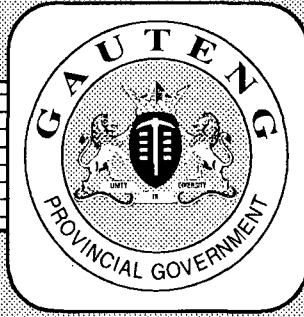


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**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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**Provincial Gazette Extraordinary
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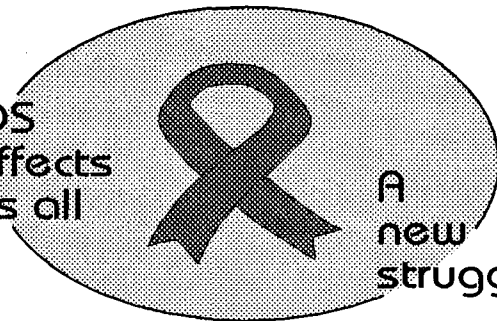
Vol. 9

PRETORIA, 3 NOVEMBER 2003

No. 472

We all have the power to prevent AIDS

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affects
us all



A
new
struggle

Prevention is the cure

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2273 OF 2003

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9435

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 Magalieskruin Extension 58, being an amendment of the Pretoria Town-planning Scheme, 1974. 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 Pretoria Amendment Scheme 9435. (K13/2/Magalieskruin x58 (9435))

Acting General Manager: Legal Services
(Notice No 795/2003)

PLAASLIKE BESTUURSKENNISGEWING 2273 VAN 2003

PRETORIA WYSIGINGSKEMA 9435

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 Magalieskruin Uitbreiding 58, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, 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 Pretoria-wysigingskema 9435. (K13/2/Magalieskruin x58)

Waarnemende Hoofbestuurder: Regsdienste
(Kennisgewing No 795/2003)

LOCAL AUTHORITY NOTICE 2274 OF 2003

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MAGALIESKRUIN EXTENSION 58 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 Magalieskruin Extension 58 to be an approved township, subject to the conditions as set out in the Schedule hereto. (K13/2/Magalieskruin x58)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ER TRUST (IT 7531/1996) 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 416 (A PORTION OF PORTION 127) OF THE FARM HARTEBEESTFONTEIN 324JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Magalieskruin Extension 58.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3654/2003.

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 Conditions C and F contained in the Deed of Transfer T124531/96 that does not affect the township.

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay the City of Tshwane Metropolitan Municipality as endowment a total amount of R44 000,00 which amount shall be used by the City of Tshwane Metropolitan Municipality 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 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.

1.6 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane Metropolitan Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.7 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 Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

1.8 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.

1.9 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.

1.10 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 1.12.1 to 1.12.6 inclusive below.

1.11 THE DEVELOPER'S OBLIGATIONS

1.11.1 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 (ie 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.

1.11.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the 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.

1.11.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the 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 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 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 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.

1.11.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (ie 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 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 Municipality.

1.11.5 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.

1.11.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the Municipality in respect of every erf, excluding Erf 864, in accordance with the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the 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 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 864 shall be transferred to the homeowners' association (Section 21 Company) by and at the expense of the township owner.

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 ERVEN 845 AND 848

The erven shall be subject to a servitude for stormwater drainage in favour of the Remainder of Portion 127 of the farm Hartebeestfontein 324 JR, as indicated on the General Plan.

2.1.2 ERVEN 853, 857, 859, 861 AND 863

2.1.2.1 The erven shall be subject to a servitude/servitudes for engineering services in favour of the Section 21 Company as indicated on the General Plan.

2.1.2.2 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 metre from it.

2.1.3 ERF 864

The erf is subject to a servitude of right of way and the use of engineering services in favour of Erven 840 to 863 and also subject to a servitude for stormwater drainage in favour of the Remainder of Portion 127 of the farm Hartebeestfontein 324 JR.

2.1.4 ERVEN 840 TO 862 INCLUSIVE

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.

Transfer of the erf to a third party is allowed only with the consent of the 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.



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