

***THE PROVINCE OF
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 360

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9668P

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 Equestria Extension 143, 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 Head: Legal and Secretarial Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9668P.

(13/2/Equestria x143 (9668P))
 ____ February 2007

Acting Head: Legal and Secretarial Services
 (Notice No 493/2007)

PLAASLIKE BESTUURSKENNISGEWING 360

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9668P

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 Equestria Uitbreiding 143, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, 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 Pretoria-wysigingskema 9668P.

(13/2/Equestria x143 (9668P))
 ____ Februarie 2007

Waarnemende Hoof: Regs- en Sekretariële Dienste
 (Kennissgewing No 493/2007)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF EQUESTRIA EXTENSION 143 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 Equestria Extension 143 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x143 (9668P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS (PROPRIETARY) LIMITED 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 565 OF THE FARM THE WILLOWS NO 340JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Equestria Extension 143.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 5807/2006.

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.

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 **R158 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 RECEIVING AND DISPOSAL OF STORM-WATER

The township owner shall arrange the storm-water drainage of the township in such a way as to fit in with that of adjacent roads and he shall receive and dispose of the storm-water running off or being diverted from the road.

1.6 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.

1.7 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.

1.8 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 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.

1.10 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.

1.11 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, 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, (Act 73 of 1989) for the development of this township.

1.12 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.

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

Erven 1033 and 1034 shall be transferred to the Section 21 Company by and at the expense of the township owner.

1.14 THE DEVELOPER'S OBLIGATIONS

1.14.1 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 (i.e. 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.

1.14.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal road and storm-water sewers, prior to the commencement of the construction of the said services.

1.14.3 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 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 aforesaid services. The City of Tshwane Metropolitan 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 City of Tshwane Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan 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.

1.14.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when 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 road and storm-water sewers, which guarantee must be for an amount that is equal to 5% of the contract cost of this civil service and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

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.

2.1.2 ALL ERVEN

As this erf (stand, land, etc) forms part of an area which may be subject to dust pollution and noise as a result of open-cast mining activities past, present or future in the vicinity thereof, the owner thereof accepts that inconvenience with regard to dust pollution and noise as a result thereof, may be experienced.

2.1.3 ERF 1034

2.1.3.1 The entire erf shall be subject to a servitude for engineering services (water, electricity and sewerage) in favour of the City of Tshwane Metropolitan Municipality.

2.1.3.2 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 meters there from,

2.1.4 ERF 1034

The erf is subject to a servitude of right of way in favour of Erven 1008 up to including 1032, as well as in favour of the City of Tshwane Metropolitan Municipality for purposes of exercising its rights as referred to in paragraph 2.1.3.1 and further subject to the use of engineering services in favour of Erven 1008 to 1032.

2.1.5 ERVEN 1008 TO 1032

Upon transfer, the owner of each erf must automatically become a member of the Section 21 Company and remains 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.

2.1.6 ERVEN 1031 AND 1032

The erf is subject to a 3 meters servitude for storm-water services in favour of the Section 21 Company as indicated on the General Plan.

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

VERKLARING VAN EQUESTRIA UITBREIDING 143 TOT GOEDGEKEURDE DORP

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane Metropolitaanse Munisipaliteit hierby die dorp Equestria Uitbreiding 143 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Equestria x143 (9668P))

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR JR 209 INVESTMENTS (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL A EN C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 565 VAN DIE PLAAS THE WILLOWS NO 340JR, GAUTENG, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

1.1 NAAM

Die naam van die dorp is Equestria Uitbreiding 143.

1.2 ONTWERP

Die dorp bestaan uit erwe, parke en strate soos aangedui op Algemene Plan LG No 5807/2006.

1.3 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitude, as daar is, met inbegrip van die voorbehoud van die regte op minerale.

1.4 BEGIFTIGING

Betaalbaar aan die Stad Tshwane Metropolitaanse Munisipaliteit.

