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GAUTENG***

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 1085

CITY OF TSHWANE

AKASIA/SOSHANGUVE AMENDMENT SCHEME 0277A

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 Heatherview Extension 39, 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 Executive Director: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Akasia/Soshanguve Amendment Scheme 0277A.

(13/2/Heatherview x39 (0277A))
___ June 2009

Executive Director: Legal Services
(Notice No 411/2009)

PLAASLIKE BESTUURSKENNISGEWING 1085

STAD TSHWANE

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0277A

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 Heatherview Uitbreiding 39, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

Kaart 3 en die skemaklausules van hierdie wysigingskema word deur die Uitvoerende Direkteur: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0277A.

(13/2/Heatherview x39 (0277A))
___ June 2009

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 411/2009)

CITY OF TSHWANE

DECLARATION OF HEATHERVIEW EXTENSION 39 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 Heatherview Extension 39 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Heatherview x39)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY HC DU PREEZ BOUERS BK 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 PORTION 709 (A PORTION OF PORTION 702) 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 39.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 11666/2006.

1.3 ENDOWMENT

Payable to the City of Tshwane.

The township owners shall pay endowment for an area of **R85 000,00** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane. The amount of this area 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).

1.4 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, but excluding -

1.4.1 the following servitudes which do not affect the township area:

"2. Further subject to the right in favour of the City Council of Pretoria to convey electricity by overhead power lines and underground 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 13th December 1956."

"3. VERDER ONDERHEWIG aan die volgende voorwaarde soos meer ten volle sal blyk uit Notariële Akte No 1306/1956S registreer 13 Desember 1956:

"The owner of the said property or any portion thereof shall be obliged to received all stormwater or other water discharged thereon from any existing of future Provincial Road and its culverts and from any future alteration of such Provincial Road and its culverts and the owner shall have no claim whatsoever against the Government of the Republic of South Africa or its servants for any damage caused by such water."

1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACEL

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

1.6 REMOVAL OR REPLACEMENT OF MUNICIPAL OR TELKOM SERVICES

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

1.7 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

The township owner shall within such period as the municipality may determine, fulfil it's obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefor, as previously agreed upon between the township owner and the municipality.

1.8 RESTRICTION ON THE ALIENATION OF LAND

Regardless of the issuing of a certificate as contemplated in Section 82(1)(b)(ii)(cc) of the Townplanning 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 certifies that the developer has complied with the provisions of conditions 1.9.1 to 1.9.4 below.

1 9 THE DEVELOPER'S OBLIGATIONS

1.9.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (Homeowner's 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.

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.

1.9.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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.

1.9.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane must be provided with a certificates 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 the certain date and must provide the 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.

1.9.4 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 recognized financial institution, in respect of poor workmanship and/or materials with regards 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.

1.9.5 ERVEN 829 TO 841 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.

1 10 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 842 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 municipality 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, 2 m 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 2 m 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.
- 2.1.2 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 m thereof.
- 2.1.3 The municipality 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.

2.2 ERVEN 830, 831, 833 AND 835

The erf is subject to a servitude for municipal purposes in favour of the municipality, as indicated on the general plan.

STAD TSHWANE**VERKLARING VAN HEATHERVIEW UITBREIDING 39 TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane hierby, die dorp Heatherview Uitbreiding 39 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Heatherview x39 (0277A))

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR HC DU PREEZ BOUERS BK INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL A EN C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 703 ('N GEDEELTE VAN GEDEELTE 702) VAN DIE PLAAS WITFONTEIN 301 JR, GAUTENG, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES**1.1 NAAM**

Die naam van die dorp is Heatherview Uitbreiding 39.

1.2 ONTWERP

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 11666/2006.

1.3 BEGIFTIGING

Betaalbaar aan die Stad Tshwane.

