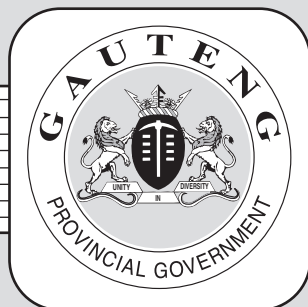


***THE PROVINCE OF  
GAUTENG***



***DIE PROVINSIE VAN  
GAUTENG***

# **Provincial Gazette Provinsiale Koerant**

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**No: 112**

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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS****LOCAL AUTHORITY NOTICE 435 OF 2024****CITY OF TSHWANE METROPOLITAN MUNICIPALITY****TSHWANE AMENDMENT SCHEME 7028T**

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 234, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with Department Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 7028T.

(CPD 9/1/1/1-EQSx234 0015)  
(CPD 9/2/4/2-7028T) (Item 37428))

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

27 MARCH 2024  
(Notice 115/2024)

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****DECLARATION OF EQUESTRIA EXTENSION 234 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 234 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-EQSx234 0015)  
(CPD 9/2/4/2-7028T) (Item 37428))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY LINTON'S CORNER PROPERTIES (PROPRIETARY) LIMITED (REGISTRATION NO 2016/003498/07), UNDER 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 793 (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 234.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 2878/2022.

**1.3 ACCESS**

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

1.3.2 Unless the consent in writing of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works has been obtained, no ingress from Provincial Road K69 to the township and no egress to Provincial Road K69 shall be allowed.

**1.4 RECEIVING AND DISPOSAL OF STORMWATER**

1.4.1 The services report containing the stormwater design proposals has been approved by the Gauteng Department of Public Transport, Roads and Works.

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Road K69 and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Head of the Department: Department of Roads and Transport for approval at the time of the application, i.e. before Township Proclamation.

- 1.4.2 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 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.

**1.6 CONSOLIDATION OF ERVEN**

The township owner shall at his own expense after proclamation of the township but prior to the development of any erf in the township consolidate Erven 1937 and 1938 to the satisfaction of the local authority. The City of Tshwane hereby grants its consent to the consolidation of Erven 1937 and 1938 in terms of Section (12)(d) of the City of Tshwane Land Use Management By-law, 2016, which consolidation shall only come into operation on proclamation of the township and subject to the section 82 certificate being issued by the City of Tshwane.

**1.7 DEMOLITION OF BUILDINGS AND STRUCTURES**

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality, all existing buildings and structures (if any) situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

**1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER**

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

**1.9 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, when required to do so by the Municipality.

**1.10 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.

**1.11 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.

**1.12 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 including if applicable those by which exemption has been granted 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) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.13 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE TRANSFER OF ERVEN

The township owner shall within such period as the City of Tshwane may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the City of Tshwane. Erven may not be transferred into the name of a purchaser prior to the City of Tshwane certifying that sufficient guarantees/ cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said City of Tshwane.

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

1.14.1 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.

1.14.2 Lines of no access will be applicable along Road K69.

1.14.3 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.

1.14.4 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.

1.14.5 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.

1.14.6 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 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.

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

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of section 82 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer.

The township owner shall install and provide internal engineering services in the township as provided for in the services agreement.

The City of Tshwane shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/ LAND:

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the City of Tshwane certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable.

## 2.3 THE TOWNSHIP OWNER'S OBLIGATIONS

### 2.3.1 PROVISION OF ENGINEERING DRAWINGS

The township owner must submit to the City of Tshwane complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design 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.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

The township owner must obtain a way-leave from the City of Tshwane prior to commencement of construction work, if such work will be done on Municipal property.

### 2.3.2 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity), and the road and stormwater have been completed.

A retention guarantee must be issued for a period of 12 months after takeover of the services or proclamation of the township by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services, roads and stormwater and the electricity services, which guarantee must be issued in favour of the local authority for an amount that is equal to 10% of the contract cost, and proof of this must be submitted to the City of Tshwane.

## 2.4 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.

## 2.5 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to development of any erf/unit in the township, notarially tie the following erven to the satisfaction of the City of Tshwane (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 1937 and 1938 in the township, with Erf 1905, Equestria Extension 166 as well as with the consolidated Erven 1911 and 1912, Equestria Extension 273.

## 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes if any.

#### 4. CONDITIONS OF TITLE

##### 4.1 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)

###### 4.1.1 ALL ERVEN

4.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the City of Tshwane, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the City of Tshwane may waive any such servitude.

4.1.1.2 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 2m from thereof.

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

##### 4.2 CONDITIONS OF TITLE IMPOSED BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY ON BEHALF OF 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 1937 AND 1938

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).

##### 4.3 SERVITUDES IN FAVOUR OF THIRD PARTIES

###### 4.3.1 ALL ERVEN

The erf shall be subject to a servitude, 2 wide, for stormwater purposes in favour of Erven 1911 and 1912, Equestria Extension 273 (or any consolidation thereof), as indicated on the General Plan SG No 2878/2022.

###### 4.3.2 ERF 1938

The erf shall be subject to a servitude for a stormwater structure (attenuation pond) in favour of the City of Tshwane and Erven 1911 and 1912, Equestria Extension 273 (or any consolidation thereof), as indicated on the General Plan SG No 2878/2022.

###### 4.3.3 ALL ERVEN

The erf shall be subject to a right of way servitude, 10 wide, in favour of the Remaining Extent of Portion 322 of the farm The Willows 340 JR, as indicated on the General Plan SG No 2878/2022.

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