

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

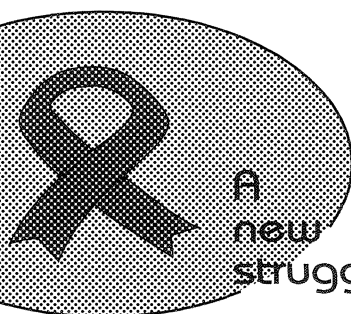
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OKTOBER 2012

No. 328

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

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**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	<b>LOCAL AUTHORITY NOTICE</b>		
1441	Town-planning and Townships Ordinance (15/1986): City of Tshwane: Pretoria Amendment Scheme 9794P .....	3	328

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 1441

#### CITY OF TSHWANE

#### PRETORIA AMENDMENT SCHEME 9794P

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 Moreletapark Extension 85, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 9794P.

(13/2/Moreletapark x85 (9794P))  
\_\_ October 2012

**Executive Director: Legal Services**  
(Notice No 521/2012)

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### PLAASLIKE BESTUURSKENNISGEWING 1441

#### STAD TSHWANE

#### PRETORIA WYSIGINGSKEMA 9794P

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 Moreletapark Uitbreiding 85, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9794P.

(13/2/Moreletapark x85 (9794P))  
\_\_ Oktober 2012

**Uitvoerende Direkteur: Regsdienste**  
(Kennisgewing No 521/2012)

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#### CITY OF TSHWANE

#### DECLARATION OF MORELETAPARK EXTENSION 85 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 Moreletapark Extension 85 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Moreletapark x85 (9794P))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TAEMANE PROPERTIES (PROPRIETARY) 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 625 (A PORTION OF PORTION 52) 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 85.

## 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 10757/2007.

## 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 servitudes which do not affect the township due to their locality;

(a) By virtue of Deed of Transfer T27585/1999 the within mentioned property is entitled to a perpetual water servitude over Even 4481 and 4482 MORELETAPARK EXTENSION 30 measuring 2769 (two thousand seven hundred and sixty nine) square meters and 2169 (two thousand one hundred and sixty nine) square meters respectively of which the exact location is to be determined by agreement between the owners.

(b) As will appear from Notarial Deed K5452/2001S the within mentioned property is entitled to a perpetual servitude of water rights, pump site and pipeline represented by figures ABCDEFG on diagram SG No 7081/2000 over Erf 6531 MORELETAPARK EXTENSION 30.

1.3.2 including the following servitude which effects only Erf 7340 in the township:

(a) By virtue of Notarial Deed K853/1976 S the within mentioned property is subject to a Powerline Servitude 12 metres and 51 metres wide in favour of the CITY COUNCIL OF PRETORIA as shown on the diagram SG No 10756/2007 by the figure A b a A annexed to Deed of Transfer T84785/2008 and as will more fully appear from reference to the said Notarial Deed.

1.3.3 including the following servitude which effects only Erf 7341 in the township:

(a) KRAGTENS Notariële Akte van Serwituut K5845/1993 S gedateer 2 September 1993, word 'n ewigdurende serwituut aan die STADSRAAD VAN PRETORIA verleen om op die binnegemelde eiendom rioleringswerke aan te bring, te gebruik en in stand te hou binne 'n strook 3 meter breed aangedui deur die figuur r C D n p q r aangedui op Kaart SG No 10756/2007 aangeheg by Akte van Transport T84785/2008 altesaam 408 vierkante meter groot, soos meer volledig sal blyk uit gemelde Notariële Akte en Kaart.

1.3.4 including the following servitude which effects only Erven 7294, 7339 and 7341 in the township:

(a) By virtue of Notarial Deed of Servitude K6409/2008 the Remaining Extent of Portion 52 (a portion of Portion 16) of the said farm GARSTFONTEIN 374, JR, measuring 72,6861 hectares (of which the withinmentioned property forms a portion) is subject to a servitude in perpetuity in favour of the CITY OF TSHWANE METROPOLITAN MUNICIPALITY, for municipal purposes (sewerage) 620 square metres of land, being a servitude 2 metres wide, as indicated by the figure M N c d e f g h j k m n M on diagram SG No 10755/2007 annexed to the said Notarial Deed as will more fully appear from reference to the said Notarial Deed.

1.3.5 including the following servitudes to which all the erven in the township are entitled to:

(a) Entitled to a servitude for stormwater purposes 25 (twenty five) square metres in extent, as indicated by the figure A B C D A on diagram SG No 742/2008, annexed to Deed of Transfer T84785/2008 over the Remaining Extent of Portion 52 (a portion of portion 16) of the said farm GARSTFONTEIN 374, JR, measuring 66,6422 hectares.

- (b) Entitled to a servitude for stormwater purposes 25 (twenty five) square metres in extent, as indicated by the figure A B C D A on diagram SG No 743/2008, annexed to Deed of Transfer T84785/2008 over the Remaining Extent of Portion 52 (a portion of portion 16) of the said farm GARSTFONTEIN 374, JR, measuring 66,6422 hectares.
- (c) Entitled to a servitude for stormwater purposes 462 (four hundred and sixty two) square metres in extent, being 2,00 (two comma nought nought) metres wide as indicated by the figure A B C D E F A on diagram SG No 744/2008, over the Remaining Extent of Portion 52 (a portion of portion 16) of the said farm GARSTFONTEIN 374, JR, measuring 66,6422 hectares.
- (d) By virtue of Notarial Deed K6410/2008S dated 20 August 2008 the withinmentioned property is entitled to a servitude in perpetuity of right of way and services over Erf 4417, Moreletapark Extension 30, measuring 4833 square metres, as indicated by the figure ABCDEFA on diagram SG No 10754/2007 annexed thereto measuring 1335 square metres of land as will more fully appear from aforesaid Notarial Deed.