Die dorpseienaar moet as begiftiging, 'n totale bedrag van **R85 000,00** in terme van Regulasie 44(1) van die Dorpsbeplanning en Dorpe Regulasie, aan die Stad Tshwane betaal. Welke bedrag deur die Stad Tshwane aangewend moet word vir die verkryging van grond vir park- en/of openbare-oopruimtedoeleindes.

Die genoemde begiftigingsbedrag is betaalbaar kragtens die bepalinge van Artikel 81 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

1.4 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd –

1.4.1 die volgende serwitute wat nie die dorp raak nie:

"2. Further subject to the right in favour of the City Council of Pretoria to convey electricity by overhead power lines and underground 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 13th December 1956."

"3. VERDER ONDERHEWIG aan die volgende voorwaarde soos meer ten volle sal blyk uit Notariële Akte No 1306/1956S registreer 13 Desember 1956:

"The owner of the said property or any portion thereof shall be obliged to received all stormwater or other water discharged thereon from any existing of future Provincial Road and its culverts and from any future alteration of such Provincial Road and its culverts and the owner shall have no claim whatsoever against the Government of the Republic of South Africa or its servants for any damage caused by such water."

1.5 VOLDOENING AAN VOORWAARDES OPGELÊ DEUR DIE GAUTENGSE DEPARTEMENT VAN LANDBOU, BEWARING EN DIE OMGEWING (DLBO)

Die dorpseienaar sal op sy eie koste voldoen aan al die voorwaardes opgelê deur die Gautengse Departement van Landbou en Omgewingsbewaring, asook enige ander toepaslike voorwaardes soos vervat in die Wet op Omgewingsbewaring, 1989 (Wet 73 van 1989), of die Nasionale Wet op Omgewingsbewaring, 1998 (Wet 107 van 1998), wat ookal die geval mag wees.

1.6 VERSKUIWING OF VERWYDERING VAN MUNISIPALE OF TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale of Telkom dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseienaar gedra word.

1.7 VEPLIGTINGE TEN OPSIGTE VAN NOODSAAKLIKE DIENSTE

Die dorpseienaar moet binne sodanige tydperk as wat die munisipaliteit mag bepaal, sy verpligtinge met betrekking tot die voorsiening van water, elektrisiteit en sanitêre dienste en die installering van stelsels daarvoor, soos vooraf ooreengekom tussen die dorpseienaar en die munisipaliteit nakom.

1.8 BEPERKING OP DIE VERVREEMDING VAN GROND

Ongeag die uitreiking van 'n sertifikaat soos voorgestel in Artikel 82(1)(b)(ii)(cc) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), sal geen erf in dorp oorgedra word of mee gehandel word anderste totdat die Stad Tshwane gesertifiseer het dat die ontwikkelaar die bepalinge van voorwaardes 1.9.1 tot 1.9.4 ingesluit onderstaande, nagekom het.

1.9 DIE ONTWIKKELAAR SE VERPLIGTINGE

1.9.1 OPRIGTING EN STATUTE

Die dorpseienaar moet 'n Artikel 21 Maatskappy (huiseienaarsvereniging) registreer in terme van die Maatskappywet, 1973 (Wet 61 van 1973). 'n Kopie van die geregistreeerde Akte van Oprigting (CM4) en die Maatskappy Statute moet ingedien word by die Stad Tshwane.

Akte van Oprigting en Statute moet duidelik stipuleer dat die hoofdoelwit van die huiseienaarsvereniging die instandhouding van die interne ingenieursdienste van die dorp is (bv water, riool, elektrisiteit, paaie en stormwater riolerings). Die dorpsseenaar moet 'n lid van die Artikel 21 Maatskappy wees, met alle regte en verpligte van 'n gewone lid tot en met die oordrag van die laaste erf.

1.9.2 VOORSIENING VAN INGENIEURSTEKENINGE

Die dorpsseenaar moet volledige ingenieurstekeninge met betrekking tot die interne rioleringsstelsel en rioolaansluitingspunte en volledige ingenieurs-tekeninge met betrekking tot die interne paaie en stormwaterdreinerings asook water en elektrisiteitsdienste by die Stad Tshwane indien alvorens konstruksie aan enige van die gemelde dienste begin mag word.

