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1.13 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACEL

The township owner shall at his own expense comply with all the conditions imposed by or by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs has granted the applicant authorization in terms of regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

1.14 NATIONAL HERITAGE RESOURCE ACT:

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.15 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 487, 494, 495, 496 and 493 shall be transferred to the Section 21 Company (homeowners' association) or to a Company registered in terms of Section 21 of the Companies Act, 1973 by and at the expense of the township.

1.16 THE DEVELOPER'S OBLIGATIONS

1.16.1 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 erven and/or 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 Kungwini Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the enforcement of architectural guidelines, security control and the communal matters. 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.

1.16.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the Kungwini Local 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.

1.16.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the Kungwini Local 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 it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Kungwini Local 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 Kungwini Local Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the Kungwini Local Municipality with a guarantee issued by a recognized financial institution.

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2. CONDITIONS OF TITLE**2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY KUNGWINI MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)****2.1.1 ALL ERVEN**

- (a) The erf shall be subject to a servitude, (3)m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority and Section 21 Company along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for services, 2m wide, over the entrance portion of the erf, if and when required by the local authority: Provided that the Section 21 Company may waive any such servitude.
- (b) 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 said servitude or within a distance of 2m from it.
- (c) Kungwini 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 Kungwini Local Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Kungwini Local Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 Erf 493

The erf is subject to right of way servitude in favour of all erven in township.

2.1.3 Erf 494

The erf is subject to right of way servitude in favour of all the erven in the township.