

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 44 OF 2017**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****TSHWANE AMENDMENT SCHEME 4030T**

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

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

This amendment is known as Tshwane Amendment Scheme 4030T.

(13/2/Equestria x264 (4030T))
__ MARCH 2017

GROUP LEGAL AND SECRETARIAT SERVICES
(Notice 218/2017)

PROKLAMASIE 44 VAN 2017**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 4030T**

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

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur Groep Regs- en Sekretariaat Dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Tshwane wysigingskema 4030T.

(13/2/Equestria x264 (4030T)
__ MAART 2017

GROEP REGS- EN SEKRETARIAAT DIENSTE
(Kennisgewing 218/2017)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY**DECLARATION OF EQUESTRIA EXTENSION 264 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 264 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Equestria x264 (4030T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY BUNKER HILLS INVESTMENTS 479 (PROPRIETY) 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 755 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 264.

1.2 DESIGN

The township shall consist of erven and a street as indicated on General Plan SG No 3645/2016.

1.3 ENDOWMENT

The township owner shall pay in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality as endowment a total amount of **R189 000,00** for an area of **571m²**. The amount of this area 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).

1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes if any, excluding the following conditions/servitude which affect Furrow Road only:

Condition 2 in Deed of Transfer T67744/2015.

"2. Subject to the following conditions:-

A servitude in favour of the Council is granted over the said Property, 2,13m (two comma one three) meters wide, parallel along the eastern boundary of the said property as more fully indicated by the line AB on Diagram S.G. No. A3148/47, for the proper installation and maintenance of the municipal services, including the widening of the road, known as Furrow Road as will more fully appear in Notarial Deed of Servitude K6198/2004S.

Subject to:

- 1. That the Council shall be entitled to broaden the road within the servitude area together with right of access thoroughfare at all times for the purpose of inspection, maintenance, repairs, extension or reconstruction for the Council, it's officials, employees and other duly authorised thereto by him.*
- 2. That the Council shall be entitled to temporarily deposit any material it excavates during the laying, maintenance or removal of pipelines and the building of the road on land adjoining this servitude area and that the Council shall further be entitled to reasonable access to the said property for the aforesaid purpose.*
- 3. That the Council shall not be liable for any physical injury, loss of life or loss of or damage to anything within the servitude area caused by, or resulting from or related to anything which is done or performed bona fide in the exercising or performance of a power, activity or duty in terms of the rights granted to the Council under the deed of servitude and/or any legislation.*
- 4. That no permanent building or structures shall be erected or paving laid in the servitude area.*
- 5. That no tree or shrubs shall be planted or rock-gardens or earth mounds made in the servitude area.*
- 6. That not trees with large roots shall be planted within a distance of 2 metres from this servitude area.*
- 7. That the servitude area and/or the route of the services shall be indicated by means of beacons, and that the said beacons shall not be disturbed without the Council's written consent.*
- 8. That any excavations and/or blasting with explosives in, or in the vicinity of the servitude area, shall only be authorised after the said Council's written consent hereto shall have been obtained."*

1.5 ACCESS

Access to the township shall be designed, constructed and maintained to the satisfaction of the Municipality.

1.6 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 storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Municipality for approval at the time of the application, i.e. before Township Proclamation.

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 Municipality 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 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 Municipality, 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 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.

1.13 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOME OWNER'S ASSOCIATION)

Erven 1878 and 1879 shall be transferred to the Non-profit Company (homeowners' association) within a period of 6 months after proclamation of the township or when the first erven in the township becomes transferable 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 1879 in favour of the Municipality and all the erven in the township.

1.14 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local Authority 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 local authority. Erven may not be alienated or transferred into the name of a purchaser prior to the Local Authority 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 Local Authority.

1.14.1 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 or with any other act of registration such as the issuing of a Certificate of Title.

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

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

1.14.2 THE DEVELOPER'S OBLIGATIONS

1.14.2.1 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 erven and/or 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 non-profit company's property and the internal engineering services of the development (i.e. water, sewerage, electricity, roads and stormwater). 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.

1.14.2.2 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.

1.14.3 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.

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 (EXCEPT ERF 1879)

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 local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m 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 servitudes.

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 2m from thereof.

2.1.1.3 The 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 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 1846 TO 1861

The erven are entitled to a 2m wide sewer servitude over Erf 1878 as indicated on the General Plan.

2.1.3 ERVEN 1836 TO 1878

The erven are entitled to a general servitude for right of way, services and access control over Erf 1879 as indicated on the General Plan.

2.1.4 ERF 1879

The erf is subject to a general servitude for right of way, services and access control in favour of Erven 1836 to 1878 and the Municipality as indicated on the General Plan.

2.1.5 ERF 1878

The erf is subject to a 2m wide sewer servitude in favour of Erven 1846 to 1861 as indicated on the General Plan.

3. CONDITIONS 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:

3.1 ERVEN 1837 TO 1861 AND 1870 TO 1877

The erven are subject to a 2m wide sewer servitude in favour of the Non-profit Company as indicated on the General Plan.

3.2 ERF 1861

The erf is subject to a 2m wide sewer and stormwater servitude in favour of the Non-profit Company as indicated on the General Plan.

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