

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	LOCAL AUTHORITY NOTICE		
29	Town-planning and Townships Ordinance (15/1986): City of Tshwane: Tshwane Amendment Scheme 397T	3	4

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 29

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 397T

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

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 397T.

(13/2/Equestria x176 (397T))
__ January 2014

Chief Legal Counsel
(Notice No 173/2014)

PLAASLIKE BESTUURSKENNISGEWING 29

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 397T

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 176, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 397T.

(13/2/Equestria x176 (397T))
__ Januarie 2014

Hoofregsadviseur
(Kennisgewing No 173/2014)

CITY OF TSHWANE

DECLARATION OF EQUESTRIA EXTENSION 176 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 176 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x176 (397T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BUNKER HILLS INVESTMENTS 479 (PTY) LIMITED 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 626 (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 176.

1.2 DESIGN

The township consists of erven as indicated on General Plan SG No 2537/2013.

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 minerals, but excluding –

1.3.1 The pipeline servitude, two (2) metres wide, in favour of the City of Tshwane Metropolitan Municipality (formerly the City Council of Pretoria), by virtue of Notarial Deed K7780/1996S, which affects Erven 1574 to 1579, 1594 to 1596, in the Township only.

1.3.2 The servitude for general municipal services, 3 738m² in extent, in favour of the City of Tshwane Metropolitan Municipality (formerly the City Council of Pretoria), by virtue of "Akte van Sessie" K2302/1997S which affects Erf 1596, in the Township only.

1.4 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Municipal: Erf 1596

1.5 ENDOWMENT

The township owner shall, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment to the local authority (in lieu of) or for the (shortfall in the) provision of land for a park (public open space) equal to 936m² or pay a lump sum for 173m² and provide open spaces of 763m².

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the storm-water drainage of the township in such a way as to fit in with that of Ou Klipmuur Avenue and he shall receive and dispose of the storm-water running off being diverted from the road.

1.7 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.

1.8 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.

1.9 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 Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan 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 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.

1.13 NATIONAL HERITAGE RESOURCES ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resources Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.14 LAND TO BE TRANSFERRED TO THE NON-PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 1594 and 1595 shall be transferred to the Non-profit 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 is the sooner.

1.15 THE DEVELOPER'S OBLIGATIONS

1.15.1 MEMORANDUM OF INCORPORATION

The developer must at his own cost establish a Non-profit Company (homeowners' association) in terms of the provisions of the Companies Act, 2008 (Act 71 of 2008). All the owners of units in the township must become members of the Non-profit Company. A copy of the registered Memorandum of Incorporation must be submitted to the City of Tshwane Metropolitan Municipality.

The Memorandum of Incorporation 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 Non-profit Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

1.15.2 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.

1.15.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf 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.

1.15.4 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 Non-profit 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.

1.15.5 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 Metropolitan 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 City of Tshwane Metropolitan Municipality must be notified of this without delay.

1.15.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the City of Tshwane Metropolitan Municipality in respect of every erf, excluding Erf 1594, in accordance with the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the City of Tshwane Metropolitan 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.

1.15.7 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.

2. CONDITIONS OF TITLE

2.1 CONDITION OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/ CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered.

2.1.1 ERVEN 1554 UP TO AND INCLUDING 1593

The erven are subject to the following conditions in favour of the Non-profit Company to be created on transfer of erven to any purchaser:

Upon transfer, each and every owner of an erf in the township shall automatically become a member of the Home Owners Association (Non-profit Company) for the development (hereinafter referred to as the "Association") and the township owner shall procure that each erf be made subject to the following conditions in favour of the Association.

2.1.1.1 Every owner of the erf or owner of any subdivided portion of an erf or owner of any unit thereon, shall on transfer automatically become and remain a member of the Association and shall be subject to its Constitution until he/she ceases to be an owner as aforesaid and the property may not be transferred without the consent in writing of the Association, which condition must be included in the title deed of the portion.

2.1.1.2 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.

2.1.2 ERVEN 1554 UP TO AND INCLUDING ERF 1572 AND ERVEN 1587 UP TO AND INCLUDING ERF 1593

Erven 1554 up to and including Erf 1572 and Erven 1587 up to and including Erf 1593 are subject to a servitude, 2m wide for sewerage purposes as shown on the General Plan, in favour of the Non-profit Company.

2.1.3 ERF 1581

Erf 1581 is subject to a servitude (5m² in extent) for sewerage purposes as shown on the General Plan, in favour of the Non-profit Company.

2.1.4 ERF 1567

Erf 1567 is subject to a servitude, 3,0m wide for a stormwater purposes as shown on the General Plan, in favour of the Non-profit Company.

2.1.5 ERF 1594

The erf is subject to a servitude of right of way and the use of engineering services in favour of Erven 1554 up to and including 1593 as depicted on the General Plan.

2.1.6 ERVEN 1554 UP TO AND INCLUDING 1593

The erven are entitled to a right of way and the use of engineering services over Erf 1594 as depicted on the General Plan.
