway and for all stormwater running off or being diverted from the road to be received and disposed of.

1.7 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at its own expense, erect a fence consisting of a security wall or palisade fence on the road reserve boundary of the N4 Platinum Highway to the satisfaction of the South African National Roads Agency, as and when required by him to do so and the township owner shall maintain such fence in good order and repair.

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 municipality, when required by the municipality to do so.

1.9 REMOVAL OF LITTER

The township owner shall at its own expense cause all litter within the township area to be removed to the satisfaction of the municipality, when required by the municipality to do so.

1.10 REMOVAL OR REPLACEMENT OF MUNICIPAL AND TELKOM SERVICES

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

1.11 REPOSITIONING OF CIRCUITS

If, by reason of the establishment of the township, it should become necessary to reposition any existing circuits of Eskom the cost thereof shall be borne by the township owners.

1.12 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation and Environment has granted the applicant exemption from compliance with Regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, 1989 (Act 73 of 1989), for the development of this township.

1.13 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The township owner shall within such period as the municipality may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefore, as well as the construction of the roads and stormwater drainage system as agreed upon between the township owner and the municipality.

1.14 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 Municipality certifies that the developer has complied with the provisions of conditions 1.15.1 to 1.15.5 inclusive below.

1.15 THE DEVELOPER'S OBLIGATIONS

1.15.1 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). 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 homeowners' 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.

1.15.2 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 road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

1.15.3 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.

1.15.4 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.

1.15.5 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 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 Municipality must be notified of this without delay.

1.15.6 ERVEN 201 UP TO AND INCLUDING 228 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 Erven 201 up to and including 228.

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

Erven 229 and 230 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

2.1 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

2.1.1 ALL ERVEN

2.1.1.1 The erf is subject to a servitude, 2m wide, in favour of the municipality 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 municipality: Provided that the municipality 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 2 (two) metres 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 municipality.

2.1.2 ERVEN 206, 207, 208, 209, 225, 226 AND 230

The erf shall be subject to a servitude, 4m wide for a municipal sewer line in favour of the Municipality as indicated on the General Plan.

2.1.3 ERF 230

The erf shall be subject to a servitude for access and services in favour of the Municipality as indicated on the General Plan.

2.2 CONDITIONS IMPOSED BY THE NATIONAL ROADS AGENCY IN TERMS OF THE NATIONAL ROADS ACT NO. 54 OF 1971

2.2.1 ERVEN 201 UP TO AND INCLUDING 203

2.2.1.1 Except for any essential storm water drainage structure, no building, structure or other thing (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected nor shall anything be constructed or laid under or below the surface of the erf without the written approval of SANRAL within a distance of 8 metres measured from the N4 national road reserve boundary.

2.2.1.2 The Owner with the full knowledge of the potential environmental impacts including but not limited to noise, air and light pollution waives any claim that it may have against the Bakwena Platinum Corridor Concessionaire (Pty) Ltd (Bakwena), its assigns and/or successors in title and The South African National Road Agency Limited (SANRAL) in its capacity as the owner of the road and indemnifies and holds Bakwena and its assigns and/or successors in title and SANRAL in its capacity as the owner of the road, harmless from any and all loss, actual expenses, claims, harm or damage of whatsoever nature that the Owner may suffer howsoever arising from the property's close proximity to the Bakwena N4 Platinum Highway, which waiver and indemnity Bakwena accepts.

2.2.1.3 Ingress to and egress from the erf shall not be permitted along the boundary of the erf abutting on Road N4.

2.2.2 ERVEN 204, 205 AND 224

2.2.2.1 Except for any essential storm water drainage structure, no building, structure or other thing (including anything which is attached to the land on which it stands even though it does not form part of that land) shall be erected nor shall anything be constructed or laid under or below the surface of the erf without the written approval of SANRAL within a distance of 10 metres measured from the N4 national road reserve boundary.

2.2.2.2 The Owner with the full knowledge of the potential environmental impacts including but not limited to noise, air and light pollution waives any claim that it may have against the Bakwena Platinum Corridor Concessionaire (Pty) Ltd (Bakwena), its assigns and/or successors in title and The South African National Road Agency Limited (SANRAL) in its capacity as the owner of the road and indemnifies and holds Bakwena and its assigns and/or successors in title and SANRAL in its capacity as the owner of the road, harmless from any and all loss, actual expenses, claims, harm or damage of whatsoever nature that the Owner may suffer howsoever arising from the property's close proximity to the Bakwena N4 Platinum Highway, which waiver and indemnity Bakwena accepts.

2.2.2.3 Ingress to and egress from the erf shall not be permitted along the boundary of the erf abutting on Road N4.