Die dorpseienaar moet aan die Stad Tshwane Metropolitaanse Munisipaliteit, as begiftiging, 'n totale bedrag van **R158 000,00** betaal, welke bedrag deur die Stad Tshwane Metropolitaanse Munisipaliteit aangewend moet word vir die verkryging van grond vir park- en/of openbare-oopruimtedoeleindes.

Die genoemde begiftigingsbedrag is betaalbaar kragtens die bepalings van artikel 81 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

1.5 ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van die aangrensende paaie en hy moet die stormwater wat van die pad afloop of afgelei word, ontvang en daarmee wegdoen.

1.6 VERSKUIWING EN/OF VERWYDERING VAN MUNISIPALE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseienaar gedra word.

1.7 SLOPING VAN GEBOEUE EN STRUKTURE

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes en kantruimtes of oor gemeenskaplike grense gelê is, of bouvallige strukture laat sloop tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.8 VERWYDERING VAN ROMMEL

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredenheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.9 VERSKUIWING EN/OF VERWYDERING VAN ESKOM KRAGLYNE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande kraglyne van Eskom te verskuif, moet die koste daarvan deur die dorpseienaar gedra word.

1.10 VERSKUIWING EN/OF VERWYDERING VAN TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande dienste van TELKOM te verskuif en/of te verwyder, moet die koste daarvan deur die dorpseienaar gedra word.

1.11 VOLDOENING AAN VOORWAARDES OPGELÊ DEUR DIE GAUTENGSE DEPARTEMENT VAN LANDBOU, BEWARING EN DIE OMGEWING (DLBO)

Die dorpseienaar sal op sy eie koste voldoen aan al die voorwaardes wat opgelê is deur Departement van Landbou, Bewaring en die Omgewing met die aansoek om vrystelling om aan die bepalinge van Regulasie 1182 en 1183 gepromulgeer ingevolge artikel 21, 22 en 26 van die Wet op Omgewingsbewaring, 1989 (Wet No 73 van 1989) vir die ontwikkeling van die dorpsgebied.

1.12 NASIONALE ERFENIS HULPBRONNE WET

Die dorpseienaar sal op sy eie koste voldoen aan die bepalinge van die Nasionale Erfenis Wet, Wet 25 of 1999 en enige ander voorwaardes wat die dorp mag raak mag in hierdie voorwaardes ingevoeg word as wysigings tot hierdie voorwaardes.

1.13 ERWE OM OORGEDRA TE WORD NA DIE ARTIKEL 21 MAATSKAPPY (HUISEIENAARSVERENIGING)

Erwe 1033 en 1034 moet in die naam van 'n Artikel 21 Maatskappy geregistreer word en moet die koste daarvan deur die dorpseienaar gedra word.

1.14 DIE ONTWIKKELAAR SE VERPLIGTINGE**1.14.1 OPRIGTING EN STATUTE**

Die dorpseienaar moet 'n Artikel 21 Maatskappy (huiseienaarsvereniging) registreer in terme van die Maatskappywet, 1973 (Wet 61 van 1973). 'n Kopie van die geregistreerde Akte van Oprigting (CM4) en die Maatskappy Statute moet ingedien word by die Stad Tshwane Metropolitaanse Munisipaliteit.

Akte van Oprigting en Statute moet duidelik stipuleer dat die hoofdoelwit van die huiseienaarsvereniging die instandhouding van die interne ingenieursdienste van die dorp is (bv paaie en stormwater riolering). Die dorpseienaar moet 'n lid van die Artikel 21 Maatskappy wees, met alle regte en verpligte van 'n gewone lid tot en met die oordrag van die laaste erf.

1.14.2 VOORSIENING VAN INGENIEURSTEKENINGE

Die dorpseienaar moet volledige ingenieurstekeninge met betrekking tot die interne paaie en stormwaterdreinerings by die Stad Tshwane Metropolitaanse Munisipaliteit indien alvorens konstruksie aan enige van die gemelde dienste begin mag word.

