

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 17

**PRETORIA, 25 MAY
MEI 2011**

No. 99

IMPORTANT NOTICE

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 638

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 292T

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

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 Tshwane Amendment Scheme 292T.

(13/2/Equestria x230 (292T))
__ May 2011

Acting Executive Director: Legal Services
(Notice No 319/2011)

PLAASLIKE BESTUURSKENNISGEWING 638

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 292T

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 230, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, 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 Tshwane wysigingskema 292T.

(13/2/Equestria x230 (292T))
__ Mei 2011

Uitvoerende Direkteur: Regsdienste
(Kennisgewing No 319/2011)

CITY OF TSHWANE

DECLARATION OF EQUESTRIA EXTENSION 230 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 230 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x230 (292T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BUNKER HILL INVESTMENTS 479 (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 246 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 230.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan LG No 3896/2010.

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 the following conditions/servitudes which do not affect the erven in the township:

“3. Specially subject to a servitude of right of way along the road shown on Diagram No A 715/1924, annexed to Deed of Transfer No 10127/1928, in favour of the owners of the following portions of Portion G of the farm “The Willows” No 23, district Pretoria:

3.1 Portion 3 transferred by Deed of Transfer No 3094/1928, dated 26th March 1928;

3.2 Portion 4 transferred by Deed of Transfer No 452/1928 dated 20th January, 1928;

3.3 Portion 5 transferred by Deed of Transfer No 4671/1928 dated 4th May, 1928; and

3.4 Portion 12, transferred by Deed of Transfer No 6925/1937 dated 14th April 1937”

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay endowment for an area of **284m²** and the amount of **R137 000** in terms of Regulation 44(1) of the Town-planning and Townships Regulations to the Municipality. The amount for this area shall be used by the 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 the adjacent road 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 to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane 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, 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 DACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation and Environment as well as any other applicable provisions, in terms of the provisions of the Environment Conservation Act, 73 of 1989 or the National Environmental Management Act, 107 of 1998 as the case may be.

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 1744 shall be transferred to the homeowners' association (Section 21 Company), within a period of 6 (six) months after proclamation of the township or prior to the first transfer of the first erf in the township which ever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 1744 in favour of Erven 1701 to 1742 and the City of Tshwane.

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). A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane.

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.

1.14.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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.

1.14.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which 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 storm water 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 (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 service, 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.

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 City of Tshwane, 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 City of Tshwane 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 City of Tshwane 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 City of Tshwane.

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 A building plan must be submitted for the guard house on the proposed Erf 1744. The approval for this building plan must be obtained before transfer or registration may take place in the Deeds Office.

1.14.8 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.

2. 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

2.1.1.1 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, 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.

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 m from it.

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

2.1.2 ERVEN 1702, 1711, 1712 and 1744

The erf shall be subject to a servitude 3m wide for municipal services (stormwater and sewerage) in favour of the Municipality as indicated on the General plan.

2.1.3 ERF 1743

The erf shall be subject to a right of way and services servitudes in favour of Erven 1736 and 1742 as indicated on the General plan.

2.1.4 ERVEN 1736 AND 1742

The erven are entitled to a servitude of right of way and services servitudes over Erf 1743 as indicated on the General Plan.

2.1.5 ERVEN 1702 TO 1715, 1716 TO 1725

The erven are subject to a 2m Municipal servitude for sewerage purposes.

2.1.6 ERVEN 1701 TO 1742

The herein mentioned property shall be transferred to a third party only with the consent of the Building Control Division, (Property Services) once the dwelling house/dwelling unit has been completed in accordance with the approved Site Development Plan SDP4/66/10 and after an Certificate of Occupation has been issued in terms of the applicable legislation.

2.2 CONDITIONS IN FAVOUR OF THE SECTION 21 COMPANY

The following servitudes/conditions in favour of the Section 21 Company must notarially be executed and registered in the Office of the Registrar of Deeds before or simultaneously with the transfer of an erf in the township:

2.2.1 ALL ERVEN

2.2.1.1 The erven shall be subject to a servitude, 2 m wide, for engineering services (water, sewer, electricity and storm water) (hereinafter referred to as "the services"), in favour of the Section 21 Company, along any two boundaries, except a street boundary and, in the case of a panhandle erf, an additional servitude for services purposes, 2 m wide, over the entrance portion of the erf if and when required by the local authority: Provided that the Section 21 Company may waive any such servitude.

2.2.1.2 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 m from it.

2.2.1.3 The Section 21 Company 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 Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.2.2 ERF 1702, 1711, 1712 AND 1744

2.2.2.1 The erf shall be subject to a servitude (3m wide) for stormwater in favour of the Section 21 Company, as indicated on the layout plan.

2.2.2.2 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 m therefrom.

2.2.2.3 The Section 21 Company 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 essential, and furthermore the the Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.

2.2.3 ERF 1744

The erf is subject to a servitude of right of way, access, access control and engineering services in favour of Erven 1701 to 1743.

2.2.4 ERVEN 1701 TO 1743

The erven are entitled to a servitude of right of way, access, access control and engineering services over Erf 1744.

2.2.5 ERVEN 1701 UP TO AND INCLUDING 1742

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.

2.2.6 ERVEN 1735 TO 1743

The erven are subject to a 2m Municipal servitude for sewerage purposes.
