

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

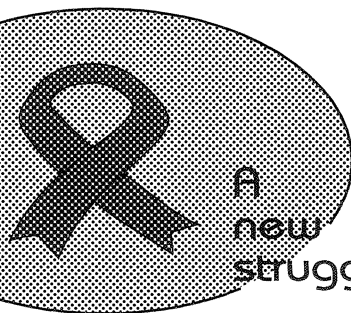
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No. 8

**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

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### LOCAL AUTHORITY NOTICE 18

#### CITY OF TSHWANE

#### AKASIA/SOSHANGUVE AMENDMENT SCHEME 0288A

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 38, 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 0288A.

(13/2/Heatherview x38 (0288A))  
\_\_ January 2013

**Executive Director: Legal Services**  
(Notice No 152/2013)

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### PLAASLIKE BESTUURSKENNISGEWING 18

#### STAD TSHWANE

#### AKASIA/SOSHANGUVE WYSIGINGSKEMA 0288A

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 38, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, 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 Akasia/Soshanguve wysigingskema 0288A.

(13/2/Heatherview x38 (0288A))  
\_\_ January 2013

**Uitvoerende Direkteur: Regsdienste**  
(Kennisgewing No 152/2013)

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#### CITY OF TSHWANE

#### DECLARATION OF HEATHERVIEW EXTENSION 38 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 38 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Heatherview x38 (0288A))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WHIPPET CONSTRUCTION CLOSE CORPORATION 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 727 (A PORTION OF PORTION 131) 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 38.

##### 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 12320/2006.

### 1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay in accordance with Section 98(2) of the Ordinance, read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality endowment for an area of **2 208m<sup>2</sup>**. The amount of this area 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).

### 1.4 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.

### 1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development including if applicable those by which exemption has been granted from compliance with Regulations No 1182 and 1183 promulgated in terms of Sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

### 1.6 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES

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

### 1.7 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 828 shall be transferred to the non-profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable whichever the sooner, by and at the expense of the township owner.

The erf may not be transferred thereafter by the non-profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

A servitude for access and municipal services shall be registered over Erf 828 in favour of all the erven in the township.

### 1.8 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTIONS

#### 1.8.1 REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local Authority may determine fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and storm water drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be alienated or transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

## 1.8.2 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 1.9.1 to 1.9.4 inclusive 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 term of the provisions of the Companies Act, 1937 (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 homeowner's 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.

### 1.9.2 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.

### 1.9.3 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.

### 1.9.4 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 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.

### 1.9.5 ERVEN 779 TO 827 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.

## 2. 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 –

2.1 excluding the following conditions which does not affect the township area due to its locality:

“4. Further subject to the right in favour of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY to convey electricity by overhead power lines and underground cables over the property along a route to be agreed upon between the CITY OF TSHWANE METROPOLITAN MUNICIPALITY and Heatherdale Holdings (Proprietary) Limited together with certain ancillary rights as will more fully appear from Notarial Deed No 1307/1956S registered 14 December 1956.”

2.2 including the following condition which affects all erven in the township:

5. Further subject to the following condition as will more fully appear from Notarial Deed No 1306/1956S registered 13 December 1956:

The owner of the said property or any portion thereof shall be obliged to receive all stormwater or other water discharged thereon from any existing or future Provincial Road and its culverts and from any future alterations 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.”

## 3. CONDITIONS OF TITLE

All erven shall be subject to the following conditions imposed by the Municipality in terms of the provisions of the Town-planning and Townships Ordinance, 1986.

- 3.1 The erf is subject to a servitude, 2m 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 2m 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.
- 3.2 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 2m thereof.
- 3.3 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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