

***THE PROVINCE OF
GAUTENG***



***DIE PROVINSIE VAN
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 281 OF 2024****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4641T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****EQUESTRIA EXTENSION 273**

It is hereby notified in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Equestria Extension 273, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme **4641T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4641T (Item 28253))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

29 MARCH 2024
(Notice 112 of 2024)

CITY OF TSHWANE**DECLARATION OF EQUESTRIA EXTENSION 273 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Equestria Extension 273 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4641T (Item 28253))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY LINTON'S CORNER PROPERTIES (PROPRIETARY) LIMITED (REGISTRATION NUMBER 2016/003498/07), IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 560 (A PORTION OF PORTION 12) 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 273.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 2877/2022.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the City of Tshwane may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads and higher lying areas shall be received and disposed of, to the satisfaction of the City of Tshwane.

1.5 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 in terms of Section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF ROADS AND TRANSPORT

1.6.1 The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport (hereafter referred to as Gautrans) has granted consent for the development.

1.6.2 A line of no access will be applicable along Road K69.

1.6.3 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of Gautrans will be erected along the lines of no access on the boundary of the development area fronting on provincial roads.

1.6.4 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erven abutting on Road K69, nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of the Gautrans.

1.6.5 In terms of EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 as signed by the Deputy Director-General: Community Development, a 16m building line from Road K69 is applicable.

1.6.6 The township owner shall arrange for the drainage of the development area to fit in with that of Provincial Road K69 and for all stormwater running off or being diverted from Provincial Roads Road K69 to be received and disposed of. The township owner shall arrange that a services report containing the stormwater design proposals has been approved by the Gauteng Department of Roads and Transport.

1.6.7 No advertisements that may be visible from Provincial Road K69 shall be displayed without the written approval of Gautrans and the Municipality.

1.7 ACCESS CONDITIONS

1.7.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.

1.7.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved township layout plan.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 1 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 REFUSE REMOVAL

2.1.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the City of Tshwane.

2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the City of Tshwane for the removal of all refuse.

2.2 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, TELKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its (or his or her) own costs cause all existing buildings / structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the Municipality, when requested thereto by the Municipality or where buildings / structures are dilapidated.

2.4 CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, consolidate Erven 1911 and 1912 to the satisfaction of the Municipality.

The Municipality hereby grants approval for the consolidation of Erven 1911 and 1912 in terms of Section 16(12)(d) of By-law read with Section 15(6) of the By-law, which consolidation approval shall only come into operation on proclamation of the township and subject to the Section 16(10) certification in term of the By-law by the City of Tshwane.

The Township Owner shall simultaneously with an application for a Section 16(10) certification for the registration of erven in the township apply for a Section 16(10) certification for purposes of the consolidation and shall comply with the conditions of the consolidation and the township for issuing of both certifications.

2.5 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, notorially tie the following erven to the satisfaction of the Municipality (for the purpose of buildings functioning as one development which will connect Equestria Extension 166, Equestria Extension 234 and Equestria Extension 273).

The consolidated Erven 1911 and 1912 in the township, with Erf 1905, Equestria Extension 166 as well as with the consolidated Erven 1911 and 1912, Equestria Extension 273.

2.6 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of Section 16(10) of the By-law read with Section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the township owner and/or owner, to the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner;

prior to the Municipality certifying to the Registrar of Deeds that:

- 2.6.1 all engineering services have been designed and constructed to the satisfaction of the City of Tshwane, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;
- 2.6.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid; all engineering services have been or will be protected to the satisfaction of the City of Tshwane by means of servitudes;
- 2.6.3 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the City of Tshwane have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the City of Tshwane;
- 2.6.4 it is in a position to consider a final building plan; and
- 2.6.5 all the properties have either been transferred in terms of Subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.7 RESTRICTION ON THE TRANSFER OF ERVEN RELATING TO GEOTECHNICAL REQUIREMENTS

A detailed Construction or Phase 2 Geotechnical Report, which must include the mapping details of the trenches and the revised geotechnical map, confirming the soil conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, and geotechnical soil class for each stand within the township must be included. Certification on the method of backfilling of the trenches must also be included.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

All erven shall be made subject to existing conditions and servitudes if any excluding the following:

- 3.1 if the following condition has not been cancelled the township owner shall, at his own cost cause condition to be cancelled or have the township area freed there from:

the following servitude which affect the erven in the township:

Condition A in Deed of Transfer T35575/2022:

- “A. GEDEELTE 1 VAN GEDEELTE F van die die voorgemelde plaas (‘n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan ‘n Serwituut ten gunste van ESKOM om elektrisiteit oor die eiendom te dra en onderworpe aan die voorwaardes soos uiteengesit in Notariele Akte No 64/1957-S.

4. CONDITIONS OF TITLE

- 4.1 Conditions of Title imposed in favour of the City of Tshwane in terms of the section 16(4)(g) of the By-law.

4.1.1 ALL ERVEN

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the City of Tshwane, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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.

4.1.1.3 The City of Tshwane shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 Municipality.

- 4.2 Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended.

4.2.1 ERF 1912

4.2.1.1 The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road K-69.

4.2.1.2 Except for the physical barrier referred to in clause 4.2.1.1 above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m from the boundary of the erf abutting Road K-69 neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

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