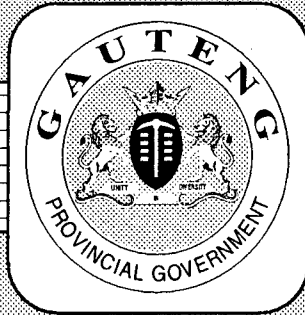


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

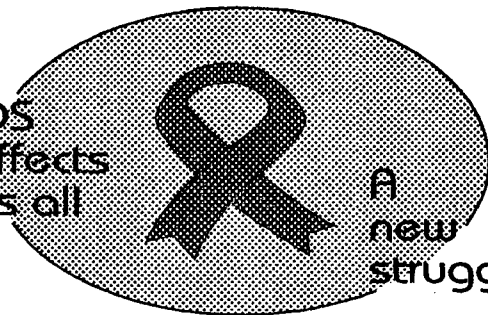
Vol. 10

PRETORIA, 22 NOVEMBER 2004

No. 518

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 2650

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

AKASIA-SOSHANGUVE AMENDMENT SCHEME A201

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 Ninapark Extension 34, 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 Akasia-Soshanguve Amendment Scheme A201.

(K13/2/Ninapark x34 (A201))
21 November 2004

Acting General Manager: Legal Services
(Notice No/2004)

PLAASLIKE BESTUURSKENNISGEWING 2650

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

AKASIA-SOSHANGUVE WYSIGINGSKEMA A201

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 Ninapark Uitbreiding 34, 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 Akasia-Soshanguve-wysigingskema A201.

(K13/2/Ninapark x34 (A201))
21 November 2004

Waarnemende Hoofbestuurder: Regsdienste
(Kennisgewing No/2004)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF NINAPARK EXTENSION 34 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 Ninapark Extension 34 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(K13/2/Ninapark x34)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ERF 527 NINAPARK 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 627 (A PORTION OF PORTION 527) OF THE FARM WITFONTEIN NO 301JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Ninapark Extension 34.

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 -

- a) the following servitudes which do not affect the township;
 - i) The 12,5m wide servitude as indicated on Diagram LG No A5137/45.
 - ii) The 6m wide servitude as indicated on Diagram LG No A7284/89 and as described in Notarial Deed of Servitude K2499/91S.
 - iii) The 8m wide road proclamation as indicated on Diagram LG No A7283/89.
- b) the following conditions which shall not be passed on to the erven in the township;

Conditions A and B in Certificate of Registered Title T21788/2003.

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 R120 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 ACCESS

No ingress from Provincial Road P106-1 to the township and no egress to Provincial Road P106-1 from the township shall be allowed.

1.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of Provincial Road 106-1 and for all stormwater running off or being diverted from the road to be received and disposal of.

1.7 FILLING IN OF EXISTING DITCHES OR DONGAS

The township owner shall at his own expense cause the existing ditches or dongas affecting Erven 1008 to 1011 to be filled in and levelled to the satisfaction of the local authority, when required to do so by the local authority.

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

1.9 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.

1.10 OBLIGATIONS WITH REGARDS TO ESSENTIAL ENGINEERING 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 therefore, as well as the construction of the roads and stormwater drainage system as agreed upon between the township owner and the local authority and stipulated in approval of township dated 4 February 2002.

1.11 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.

1.12 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 portion in the township may be transferred or be dealt with otherwise, unless the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of conditions 1.13.1 to 1.13.7 below.

1.13 THE DEVELOPER'S OBLIGATIONS

1.13.1 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 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 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.

1.13.2 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 Metropolitan Municipality.

1.13.3 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.

1.13.4 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete drawings in respect of internal sewers and sewer connection points, which must accompany every building plan, and complete engineering drawings in respect of the internal road and stormwater sewers.

1.13.5 PROVISION OF ENGINEERING CERTIFICATES

Before any portion of the development is transferred, the City of Tshwane Metropolitan Municipality must be provided with engineering certificates for water, sewerage, electricity, and the internal road and stormwater 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 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 the certain date and must provide the Municipality with a guarantee issued by a recognized financial institution.

1.13.6 APPROVAL OF BUILDING PLANS

Before any portion of the development is transferred, the developer must have building plans approved at the City of Tshwane Metropolitan Municipality in respect of every portion.

1.13.7 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 regards to the sale of the relevant portion and the development of the portion 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 portion. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

1.14 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNER'S ASSOCIATION)

Simultaneously with the first registration of any portion in the Deeds Office, Erf 999 must be transferred to the homeowner's association (Section 21 Company), by and at the expense of the township owner.

1.15 IN FAVOUR OF AND ENFORCEABLE BY THE HOMEOWNERS ASSOCIATION

Each owner of a unit in a sectional title scheme or any part of it or of any interest in it will automatically become and remain a member of the original homeowners association of the township Ninapark Extension 33 and be subject to the statutes of the homeowners association until he/she stops being an owner as hereby contemplated. Neither the erf nor any part of it or an interest in it or a unit on it will be transferred to anyone who has not bound himself/herself, to the satisfaction of the homeowners association, to become a member of the association.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS 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 metre wide, for municipal services (water, sewerage, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 metre 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 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.

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

2.1.1.4 The erf is subject to a servitude of right of way as shown on the General Plan SG No 920/2004 to accommodate road access opportunities in respect of adjacent erven.
