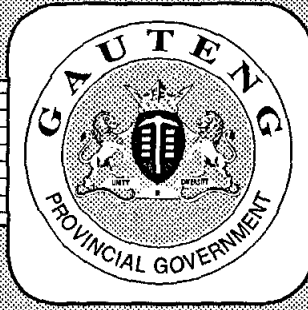


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

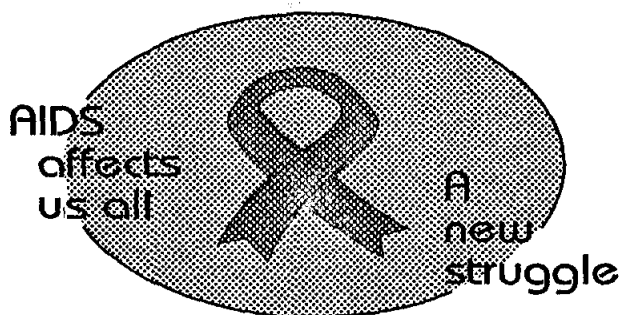
Selling price • Verkoopprijs: R2,50  
Other countries • Buitelands: R3,25

**Vol. 10**

**PRETORIA, 1 OCTOBER  
OKTOBER 2004**

**No. 410**

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## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 2100

#### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

##### PRETORIA AMENDMENT SCHEME 9458

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 Moreletapark Extension 75, 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 9458.

(K13/2/Moreletapark x75 (9458))

\_\_ September 2004

**Acting General Manager: Legal Services**

(Notice No 928/2004)

### PLAASLIKE BESTUURSKENNISGEWING 2100

#### STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

##### PRETORIA WYSIGINGSKEMA 9458

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 Moreletapark Uitbreiding 75, 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 9458.

(K13/2/Moreletapark x75 (9458))

\_\_ September 2004

**Waarnemende Hoofbestuurder: Regsdienste**

(Kennisgewing No 928/2004)

#### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

##### DECLARATION OF MORELETAPARK EXTENSION 75 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 Moreletapark Extension 75 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(K13/2/Moreletapark x75)

##### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY USTICA 1071 CC 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 592 (A PORTION OF PORTION 503) OF THE FARM GARSTFONTEIN 374JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Moreletapark Extension 75.

##### 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 8931/2003.

### 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 -

a) the following servitudes which do not affect the township;

"5 KRAFTENS Notariële Akte Nr K1325/1975S, gedateer die 21ste MEI 1975, is 'n pyplynserwituut gesedeer aan die REPUBLIEK VAN SUID-AFRIKA, geheg aan gemelde Notariële Akte, soos meer volledig sal blyk uit gemelde Notariële Akte.

6. BY virtue of Notarial Deed No K746/1995S, dated the 19<sup>th</sup> DECEMBER, 1994, the within mentioned Property is subject to a Servitude, to convey water, by means of pipelines already laid, and which may hereafter be laid, along a strip of ground, 1,0188 hectares in extent, as indicated by the figures ABCD on Diagram SG No A9457/1992, as will more fully appear from the said Notarial Deed."

b) the following servitude which affects Erven 7202, 7203, 7204, 7205, 7206 and 7219 (Park) in the township only;

"7. ONDERHEWIG aan 'n Riolpyplynserwituut, 3,00 meter wyd, ten gunste van die STADSRAAD VAN PRETORIA, die hartlyn van welke Serwituut aangedui word deur die lyn a'bcdefg', op die heraangehegte Kaart LG Nr 10320/1998."

c) the following servitude which affects Erven 7205, 7206, 7207, 7209, 7210, 7212, 7214, 7216, 7217 and 7218 in the township only;

"A servitude for Municipal purposes in favour of the City of Tshwane Metropolitan Municipality, as will more fully appear on Diagram SG 8930/2003 and registered by virtue of Notarial Deed of Servitude K190/2004."

### 1.4 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the local authority by and at the expense of the township owner:

Parks (public open space) : Erf 7219 (Park).

### 1.5 ACCESS

No ingress from Provincial Road K50 to the township and no egress to Provincial Road K50 from the township shall be allowed.

### 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 Road K50 and he shall receive and dispose of the stormwater running off or 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 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Director-General: Department of Transport and Public Works, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

## 1.9 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.

## 1.10 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.

## 1.11 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.

## 1.12 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.

## 1.13 RESTRICTION ON THE ALIENATION OF LAND IN RESPECT OF ERVEN 7184 UP TO AND INCLUDING ERF 7217

Regardless of the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of conditions 1.14.1 to 1.14.5 and 1.15 inclusive below.

## 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 APPROVAL OF BUILDING PLANS

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 TRANSFER OF LAND TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 7218 shall be transferred to the homeowners' association (Section 21 Company) by and at the expense of the township owner.

## 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 ERVEN 7202 AND 7210

2.1.2.1 The erf is subject to a servitude of right of way, 2 metres wide, in favour of Erven 7184 up to and including Erf 7217, as indicated on the general plan.

2.1.2.2 No buildings or other structures may be erected within the aforesaid servitude area.

**2.1.3 ERVEN 7185, 7189 AND 7196**

The erf shall be subject to a servitude for road purposes in favour of the Gauteng Department of Public Transport, Roads and Works and the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

**2.1.4 ERVEN 7184 UP TO AND INCLUDING ERF 7218**

- (a) Any owner of an erf, or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Titles Act 95 of 1986, shall become and shall remain a member of the HOME OWNERS ASSOCIATION and be subject to its MEMORANDUM AND ARTICLES OF ASSOCIATION until it ceases to be an owner as aforesaid. No erf or any subdivision thereof, or any interest therein, or any unit thereon, shall be transferred to any person who has not committed itself to the satisfaction of the HOME OWNERS ASSOCIATION to become a member of the HOME OWNERS ASSOCIATION.
- (b) The owner of the erf or any subdivision thereof, or any interest therein, or any unit as defined in terms of the Sectional Titles Act 95 of 1986, shall not be entitled to transfer the erf or any subdivision or any interest therein, or any unit thereon, without a clearance certificate from the HOME OWNERS ASSOCIATION that all monies have been paid.
- (c) The term HOME OWNERS ASSOCIATION in the above context shall refer to the WOODHILL LAVENDER HOME OWNERS ASSOCIATION No. 2003/007231/08 (Owners Association incorporated under Section 21 of the Companies Act).

**2.1.5 ERVEN 7185 AND 7193**

- (i) The erven shall be subject to a servitude for electricity purposes (mini-substation) 6,0m x 3,0m in extent, in favour of the Section-12 Company, as indicated on the general plan.
- (ii) 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 it.

