

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**PROCLAMATION • PROKLAMASIE**

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**PROCLAMATION 131 OF 2016****CITY OF TSHWANE****PRETORIA REGION AMENDMENT SCHEME 526PR**

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 Derdepoort Extension 14, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Region Amendment Scheme 526PR.

(13/2/Derdepoort x14 (526PR)  
\_\_ OCTOBER 2016

**SED: GROUP LEGAL SERVICES**  
(Notice 262/2016)

**PROKLAMASIE 131 VAN 2016****STAD TSHWANE****PRETORIA REGION WYSIGINGSKEMA 526PR**

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 Derdepoort Uitbreiding 14, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria Region wysigingskema 526PR.

(13/2/Derdepoort x14 (526PR))  
\_\_ OKTOBER 2016

**SUD: GROEP REGSDIENSTE**  
(Kennisgewing 262/2016)

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**CITY OF TSHWANE****DECLARATION OF DERDEPOORT EXTENSION 14 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 Derdepoort Extension 14 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Derdepoort x14 (526PR))

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY LILO DEVELOPMENTS (PTY) LTD, UNDER 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 699 (A PORTION OF PORTION 182) OF THE FARM DERDEPOORT 326JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

**1. CONDITIONS OF ESTABLISHMENT****1.1 NAME**

The name of the township shall be Derdepoort Extension 14.

**1.2 DESIGN**

The township shall consist of erven, parks and streets as indicated on General Plan SG No 2440/2015.

**1.3 ENDOWMENT**

No Endowment is payable to the City of Tshwane Metropolitan Municipality.

#### 1.4 PRECAUTIONARY MEASURES

1.4.1 The township owner shall at its own expense, make arrangements with the Municipality, in order to ensure that-

1.4.1.1 water will not accumulate to the effect that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and

1.4.1.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained, to the satisfaction of the Municipality.

#### 1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT AND ROADS

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport has granted consent for the development.

#### 1.6 ACCESS

No ingress from or egress to Provincial Road D1386 shall be allowed along Erven 149, 150 and 415.

No ingress from or egress to Eglantine Avenue shall be allowed along Erven 149, 148 and 202.

No ingress from or egress to Road 36 PRS shall be allowed along Erven 202 & 201 (between the letters q' – r'), as indicated on Layout Plan No. CPD/DERDEPOORT X 14/9.

#### 1.7 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 Link Avenue 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 Head of the Department: Department of Roads and Transport for approval at the time of the application, i.e. before Township Proclamation.

#### 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 Roads and Transport, 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 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.

#### 1.10 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, when required to do so by the 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.

The City of Tshwane without first having given written notice to the City of Tshwane of such intention and given him first option for a period of six (6) months to purchase the said erf at a price not higher than that at which it is proposed to dispose thereof to such person or corporate body.

#### 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 GDARD

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development, 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.

#### 1.14 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS' ASSOCIATION)

Erven 151, 413, 414 and 415 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.

The erven may not be transferred thereafter by the non profit Company before the consent of the City of Tshwane first been obtained.

### 2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

#### 2.1 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.

#### 2.2 RESTRICTIONS ON THE ALIENATION OF LAND:

Regardless 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 certifies that the developer has complied with the provisions of condition 2.3.

#### 2.3 THE DEVELOPER'S OBLIGATIONS

##### 2.3.1 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.

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, which is restricted to roads and storm water only.

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.

### 2.3.2 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 detail design 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.

### 2.3.3 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 sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane 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 City of Tshwane an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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 Public Works and Infrastructure Development Department.

### 2.3.4 MAINTENANCE PERIOD AND GUARANTEE

All internal and external water-and sanitation and electricity infrastructure will be maintained by the Municipality and not by the non profit Company. The developer must furnish the City of Tshwane with a 10% guarantee of the estimate contract cost with regard to the water and sewerage services and electricity, issued by a recognized financial institution before the commence date of the contract. and proof of this must be submitted to the City of Tshwane.

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must submit proof to the Municipality that:

2.3.4.1 the non profit company has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract.

2.3.4.2 the Municipality has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

## 3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

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

3.1 including the following condition that affects all erven in the township:

### 3.1.1 Condition A(f)

“Die gesegde voormalige Resterende Gedeelte van Gedeelte 1 van gesegde plaas, groot as sodanig 347,2110 Hektaar (’n gedeelte waarvan hierby getranspoteer word) en die gesegde Gedeelte 56 van Gedeelte 1 van gesegde plaas in onderworpe aan en geregtig tot die terme van ’n Order van die Waterhof (distrik Nr 21) gedateer 30 Maart 1933 en geregistreer onder Nr 471/1933-S, ’n afskrif waarvan geheg is aan Aktes van Verdelingstransporte Nrs 5953/1941 en 5954/1941 gedateer 21 April 1941”.