1.4 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.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.6 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, when required to do so by the City of Tshwane.

1.7 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.

1.8 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.

1.9 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture, Conservation and Environment including if applicable those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.10 THE DEVELOPER'S OBLIGATIONS

1.10.1 ASSOCIATION AND STATUTES

The Applicant must register a Non Profit Company (homeowners' association) in terms of the provisions of the Companies Act, 2011 (Act 3 of 2011). A copy of the memorandum of Incorporation must be submitted to the City of Tshwane Metropolitan Municipality.

The memorandum of Association 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 storm water services). The applicant 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.

1.10.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane 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.

1.10.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water services, in which 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 storm water 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 recognised financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Public Works and Infrastructure Development Department.

1.10.4 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 storm water services) have been completed. The developer must furnish the Non Profit Company with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity service, 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.

1.10.5 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 Public Works and Infrastructure Development Department.

1.10.6 TRANSFER OF LAND TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

- (a) Erven 7339, 7340, 7341 and 7342 shall be transferred to the homeowners' association (Non Profit Company) by and at the expense of the township owner.
- (b) A servitude for access and engineering services shall be registered over Erven 7340, 7341 and 7342 in favour of all the erven in the township.

- (c) A servitude for engineering services shall be registered over Erf 7339 in favour of all the erven in the township.
- (d) A servitude for access and municipal services shall be registered over Erven 7340 and 7341 in favour of the City of Tshwane.

#### 1.10.7 ERVEN 7285 UP TO AND INCLUDING 7338

Upon transfer, the owner of the erf must automatically become a member of the Non Profit Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

#### 1.10.8 CONDITIONS IN FAVOUR OF THE NON PROFIT COMPANY

The following servitudes/conditions in favour of the Non Profit Company must notarially be executed and registered in the Office of the Registrar of Deeds before or simultaneously with the transfer of an erf in the township:

##### 1.10.8.1 ERF 7285 UP TO AND INCLUDING 7338

- (a) The erf shall be subject to a servitude, 2m wide, for engineering services (water, sewer, electricity and storm water), in favour of the Non Profit Company, along any three boundaries, including a street boundary and in the case of a panhandle erf, an additional servitude for services purposes, 2m wide, over the entrance portion of the erf if and when required by the Non Profit Company: Provided that the Non Profit Company may waive any such servitude.
- (b) 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.
- (c) The Non Profit Company 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 Non Profit Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Non Profit Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

##### 1.10.8.2 ERF 7329

- (a) The erf shall be subject to a servitude, 2m wide, for engineering services (storm water), in favour of the Non Profit Company as indicated on the General Plan.
- (b) 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.
- (c) The Non Profit Company 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 Non Profit Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Non Profit Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

## 1.10.8.3 ERVEN 7340, 7341 AND 7342

The erf in its entirety shall be subject to a servitude for access and engineering services in favour of all the erven in the township.

## 1.10.8.4 ERF 7339

The erf in its entirety shall be subject to a servitude for engineering services in favour of all the erven in the township.

## 1.11 RESTRICTION ON THE ALIENATION OF LAND

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 otherwise dealt with until the Municipality certifies that the developer has complied with the provisions of conditions 1.10.1 up to and including 1.10.7 above.

## 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 IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986).

## 2.1.1 ERVEN 7285 UP TO AND INCLUDING 7338

- (a) 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 local authority, along any three boundaries, including 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.
- (b) 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.
- (c) The City of Tshwane 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 ERF 7339

- (a) The erf shall be subject to a servitude, 1,2m wide, for municipal services (sewerage), in favour of the City of Tshwane, as indicated on the General Plan.
- (b) 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.



- (c) The City of Tshwane 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.

#### 2.1.3 ERF 7294 AND 7341

- (a) The erf shall further be subject to a servitude, 2m wide, for municipal services (sewerage), in favour of the City of Tshwane, as indicated on the General Plan.
- (b) 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.
- (c) The City of Tshwane 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.

#### 2.1.4 ERF 7341

- (a) The erf shall further be subject to a servitude, 3m wide, for municipal services (sewerage), in favour of the City of Tshwane, as indicated on the General Plan.
- (b) 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.
- (c) The City of Tshwane 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.

#### 2.1.5 ERVEN 7339, 7295 AND 7341

- (a) The erf shall further be subject to a servitude, 2m wide, for municipal services (storm water), in favour of the City of Tshwane, as indicated on the General Plan.
- (b) 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.

- (c) The City of Tshwane 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.

2.1.6 ERF 7340

- (a) The erf shall further be subject to a servitude, with varying widths, for municipal services (electricity), in favour of the City of Tshwane, as indicated on the General Plan.
- (b) 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.
- (c) The City of Tshwane 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.

2.1.7 ERVEN 7340 AND 7341

The erf in its entirety shall further be subject to a servitude for access and municipal engineering services (Water, Sewerage and Electricity) in favour of the City of Tshwane.

2.2 ERF 7342

The erf shall further be subject to a servitude of Right of Way, 4m wide, in favour of Erf 7333, as indicated on the General Plan.

2.3 ERF 7342

The erf shall further be subject to a servitude of Right of Way, 4m wide, in favour of Erf 7334, as indicated on the General Plan.

2.4 ERF 7342

The erf shall further be subject to a servitude of Right of Way, 4m wide, in favour of Erf 7335, as indicated on the General Plan.

2.5 ERF 7342

The erf shall further be subject to a servitude of Right of Way, 4m wide, in favour of Erf 7336, as indicated on the General Plan.

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