1.14.3 VOORSIENING VAN 'N SERTIFIKAAT DEUR 'N PROFESSIONELE INGENIEUR

'n Ingenieursertifikaat voorsien deur 'n Professionele Ingenieur moet by die Stad Tshwane Metropolitaanse Munisipaliteit ingehandig word alvorens enige van erwe oorgedra mag word, met betrekking tot interne paaie en stormwaterdreinerings wat sertifiseer dat die interne ingenieursdienste voltooi is en dat die ingenieur verantwoordelikheid aanvaar vir alle dienste. Die Munisipaliteit mag op eie diskresie 'n uitsondering maak met betrekking tot interne paaie en stormwaterdreinerings. Indien laasgenoemde van toepassing is, moet die dorpsreienaar aan die Munisipaliteit 'n onderneming gee dat die dienste voltooi sal wees teen 'n vasgestelde datum en moet die ontwikkelaar 'n waarborg diensooreenkomstig inhandig wat deur 'n erkende finansiële instelling uitgereik is.

Bouplanne sal nie goedgekeur word alvorens die dienste voltooi en deur die Dienste Departemente oorgeneem is nie (indien van toepassing).

1.21.4 INSTANDHOUDINGSTERMYN EN WAARBORG

'n Twaalf (12) maande instandhoudingstermyne wat 'n aanvang neem met die voltooiing van die laaste interne ingenieursdienste (bv. paaie en stormwaterriolering) sal gehandhaaf word. Die dorpsreienaar moet 'n instandhoudingswaarborg, uitgereik deur 'n erkende finansiële instelling, aan die Artikel 21 Maatskappy voorsien wat vakmanskap en/of materiale waarborg met betrekking tot die paaie- en stormwaterriolering, welke waarborg moet gelykstaande wees aan 'n bedrag wat 5% van die kontrakke vir siviele dienste en bewys van die waarborg moet by die Stad Tshwane Metropolitaanse Munisipaliteit ingehandig word.

2. TITELVOORWAARDES

2.1 DIE ERWE HIERONDER GENOEM, IS ONDERWORPE AAN DIE VOORWAARDES SOOS AANGEDUI, OPGELÊ DEUR DIE STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

2.1.1 ALLE ERWE

2.1.1.1 Die erf is onderworpe aan 'n servituut, 2 meter breed, vir munisipale dienste (water, riool, elektrisiteit, stormwater) (hierna "die dienste" genoem), ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele servituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang. Met dien verstande dat die plaaslike bestuur van enige sodanige servituut mag afsien.

2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde servituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige servituut of binne 'n afstand van 2 meter daarvan geplant word nie.

2.1.1.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeë dinge noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde servituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.

2.1.2 ALLE ERWE

Aangesien hierdie erf (standplaas, grond ens) deel vorm van 'n gebied wat blootgestel mag wees aan stofbesoedeling en geraas as gevolg van oopgroef myn aktiwiteite in die verlede, huidige of toekoms in die omgewing daarvan, aanvaar die eienaar dat ongerief ten opsigte van stofbesoedeling en geraas as gevolg daarvan ondervind mag word.

2.1.3 ERF 1034

2.1.3.1 Die hele erf is onderworpe aan 'n serwituut, vir ingenieurs dienste (water, elektrisiteit en riolering) ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit.

2.1.3.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvan geplant word nie.

2.1.4 ERF 1034

Die erf is onderworpe aan 'n serwituut van reg-van-weg ten gunste van Erwe 1008 tot en met en insluitende Erf 1032, asook ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit soos meer volledig omskryf in paragraaf 2.1.3.1 en verder vir die gebruik van ingenieursdienste ten gunste van Erwe 1008 tot 1032.

2.1.5 ERWE 1008 EN 1032

By oordrag moet die eienaar van elke erf outomaties 'n lid van die Artikel 21-maatskappy word en 'n lid bly totdat hy of sy nie meer die geregistreerde eienaar van daardie erf is nie, en hierdie voorwaarde moet in die titelakte van die gedeelte ingesluit word.

2.1.6 ERWE 1031 EN 1032

Die erwe is onderworpe aan 'n 3 meter serwituut vir stormwater dienste ten gunste van die Artikel 21 Maatskappy, soos op die algemene plan aangedui.