- 3.2 excluding the following condition that affects only Erven 415, 150, 149 and Eglantine Avenue in the township:
- 3.2.1 The erven shall be subject to a 2m wide Electrical servitude vide SG diagram no 4788/2008.
- 3.3 excluding the following conditions which do not affect the township due to the locality thereof:
- 3.3.1 Condition A(b)
- “Die bestaande pad wat loop oor die voormalige Resterende Gedeelte van Gedeelte 1 van genoemde plaas, groot as sodanig 347,2110 Hektaar (’n gedeelte waarvan hierby getranspoteer word), Gedeelte 56 van Gedeelte 1 van gemelde plaas en Gedeelte van gemelde plaas groot 176,3514 Hektaar sal bly soos voorheen”.
- 3.3.2 Condition A(c)
- “Die eienare van die oorspronklike Resterende Gedeelte van Gedeelte 1 van gesegde plaas, groot as sodanig 527,8850 Hektaar (’n gedeelte waarvan hierby getranspoteer word) sal nie reg hê nie op die fonteine wat lê naby die spruit wat loop deur Koedoespoort, nog tot die water in die spruit”.
- 3.3.3 Condition A(e)
- “Die eienaars van die gemelde voormalige Resterende Gedeelte van Gedeelte 1 van gesegde plaas, groot as sodanig 347,2110 Hektaar (’n gedeelte waarvan hierby getranspoteer word) en van voormelde Gedeelte 56 van Gedeelte 1 van gesegde plaas, tesame met die eienaar van gesegde gedeelte groot 176,3514 Hektaar, sal twee-derdes van die koste vir reparasie van die dam en watervoor moet dra”.
- 3.3.4 Condition C
- “Kragtens Notariële Akte Nr 241/1952-S, gedateer 8 Februarie 1952, is die eiendom hieronder getranspoteer onderhewig aan ’n serwituut van reg van weg langs ’n roete soos later ooreengekom te word, ten gunste van die eienare van Gedeeltes 186 en 187 van die plaas DERDEPOORT NO 326, Registrasie Afdeling JR. Transvaal gehou kragtens Aktes van Transport Nos 22991/1949 en 25558/1950 respektiewelik, soos meer volledig sal blyk uit gemelde Notariële Akte”.
- 3.4 The Following Entitlements / Rights will not be passed on to the erven in the Township
- 3.4.1 Condition A(g)
- “Die eienare van die gesegde voormalige Resterende Gedeelte van Gedeelte 1 van gesegde plaas, groot as sodanig 347.2110 Hektaar, (’n gedeelte waarvan hierby getranspoteer word) is geregtig tot ’n reg van suiping op die voormelde Gedeelte 56 van Gedeelte 1 van gesegde plaas, aan die westekant van die Hartebeestspruit by die ou drif”.
- 3.4.2 Condition B
- “Die eiendom hierby getranspoteer is geregtig tot ’n reg van suiping 9,45 meter wyd oor die Gedeelte 181 van genoemde plaas (synde ’n gedeelte van gedeelte 1), groot 25,7920 Hektaar, getranspoteer kragtens Akte van Verdellingstransport Nr 25323/1949 langs die grens gemerk A’AB, soos aangetoon op Kaart SG Nr A 147/1949 geheg aan Akte van Verdellings-transport Nr 25322/1949”.
4. CONDITIONS OF TITLE
- 4.1 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)

#### 4.1.1 ALL ERVEN EXCLUDING ERVEN 414 AND 415

4.1.1.1 The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.

4.1.1.2 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.

4.1.1.3 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 City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

#### 4.1.2 ERVEN SUBJECT TO SPECIAL CONDITIONS

In addition to the relevant conditions set out in paragraph 4.1.1 above, the under mentioned erven shall be subject to the conditions as indicated:

##### 4.1.2.1 ERVEN 208, 212, 221, 225, 306, 310, 318, and 322

The erven shall be subject to a 2,0m wide stormwater servitude along the southern boundaries of these erven, as shown on the General Plan.

##### 4.1.2.2 ERVEN 149, 150 AND 415

The erven shall be subject to a 3,0m wide stormwater servitude along the western boundaries of these erven, as shown on the General Plan.

##### 4.1.2.3 ERF 201

The Erf shall be subject to a Right of Way Servitude, 25m wide in favour of the General Public, as shown on the General Plan.

##### 4.1.2.4 ERVEN 414 AND 415

The erven shall be subject to a servitude for stormwater management in favour of the City of Tshwane, as shown on the General Plan.

##### 4.1.2.5 ERF 413

The erf shall be subject to a right of way servitude for engineering services in favour the City of Tshwane, as shown on the General Plan.

##### 4.1.2.6 ERVEN 149, 150, 161, 164, 165, 166, AND 415

The erven shall be subject to a 2m wide sewer servitude in favour of the City of Tshwane, as shown on the General Plan.

##### 4.1.2.7 ERF 149

The erf shall be subject to a 3m wide stormwater servitude in favour of the City of Tshwane, as shown on the General Plan.

### 5.1.3 CONDITIONS IN FAVOUR OF A THIRD PARTY TO BE REGISTERED

#### 5.1.3.1 ERF 414

The Erf shall be subject to a Right of Way Servitude, 10m wide in favour of Portion 399, Derdepoort 326-JR, as shown on the General Plan.

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