

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

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CITY OF TSHWANE

DECLARATION OF WILLOW PARK MANOR EXTENSION 46 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 hereby declares the township of Willow Park Manor Extension 46 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Willow Park Manor x46 (9800P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY DOMISILIE CC IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 553 (A PORTION OF PORTION 1) OF THE FARM THE WILLOWS 340 JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Willow Park Manor Extension 46.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 10416/2007.

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 servitude in favour of the City of Tshwane Metropolitan Municipality registered in terms of Notarial Deed to convey electricity in terms of Servitude No 384/1935S which affects all erven in the township.

1.4 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay to the City of Tshwane as endowment a total amount of **R255 000,00** which amount shall be used by the City of Tshwane for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of Section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

1.5 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Bush Road and he shall receive and dispose of the stormwater running off or being diverted from the road.

1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.7 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane all existing buildings and

structures situated within building line reserves and side spaces of over common boundaries, or dilapidated structures.

1.8 REMOVAL OF LITTER

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

1.9 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.10 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

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

Erf 281 shall be transferred to the Section 21 Company (homeowners' association) by and at the expense of the township owner.

1.12 THE DEVELOPER'S OBLIGATIONS

1.12.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). All the owners of units in the township must become members of the Section 21 Company. A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to 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 stormwater 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.

1.12.2 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 stormwater sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

1.12.3 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 stormwater sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane Metropolitan Municipality may at its own discretion allow an exception in respect of the internal road and stormwater sewers. If this is the case, the developer must give the City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan Municipality 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 last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater 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 services, 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.

1.12.5 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.

1.12.6 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, in accordance with 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.

- 1.12.7 A condition shall be registered against the title deeds of the portions concerned, to read as follows: "The herein mentioned property shall be transferred to a third party only with the consent of the Acting Manager Building Control once the dwelling house/dwelling unit has been completed in accordance with the approved site development plan and after an occupation certificate has been issued in terms of the applicable legislation.
- 1.12.8 The owner/developer of the original erf shall be responsible for the provision and/or replacement and/or alteration and/or removal of the internal services on the erf/erven up to where it is connected to the municipal network at his cost to the satisfaction of the City of Tshwane Metropolitan Municipality (Acting Manager: Building Control), where necessary, such services shall be protected with appropriate servitudes to the satisfaction of the Tshwane Metropolitan Municipality, it should, however, be clearly understood that the Municipality does not accept any responsibility for the provision and/or replacement and/or alteration and/or removal thereof.
- 1.12.9 A complete Section 21 drainage plan has to be submitted to the Acting Manager: Building Control, by the responsible engineer. These drainage plans need also to be placed on each separate building plan. These plans have to indicate the Section 21 Company drainage connection points as well as distances from the boundaries.
- 1.12.10 The proposed Erf 281 represents a right of way for access, services, guard house and refuse area and shall be registered in favour of all the portions in the name of the Section 21 Company. The owners shall be responsible for the maintenance of the access road, services, guard house and refuse area.
- 1.12.11 The owner/developer shall be responsible for the construction of the access road services, guard house and refuse area to the satisfaction of the Tshwane Metropolitan Municipality (Acting Manager: Building Control). This condition has to be complied with for purposes of registration in the Deeds Office.

2. CONDITIONS OF TITLE

2.1 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).

2.1.1 ALL ERVEN

2.1.1.1 The erf shall be subject to a servitude, 2 metres wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the City of Tshwane, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 metres wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.

2.1.1.2 No buildings or other structure 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 2 metres from it.

2.1.1.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 ERVEN 228 AND 280

Upon transfer, the owner of each 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.

2.1.3 ERVEN 238, 245, 247, 253, 266, 271, 274, 279 AND 280

2.1.3.1 The erven shall be subject to a servitude, 2 metres wide, for engineering services (water pipeline) in favour of the Section 21 Company, as indicated on the General Plan.

2.1.3.2 No buildings or other structures may be erected within the aforesaid servitude areas and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metres from it.

2.1.4 ERVEN 266 AND 280

2.1.4.1 The erven shall be subject to a servitude 2 metres wide, for engineering services (water) in favour of the Section 21 Company as indicated on the General Plan.

2.1.4.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metres from it.

2.1.5 ERVEN 228, 229, 230, 231, 238, 239, 240, 241, 244, 247, 248, 249, 261, 263, 265, 266, 269, 270, 271, 273, 274, 277, 278, 279 AND 280

2.1.5.1 The erven shall be subject to a servitude 2 metres wide, for engineering services (sewer) in favour of the Section 21 Company as indicated on the General Plan.

2.1.5.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metres from it.

2.1.6 ERVEN 260, 265 AND 273

2.1.6.1 The erven shall be subject to a servitude, 1,5 metres wide, for engineering services (stormwater) in favour of the Section 21 Company as indicated on the General Plan.

2.1.6.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metres from it.

2.1.7 ERVEN 259, 260, 261, 262, 263, 264, 265, 272, 273 AND 280

2.1.7.1 The erven shall be subject to a servitude, 2 metres wide, for engineering services (stormwater and sewerage) in favour of the Section 21 Company as indicated on the General Plan.

2.1.7.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 metres from it.

2.1.8 ERVEN 254, 255, 256, 257, 258 AND 259

2.1.8.1 The erven shall be subject to a servitude, 3 metres wide, for engineering services (stormwater and sewerage) in favour of the City of Tshwane Metropolitan Municipality as indicated on the General Plan.

2.1.8.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2 m from it.

2.1.9 ERF 281

The erf is subject to a servitude or right of way and the use of engineering services (electricity, sewer, stormwater and water) in favour of Erven 228 and 280.

LOCAL AUTHORITY NOTICE 128**CITY OF TSHWANE****PRETORIA AMENDMENT SCHEME 9800P**

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 Willow Park Manor Extension 46, being an amendment of the Pretoria Town-planning Scheme, 1974.

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 Pretoria Amendment Scheme 9800P.

(13/2/Willow Park Manor x46 (9800P))
27 January 2009

Executive Director: Legal Services
(Notice No 151/2009)

PLAASLIKE BESTUURSKENNISGEWING 128**STAD TSHWANE****PRETORIA WYSIGINGSKEMA 9800P**

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 Willow Park Manor Uitbreiding 46, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, 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 Pretoria-wysigingskema 9800P.

(13/2/Willow Park Manor x46 (9800P))
27 Januarie 2009

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 151/2009)
