

***THE PROVINCE OF
GAUTENG***

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 131

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9596P

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 78, 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 Head: Legal and Secretarial Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9596P.

(13/2/Moreletapark x78 (9596P))
 __ January 2007

Acting Head: Legal and Secretarial Services
 (Notice No 414/2007)

PLAASLIKE BESTUURSKENNISGEWING 131

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9596P

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 78, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9596P.

(13/2/Moreletapark x78 (9596P))
 __ Januarie 2007

Waarnemende Hoof: Regs- en Sekretariële Dienste
 (Kennisgewing No 414/2007)

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CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MORELETAPARK EXTENSION 78 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 78 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Moreletapark x78)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY EASTSIDE COMMUNITY CHURCH 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 A PART OF PORTION 285 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 78.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 5426/2005.

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 which do not affect the township area, namely;

- (i) Condition 1 of Deed of Transfer T46430/1974 that pertains to the Remaining Extent of Portion of the farm GARSTFONTEIN No 374, Registration Division JR, district Pretoria, that reads as follows:

“The Remaining Extent of Portion of the farm GARSTFONTEIN No 374, Registration Division, district Pretoria, measuring 369,7710 Hectares (of which the property held hereunder forms a portion) is;

- (a) Entitled to the free and undisturbed use of water arising on Portion “E” of Portion of the said farm Garstfontein, as held under Certificate of Partition Transfer No 5329/1926, dated the 22nd day of May, 1926. The owners or owner of the said Portion “E” shall allow the said water to run free and undisturbed in the present water furrow from the hour of 6 p.m. to the hour of 6 a.m. each day.
- (b) Together with Portion “E” aforesaid and a portion of portion of the said farm GARSTFONTEIN No 374, measuring 440,0690 Hectares, are jointly subject to a servitude of water rights in favour of the Northern Portion of the said farm, as will more fully appear from Deed of Servitude No. 43/1894.”

- (ii) “4. Subject to an Order of Water Court No 419/47S, registered in the Deeds Office at Pretoria, on the 4th day of July, 1947.”

1.3.2 The following endorsements on page 9 and 10, that reads as follows:

“Pyplynserwituut
Ceded to RSA.
By Deed of Cession No K1325/1975 S dated 21-05-1975
Registered this 21-05-1975
Deeds Office Registrar of Deeds”

And;

“Endorsement in terms of section 26(3)(a)(viii)(b) of Expropriation Act 63 of 1975.

In terms of Administrator's Notice 269 published in Official Gazette dated 24 June 1992, a public road with a total area of 1.9170 ha was declared over the with-mentioned property.”

1.4 ACCESS

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

1.5 DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS: ACOUSTIC SCREENING MEASURES

The applicant shall be responsible for any costs involved in the erection of acoustic screening along Road K50 (Garsfontein Road).

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 (Garsfontein Road) 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 Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and 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 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT (GDACE)

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agricultural, Conservation and Environment has granted the applicant exemption from compliance with regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, 1989 (Act 73 of 1989) for the development of this township.

1.14 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 7278 and 7279 in the township consolidated. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation in respect of Section 92(1)(b) of Ordinance 15 of 1986.

1.15 LAND FOR MUNICIPAL PURPOSES

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

Parks (public open space): Erven 7280 and 7281

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, 2m wide, for municipal services (water, sewer, electricity and storm-water) (hereinafter referred to as "the services"), in favour of the City of Tshwane Metropolitan Municipality, 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 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 2m 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 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 ALL ERVEN WITH THE EXCEPTION OF ERVEN 7280 AND 7281

2.1.2.1 The erf shall be subject to a servitude (4m wide) for municipal services (water pipe line) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

2.1.2.2 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 2m therefrom.

2.1.2.3 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 essential, 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 main sewer pipelines and other works.

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT**VERKLARING VAN MORELETAPARK UITBREIDING 78 TOT GOEDGEKEURDE DORP**

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane Metropolitaanse Munisipaliteit hierby die dorp Moreletapark Uitbreiding 78 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Moreletapark x78)

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR EASTSIDE COMMUNITY CHURCH LIMITED INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO. 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP 'N DEEL VAN GEDEELTE 285 VAN DIE PLAAS GARSTFONTEIN 374 JR, GAUTENG, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

1.1 NAAM

Die naam van die dorp is Moreletapark Uitbreiding 78.

1.2 ONTWERP

Die dorp bestaan uit erwe soos aangedui op Algemene Plan LG No 5426/2005.

1.3 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar uitgesonderd –

1.3.1 Die volgende voorwaardes wat nie die dorp area raak nie, naamlik:

- (i) Condition 1 of Deed of Transfer T46430/1974 that pertains to the Remaining Extent of Portion of the farm GARSTFONTEIN No 374, Registration Division JR, district Pretoria, that reads as follows:

“The Remaining Extent of Portion of the farm GARSTFONTEIN No 374, Registration Division, district Pretoria, measuring 369,7710 Hectares (of which the property held hereunder forms a portion) is;

- (a) Entitled to the free and undisturbed use of water arising on Portion “E” of Portion of the said farm Garstfontein, as held under Certificate of Partition Transfer No 5329/1926, dated the 22nd day of May, 1926. The owners or owner of the said Portion “E” shall allow the said water to run free and undisturbed in the present water furrow from the hour of 6 p.m. to the hour of 6 a.m. each day.
- (b) Together with Portion “E” aforesaid and a portion of portion of the said farm GARSTFONTEIN No 374, measuring 440,0690 Hectares, are jointly subject to a servitude of water rights in favour of the Northern Portion of the said farm, as will more fully appear from Deed of Servitude No. 43/1894.”

