

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
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IMPORTANT NOTICE

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CITY OF TSHWANE

PRETORIA AMENDMENT SCHEME 9779P

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 Equestria Extension 183, 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 Executive Director: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9779P.

(13/2/Equestria x183 (9779P))
May 2010

Acting Executive Director: Legal Service
(Notice No 336/2010)

PLAASLIKE BESTUURSKENNISGEWING 711

STAD TSHWANE

PRETORIA WYSIGINGSKEMA 9779P

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 Equestria Uitbreiding 183, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Waarnemende Uitvoerende Direkteur: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9779P.

(13/2/Equestria x183 (9779P))
__ Mei 2010

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 336/2010)

CITY OF TSHWANE

DECLARATION OF EQUESTRIA EXTENSION 183 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 Equestria Extension 183 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x183 (9779P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CENTRAL LAKE TRADING 267 (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 566 (A PORTION OF PORTION 81) OF THE FARM THE WILLOWS 340JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Equestria Extension 183.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 11031/2007.

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 –

1.3.1 SPECIALLY SUBJECT FURTHER to a servitude or right-of-way along the road shown on diagram No. A.715/24, annexed to Deed of Transfer No. 10127/1925 in favour of owners of the following portions of portion G of the farm "THE WILLOWS" No. 340, J.R., district Pretoria;

- (i) Portion 3 transferred by Deed of Transfer No 3094/1928 dated 26th March, 1928;
- (ii) Portion 4 transferred by Deed of Transfer No 452/1928, dated 20th January, 1928;
- (iii) Portion 5 transferred by Deed of Transfer No 4671/1928, dated 4th May, 1928; and
- (iv) Portion 12 transferred by Deed of Transfer No 6925/1937, dated the 14th April, 1937

Insofar as the property hereby transferred is affected by such right-of-way.

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay to the City of Tshwane Metropolitan Municipality as endowment a total amount of **R123 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 GDACEL

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation, Environment and Land Affairs 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)

Erf 1319 shall be transferred to the Section 21 Company (homeowners' association) by and at the expense of the township owner within a period of six months after proclamation of the township or prior to the first transfer of an erf in the township, whichever ever the sooner.

1.14 THE DEVELOPER'S OBLIGATIONS

(a) 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. 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.

(b) 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.

(c) PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf (excluding Erf 1319) 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 it is certified that the internal engineering services have been completed and that the engineers accept liability for the 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 recognized 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.

(d) 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 recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity services, 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.

(e) CERTIFICATE OF COMPLIANCE

A Certificate of Compliance needs to be issued by the City of Tshwane Metropolitan Municipality to the effect that the Developer has complied with all the provisions relating to the Section 21 Company type Development.

CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION 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

- (a) The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm-water) (hereinafter referred to as "the services"), in favour of the City of Tshwane Metropolitan Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 m 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.

- (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 such servitude or within a distance of 2m from it.
- (c) 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 Servitude(s) to be registered in favour of the Home Owners Association.

2.1.3.1 The following servitude will be notarially executed and registered prior to or simultaneously with the first transfer of an erf in the township:

(a) Erven 1296 to 1318

The erven shall be subject to a servitude, 2 m wide, for engineering services (water, sewer and electricity), in favour of the Section 21 Company along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude, 2m wide, over the entrance portion of the erf, if and when required, provided that the Section 21 Company may waive such servitude.

2.1.4 ERF 1319

The erf is subject to a servitude of right of way and the use of engineering services in favour of Erven 1296 to 1318.

2.1.5 ERVEN 1296 TO 1318

Upon transfer, the owner of each 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.

Transfer of the erf to a third party is allowed only with the consent of the Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.