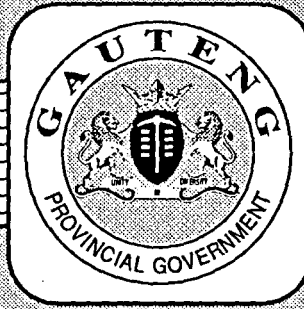


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

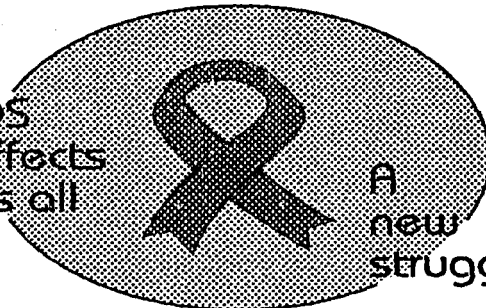
Vol. 12

PRETORIA, 24 NOVEMBER 2006

No. 423

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure



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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 3296**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****AKASIA/SOSHANGUVE AMENDMENT SCHEME 0237A**

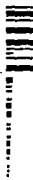
It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Theresapark Extension 35, being 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 0237A.

(13/2/Theresapark x35 (0237A))
__ November 2006

Acting Head: Legal and Secretarial Services
(Notice No 1029/2006)



PLAASLIKE BESTUURSKENNISGEWING 3296

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0237A

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 Theresapark Uitbreiding 35, 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 0237A.

(13/2/Theresapark x35 (0237A)
 __ November 2006

Waarnemende Hoof: Regs- en Sekretariële Dienste
 (Kennisgewing No 1029/2006)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF THERESAPARK EXTENSION 35 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 Theresapark Extension 35 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Theresapark x35)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTRAL DEVELOPMENTS TSHWANE (PTY) LTD IN TERMS OF 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 156 (A PORTION OF PORTION 49) 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 Theresapark Extension 35.

1.2 DESIGN

The township shall consist of erven and a street as indicated on General Plan SG No 8211/2005.

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1.3 ENDOWMENT

The township owner shall, in terms of the provisions of section 98(2) and (3) of the Town-planning and Townships Ordinance, 1986 pay a lump sum endowment of R140 000,00 to the local authority for the provision of parks.

Such endowments shall be payable in terms of the provisions of section 81 of the said ordinance read with section 95 thereof.

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 in Deed of Transfer T74495/05 which does not affect the erven in the township:

"A 1 The Remaining Extent of Portion 8 of portion of the farm WITFONTEIN, measuring as such 45,1006 Hectares, (of which the property hereby transferred is part) is entitled to the following rights of way:

(a) A right of way 9,45 metres wide along the Western boundary of Portion 47 (a portion of portion A of portion) of the said farm WITFONTEIN transferred to STEPHANUS OCKERDT VERMEULEN by deed of Transfer No 10654/1941; and

(b) A right of way 6,30 metres wide along the western and Northern boundaries of the remaining extent of Portion 62 of the said farm WITFONTEIN, measuring as such 13,2098 hectares, held by Cecilia Maria Corbitt, married out of community of property to Johannes Francois Corbitt by Certificate of Consolidated Title T 15758/1940 as will more fully appear from Deed of Servitude No 402/1941 S;

both which rights of way was partially cancelled as will more fully appear from Notarial Deed of Cancellation of Right of Way K2097/80S."

"2. Entitled to a right of way 9,45 metres along the Western boundary of the remaining extent of Portion 8 of Portion of the farm Witfontein, measuring as such 36,4143 Hectares, held by the said Charles Celt Thomas by Deed of Transfer No 271/1919 dated the 18th January 1919, to the main road to Pretoria, which Right of Way was partially cancelled as will more fully appear from Notarial Deed of Cancellation of Right of Way K 2097/80S."

1.5 REMOVAL OF LITTER

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

1.6 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 or Telkom services, the cost thereof shall be borne by the township owner.

1.7 OBLIGATIONS WITH REGARDS TO ESSENTIAL ENGINEERING SERVICES

The township owner shall within such period as the local authority may determine, fulfill 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 local authority.

1.8 MINIATURE SUBSTATIONS

If it should become necessary to place miniature substations within a 13m road reserve or smaller, the servitudes inside the erven shall be registered in favour of the Council.

1.9 DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES

The township owner shall at his own expense cause all existing buildings and structures situated within the building line reserve, side spaces or over common boundaries also outbuildings and dilapidated structures to be demolished when required.

1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT (GDACE)

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agricultural, 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.

1.11 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 1.12.1 to 1.12.7 inclusive below.

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). 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.

1.12.2 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 storm water 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 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.

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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 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.

1.12.5 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, 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.

1.12.7 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.

1.12.8 ERVEN 1867 TO 1912 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.

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

Erf 1913 shall be transferred to the homeowners' association (Section 21 Company) by and at the expense of the township owner.

2. CONDITIONS OF TITLE

ALL ERVEN WHICH SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS 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, 3m wide, in favour of the local authority 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, 1m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority 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 (two) metres thereof.
- 2.1.3 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 local authority.

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