

***THE PROVINCE OF
GAUTENG***



***DIE PROVINSIE VAN
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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 938 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4751T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****EQUESTRIA EXTENSION 214**

It is hereby declared that in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Equestria Extension 214 is an approved township, subject to the conditions as set out in the schedules hereto.

It is hereby notified in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Equestria Extension 214, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme **4751T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4751T (Item 28685))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ AUGUST 2021
(Notice 132 of 2021)

CITY OF TSHWANE**DECLARATION OF EQUESTRIA EXTENSION 214 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Equestria Extension 214 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4751T (Item 28685))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY PHONIC PROPERTIES PROPRIETARY LIMITED 2004/025542/07, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 535 (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 214.

1.2 DESIGN

The township consists of erven and streets as indicated on the General Plan No 2501/2019.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

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 Municipality.

1.5 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 in terms of section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 ACCESS CONDITIONS

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

1.6.2 Access to or egress from the township shall only be permitted via Stellenberg Road.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 REFUSE REMOVAL

2.1.1 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.

2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for the removal of all refuse.

2.2 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, TELKOM and/or ESKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the Municipality, when requested thereto by the Municipality or where buildings/structures are dilapidated.

2.4 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to the Registrar of Deeds for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner;

prior to the Municipality certifying to the Registrar of Deeds that:

- 2.4.1 all engineering services have been designed and constructed to the satisfaction of the Municipality, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;
- 2.4.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- 2.4.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.4.4 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;
- 2.4.5 it is in a position to consider a final building plan; and
- 2.4.6 all the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.5 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall in terms of section 47(7)(a) of the By-law secure private open space of at least 5 884m² by means of a servitude over the property in favour of the Erven in the Township and the Municipality for purposes of the protection of open spaces in lieu of the provision of open spaces and parks contemplated in Section 47 of the By-law.

2.6 RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN CONTEMPLATED IN SECTION 16(11) READ WITH SECTION 34 AND SCHEDULE 19 OF THE BY-LAW TO A NON PROFIT COMPANY

Erf 1887 shall, prior to or simultaneously with registration of the first transfer of a unit in the township and at the costs of the township owner, be transferred only to the Non Profit Company for the township which organization shall have full responsibility for the functioning and proper maintenance of the said erven and the engineering services within the said township.

A servitude for access and municipal services shall be registered over Erf 1887 in favour of the General Public.

The erf may not be transferred thereafter by the Non Profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

The township owner shall comply with the provisions of section 34 read with Schedule 19 of the By-law in the establishing of a Non Profit Company.

The township owner shall, at its own costs and to the satisfaction of the Municipality, remove all refuse, building rubble and/or other materials from Erven 1887 and 1888, prior to the transfer of the erven in the name of the Non Profit Company.

2.7 ESTABLISHMENT OF A NON PROFIT COMPANY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his/her own cost establish a Non Profit Company ("NPC") in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the Company being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such a Company has been duly registered, before a section 16(10) Certificate shall be issued in terms of the By-law.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to a NPC for purposes of access and engineering services.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

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

Excluding the following which only affects Erf 1888

- 3.1 A servitude in favour of the City of Tshwane Metropolitan (City Council of Pretoria) for municipal purposes, 313 square metres and indicated by figures ABCD on diagram SG No 12802/1997 and held by Notarial Deed of Servitude K1571/1998S.
- 3.2 A servitude in favour of the City of Tshwane Metropolitan (City Council of Pretoria) for sewerage purposes, 2 metres wide with centre line of which is indicated by figure AB on diagram SG 1250/1998 and held by Notarial Deed of Servitude K322/1999S.
- 3.3 By virtue of Notarial Deed of Servitude K7512120088, dated July 2008, the within mentioned property is subject to a storm water servitude in favour of Erf 1171, Equestria Extension 181, over the servitude area described in servitude Diagram SG No 3634/2008 by the figure ABCDA measuring 173 (One Seven Three) square metres as will more fully appear from Notarial Deed.

4. CONDITIONS OF TITLE

- 4.1 Conditions of Title imposed in favour of the Municipality in terms of the section 16(4)(g) of the By-law.

4.1.1 ALL ERVEN (EXCEPT ERF 1888)

- 4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the Municipality: Provided that the Municipality may dispense with any such servitude.
- 4.1.1.2 No building or other structure or any part of its foundation shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.
- 4.1.1.3 The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the Municipality.

4.1.2 ERF 1888

4.1.2.1 The entire erf as indicated on the General Plan No 2501/2019, is subject to a 3m servitude for stormwater along the western boundary in favour of the Municipality.

4.1.2.2 The erf shall not be alienated or transferred into the name of any purchaser other than the NPC (Non Profit Organisation) without the written consent of the Municipality first having been obtained.

4.1.2.3 The NPC (Non Profit Company) shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.

1.4.3 ERF 1887

1.4.3.1 The NPC (Non Profit Company) shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.

4.2 Conditions of Title imposed in favour of third parties to be registered/created on the first registration of the erven concerned.

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered.

4.2.1 ERF 1887

Each and every owner of the erf or owners of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of the NPC (Non Profit Company) and shall be subject to its memorandum of incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the NPC(Non Profit Company) certifying that the provisions of the Memorandum of Incorporation have been complied with.

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