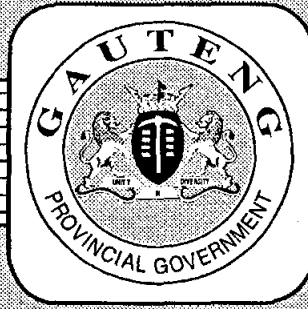


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**
Other countries • Buitelands: **R3,25**

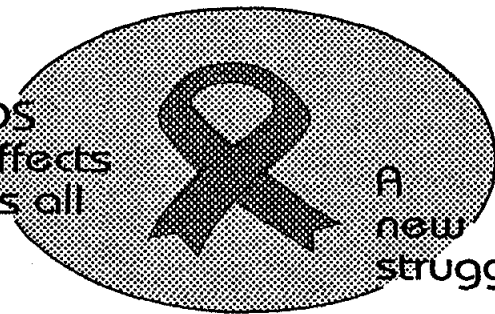
Vol. 11

PRETORIA, 25 NOVEMBER 2005

No. 504

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 3075

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9616P

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 192, 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 General Manager: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9616P.

(13/2/Equestria x192 (9616P))
 ___ November 2005

Acting General Manager: Legal Services
 (Notice No 1121/2005)

PLAASLIKE BESTUURSKENNISGEWING 3075

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9616P

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 192, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9616P.

(13/2/Equestria x192 (9616P))
 __ November 2005

Waarnemende Hoofbestuurder: Regsdienste
 (Kennisgewing No 1121/2005)

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CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF EQUESTRIA EXTENSION 192 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 192 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x192 (9616P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY EKOSTO 1019 (PTY) LTD IN TERMS OF 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 269 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 192.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 7901/2005.

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 the following:

- “(b) Specially subject further to a servitude of right of way along the road shown on Diagram No A715/24, annexed to Deed of Transfer 10127/1925 in favour of the owner of the following portions of Portion G of the farm “THE WILLOWS” no 23, district Pretoria;
- (i) Portion 3 transferred by Deed of Transfer No 3094/1928, dated 28th March 1928;
- (ii) Portion 4 transferred by Deed of Transfer No 452/1928, dated 30th 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 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 the City of Tshwane Metropolitan Municipality as endowment a total amount of R83 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 STORMWATER

The township owner shall arrange the stormwater 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 stormwater 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 TO CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agricultural, 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, 1989 (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 (HOME OWNERS ASSOCIATION)

Erf 1163 shall be transferred to the Section 21 Company (Homeowners' association) 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 (ie water, sewerage, electricity, and the road and stormwater 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 Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete engineering drawings in respect of the internal road and stormwater sewers as well as water and electricity services, 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 Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and stormwater sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Municipality may at its own discretion allow an exception in respect of the internal road and stormwater sewers. If this is the case, the developer must give the Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the 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.

1.14.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (ie water, sewerage, electricity, and the road and stormwater 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 Municipality.

1.14.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the Municipality, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the Municipality must be notified of this without delay.

1.14.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the Municipality in respect of every erf, in accordance with the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the Municipality.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.14.7 PROOF OF DEED OF SALE AND FINANCING

The developer must submit proof that there is a valid and enforceable deed of sale between the developer and the buyer with regard to the sale of the relevant erf and the development of the erf by the developer in accordance with the approved plan. The developer must also provide proof that a loan for the proposed development has been approved in respect of each erf. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

1.14.8 Building plans must be approved according to the approved Site Development Plan 371/03. Building plans must be approved on each individual erf before any portion may be dealt with or transferred in the Deeds Office.

1.14.9 The owner/developer of the original erf shall be responsible for the provision and/or replacement and/or alteration and/or removal of the internal services on the erf/erven up to where it is connected to the municipal network at his cost to the satisfaction of the City of Tshwane Metropolitan Municipality (acting Manager: Building Control), where necessary, such services shall be protected with appropriate servitudes to the satisfaction of the City of Tshwane Metropolitan Municipality, it should, however, be clearly understood that the Municipality does not accept any responsibility for the provision and/or replacement and/or alteration and/or removal thereof.

1.14.10 A condition shall be registered against the title deeds of the portions concerned, to read as follows: "The herein mentioned property shall be transferred to a third party only with the consent of the Acting Manager: building Control once the dwelling house/dwelling unit has been completed in accordance with the approved site development plan and after an occupation certificate has been issued in terms of the applicable legislation."

1.14.11 A complete section 21 drainage plan has to be submitted to the Acting Manager: Building Control, by the responsible engineer. These drainage plans need also to be placed on each separate building plan. These plans have to indicate the section 21 company drainage connection points as well as distances from boundaries.

1.14.12 All existing buildings as indicated on the subdivision sketch plan must be demolished. Although no building older than sixty years may be altered or demolished without the written permission of the Gauteng Heritage resources Agency. However, before any building may be demolished, a demolishing permit must first be obtained from the Acting Manager: Building Control. If worth preserving, the input of Gauteng Heritage resources Agency must be obtained. The work must be completed before transfer or registration of the property may take place in the Deeds Office. Proof of the demolitions must be provided by means of photo evidence.

- 1.14.13 The proposed Erf 1163 represents a right of way servitude for access and services and shall be registered in favour of all the proposed erven.
- 1.14.14 The owner/developer shall be responsible for the construction of the proposed Erf 1163 access road to the satisfaction of the City of Tshwane Metropolitan Municipality (Acting Manager: Building Control). This condition has to be complied with for purposes of registration in the Deeds Office.
- 1.14.15 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.

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 1163

The erf is subject to a servitude of right of way and the use of engineering services in favour of Erven 1121 to 1162.

2.1.4 ERVEN 1121 TO 1162

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.

2.1.5 ERVEN 1130 TO 1138

The figures as depicted on the General Plan represent a 3 m stormwater and sewer servitude in favour of the City of Tshwane Metropolitan Municipality.

2.1.6 ERF 1131

The figures as indicated on the general plan represents a stormwater servitude and shall be registered over the said erf in favour of the Section 21 Company BY VIRTUE OF A NOTARIAL DEED.

2.1.7 ERVEN 1133, 1135, 1147, 1149, 1152, 1154, 1151, 1150, 1157, 1160, 1162, 1159, 1158, 1155 AND 1124 TO 1130

Subject to a sewer servitude as indicated on the general plan, which shall be registered in favour of the Section 21 Company BY VIRTUE OF A NOTARIAL DEED.