1.9.3 VOORSIENING VAN 'N SERTIFIKAAT DEUR 'N PROFESSIONELE INGENIEUR

'n Ingenieursertifikaat voorsien deur 'n Professionele Ingenieur moet by die Stad Tshwane ingehandig word alvorens enige van erwe oorgedra mag word, met betrekking tot water, riool, elektrisiteit en interne paaie en stormwaterdreinerings wat sertifiseer dat die interne ingenieursdienste voltooi is en dat die ingenieur verantwoordelikheid aanvaar vir alle dienste. Die Munisipaliteit mag op eie diskresie 'n uitsondering maak met betrekking tot interne paaie en stormwaterdreinerings. Indien laasgenoemde van toepassing is, moet die dorpsseenaar aan die Munisipaliteit 'n onderneming gee dat die dienste voltooi sal wees teen 'n vasgestelde datum en moet die ontwikkelaar 'n waarborg diensooreenkomstig inhandig wat deur 'n erkende finansiële instelling uitgereik is.

Bouplanne sal nie goedgekeur word alvorens die dienste voltooi en deur die Dienste Departemente oorgeneem is nie (indien van toepassing).

1.9.4 INSTANDHOUDINGSTERMYN EN WAARBORG

'n Twaalf (12) maande instandhoudingstermyn wat 'n aanvang neem met die voltooiing van die laaste interne ingenieursdienste (bv. water, riool, elektrisiteit en die paaie en stormwaterriolerings) sal gehandhaaf word. Die dorpsseenaar moet 'n instandhoudingswaarborg, uitgereik deur 'n erkende finansiële instelling, aan die Artikel 21 Maatskappy voorsien wat vakmanskap en/of materiale waarborg met betrekking tot siviele ingenieursdienste en elektrisiteitsdienste, welke waarborg moet gelykstaande wees aan 'n bedrag wat 5% van die kontrakke vir siviele dienste en 10% van die kontrakke vir elektrisiteitsdienste omvang, bewys van die waarborg moet by die Stad Tshwane ingehandig word.

1.9.5 ERWE 829 TOT 841 INGESLUIT

By oordrag moet die eienaar van elke erf outomaties 'n lid van die Artikel 21-maatskappy word en 'n lid bly totdat hy of sy nie meer die geregistreerde eienaar van daardie erf is nie, en hierdie voorwaarde moet in die titelakte van die gedeelte ingesluit word.

1.10 ERWE OM OORGEDRA TE WORD NA DIE ARTIKEL 21 MAATSKAPPY (HUISEIENAARSVERENIGING)

Erf 842 moet in die naam van 'n Artikel 21 Maatskappy (huiseienaarsvereniging) geregistreer word en moet die koste daarvan deur die dorpsseenaar gedra word.

2. TITELVOORWAARDES

DIE ERWE HIERONDER GENOEM, IS ONDERWORPE AAN DIE VOORWAARDES SOOS AANGEDUI, OPGELE DEUR DIE STAD TSHWANE INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986);

2.1 ALLE ERWE

- 2.1.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, ten gunste van die munisipaliteit, vir riolerings- en ander munisipale dienste, langs enige twee sygrense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die munisipaliteit. Met dien verstande dat die munisipaliteit van enige sodanige serwituut mag afsien.
- 2.1.2 Geen gebou of ander struktuur mag binne die voornoemde serwituut area opgerig word nie en geen groot wortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 m daarvan geplant word nie.
- 2.1.3 Die munisipaliteit is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpyleidings en ander werke wat hy volgens goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings wat sodanige rioolhoofpyleidings en ander werke veroorsaak.

2.2 ERWE 830, 831, 833 EN 835

Die erf is onderworpe aan 'n serwituut vir munisipale doeleindes ten gunste van die munisipaliteit, soos op die algemene plan aangedui.