“4 Subject to an Order of Water Court No 419/47S, registered in the Deeds Office at Pretoria, on the 4th day of July, 1947.”

1.3.2 Die volgende endossement op bladsy 9 en 10, wat soos volg lees:

“Pyplynserwituut
Ceded to RSA.
By Deed of Cession No K1325/1975 S dated 21-05-1975
Registered this 21-05-1975
Deeds Office Registrar of Deeds”

And;

“Endorsement in terms of section 26(3)(a)(viii)(b) of Expropriation Act 63 of 1975.

In terms of Administrator’s Notice 269 published in Official Gazette dated 24 June 1992, a public road with a total area of 1.9170 ha was declared over the with-mentioned property.”

1.4 TOEGANG

Geen ingang van Provinsiale Pad K50 (Garsfonteinweg) tot die dorp en geen uitgang tot Provinsiale Pad K50 (Garsfonteinweg) uit die dorp word toegelaat nie.

1.5 DEPARTEMENT VAN OPENBARE VERVOER, PAAIE EN WERKE: AKOESTIEK-AFSKERMINGSMAATREËLS

Die aansoeker sal verantwoordelik wees vir enige koste betrokke by die oprigting van akoestiekskerms langs Pad K50 (Garsfonteinweg).

1.6 ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van die Pad K50 (Garsfonteinweg) en hy moet die stormwater wat van die pad afloop of afgelei word, ontvang en daarmee wegdoen.

1.7 VERSKUIWING EN/OF VERWYDERING VAN MUNISIPALE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseienaar gedra word.

1.8 OPRIGTING VAN HEINING OF ANDER FISIESE VERSPERRING

Die dorpseienaar moet op eie koste 'n heining of ander fisiese versperring oprig tot tevredeheid van die Hoof van die Departement: Gauteng Provinsiale Regering: Departement van Openbare Vervoer, Paaie en Werke, soos en wanneer deur hom verlang om dit te doen en die dorpseienaar moet sodanige heining of fisiese versperring in 'n goeie toestand hou tot tyd en wyl die erwe in die dorp aan die daaropvolgende grondeienaars oorgedra word, waarna die verantwoordelikheid vir die instandhouding van sodanige heining of fisiese versperring by hulle berus.

1.9 SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes en kantruimtes of oor gemeenskaplike grense gelê is, of bouvallige strukture laat sloop tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.10 VERWYDERING VAN ROMMEL

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.11 VERSKUIWING EN/OF VERWYDERING VAN ESKOM KRAGLYNE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande kraglyne van Eskom te verskuif, moet die koste daarvan deur die dorpseienaar gedra word.

1.12 VERSKUIWING EN/OF VERWYDERING VAN TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande dienste van TELKOM te verskuif en/of te verwyder, moet die koste daarvan deur die dorpseienaar gedra word.

1.13 VOLDOENING AAN VOORWAARDES OPGELÊ DEUR DIE GAUTENGSE DEPARTEMENT VAN LANDBOU, BEWARING EN DIE OMGEWING (DLBO)

Die dorpseienaar sal op sy eie koste voldoen aan al die voorwaardes wat opgelê is deur Departement van Landbou, Bewaring en die Omgewing met die aansoek om vrystelling om aan die bepalings van Regulasie 1182 en 1183 gepromulgeer ingevolge artikel 21, 22 en 26 van die Wet op Omgewingsbewaring, 1989 (Wet No 73 van 1989) vir die ontwikkeling van die dorpsgebied.

1.14 KONSOLIDASIE VAN ERWE

Die dorpseienaar moet op eie koste Erwe 7278 en 7279 in die dorp laat konsolideer. Die Stad Tshwane Metropolitaanse Munisipaliteit verleen hiermee ingevolge Artikel 92(1)(b) van Ordonnansie 15 van 1986, toestemming tot die konsolidasie.

1.15 GROND VIR MUNISIPALE DOELEINDES

Die volgende erwe moet deur en op koste van die dorpseienaar aan die plaaslike bestuur oorgedra word:

Parke (openbare oopruimte): Erwe 7280 en 7281.

2. TITELVOORWAARDES

2.1 DIE ERWE HIERONDER GENOEM, IS ONDERWORPE AAN DIE VOORWAARDES SOOS AANGEDUI, OPGELÉ DEUR DIE STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

2.1.1 ALLE ERWE

2.1.1.1 Die erf is onderworpe aan 'n serwituut, 2m breed, vir munisipale dienste (water, riool, elektrisiteit, stormwater) (hierna "die dienste" genoem), ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2m breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang. Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvan geplant word nie.

2.1.1.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeëdoel noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.

2.1.2 ALLE ERWE MET UITSONDERING VAN DIE ERWE 7280 EN 7281

2.1.2.1 Die erf is onderworpe aan 'n serwituut, 4m breed, vir munisipale dienste (waterpyplyn) ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit, soos op die algemene plan aangedui.

2.1.2.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvan geplant word nie.

2.1.2.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van munisipale dienste en ander werke wat hy na goeëdoel noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige hoofrioleringspyplyne en ander werke veroorsaak word.