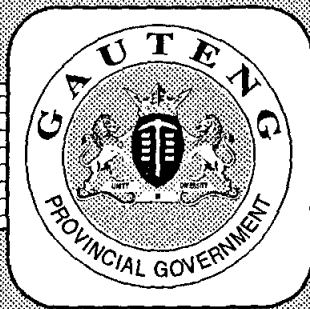


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

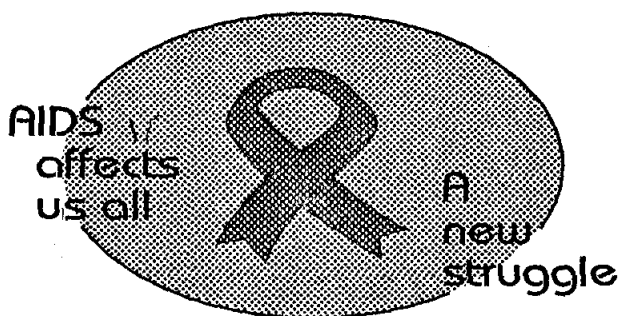
Selling price • Verkoopprys: **R2,50**  
Other countries • Buitelands: **R3,25**

**Vol. 10**

**PRETORIA, 22 SEPTEMBER 2004**

**No. 400**

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**LOCAL AUTHORITY NOTICE**

**LOCAL AUTHORITY NOTICE 2061**

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**PRETORIA AMENDMENT SCHEME 9512**

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 Montana Extension 92, 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 9512.

(K13/2/Montana x92 (9512))  
 \_\_\_ September 2004

**Acting General Manager: Legal Services**  
 (Notice No 904/2004)

**PLAASLIKE BESTUURSKENNISGEWING 2061**

**STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT**

**PRETORIA WYSIGINGSKEMA 9512**

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 Montana Uitbreiding 92, 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 9512.

(K13/2/Montana x92 (9512))  
 \_\_\_ September 2004

**Waarnemende Hoofbestuurder: Regsdienste**  
 (Kennisgewing No 904/2004)

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**DECLARATION OF MONTANA EXTENSION 92 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 Montana Extension 92 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(K13/2/Montana x92)

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY UNIQON WONINGS EDMS BPK 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 406 OF THE FARM HARTEBEESTFONTEIN 324JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

## 1. CONDITIONS OF ESTABLISHMENT

## 1.1 NAME

The name of the township shall be Montana Extension 92.

## 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3850/2004.

## 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) Stormwater servitude 7261/1995, which does not affect the township;
- b) Conditions in Deed of Transfer T51181/2004 which does not affect the township and shall not be transferred to the sites in the township as follows:

"C Gedeelte 10 en die Resterende Gedeelte van Gedeelte E van die plaas HARTEBEESTFONTEIN 324 Registrasie Afdeling J.R. Transvaal; groot 126,1381 hektaar (waarvan die eiendom hieronder getranspoteer 'n deel uitmaak) is geregtig tot die reg van weg van Wee 12,59 meter wyd soos aangetoon op kaart LG Nr A.2596/42 geheg aan Akte van Transport T24553/1942, gedateer 7 Desember 1942.

"D. Die eiendom hiermee getranspoteer is geregtig tot 'n Reg van Weg oor die Resterende Gedeelte van Gedeelte 29; groot 6,8211 hektaar gehou onder Akte van Transport T7538/1967 gedateer 8 Maart 1967 soos aangedui deur figuur abcC op kaart LG Nr A.6512/52 geheg aan Sertifikaat van Geregistreerde Titel T23576/1959."

- c) Condition E in Deed of Transfer T51181/04 which affects only Erf 1361 in the township and read as follows:

"Onderhewig aan sessie van 'n gedeelte groot ± 2217m<sup>2</sup> welke gedeelte ont-eien is deur die Stadsraad van Pretoria en daarna gesedeer is aan die Sentrale Pretoria Metropolitaanse Substruktuur kragtens K7291/95S ge-dateer 6 November 1995."

## 1.4 LAND FOR MUNICIPAL PURPOSES

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

Municipal : Erf 1361

## 1.5 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay the City of Tshwane Metropolitan Municipality as endowment a total amount of R260 000,00 which amount shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**1.6 ACCESS**

No ingress from Road K99 to the township and no egress to Road K99 from the township shall be allowed as indicated by the line of no access AHGFEa on the layout plan.

**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 Road K99 and he shall receive and dispose of the stormwater running off or being diverted from the road.

**1.8 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.

**1.9 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 this responsibility is taken over by the City of Tshwane Metropolitan Municipality: Provided that the responsibility of the township owner for the maintenance thereof shall cease when the City of Tshwane Metropolitan Municipality takes over the responsibility for the maintenance of the streets in the township.

**1.10 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.

**1.11 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.

**1.12 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.

**1.13 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.

## 1.14 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). The owners of the proposed Erven 1322 to 1360 and Erven 1362 to 1390 must, simultaneously with transfer, become members and remain members of the section 21 company until they cease to be the registered owners of such portions. 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.

A complete Section 21 drainage plan has to be submitted to the Executive Director: City Planning and Development (City Development Control Division), by the responsible engineer.

These drainage plans need also to be placed on each separate building plan. These plans have to indicate the Section 21 Company drainage connection points as well as drainage site layout.

The services must be transferred to the Section 21 Company after the completion thereof.

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

Erf 1391 must be transferred to the section 21 company before any other transfer or any other transaction of any portion of this subdivision is registered the Office of the Registrar of Deeds: Pretoria.

**1.16 ENVIRONMENTAL IMPACT ASSESSMENT**

The applicant shall comply with the conditions of the Department of Agriculture, Conservation, Environment and Land Affairs in terms of the provisions of the Environmental Conservation Act, 73 of 1989, or any other relevant statute.

**1.17 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 City of Tshwane Metropolitan Municipality certifies that the developer has complied with the provisions of conditions 1.14.1 to 1.14.4 inclusive above.

**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 WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 2.4**

**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 ERF 1340**

2.1.2.1 The erf shall be subject to a 3 metre wide servitude for municipal services (stormwater drainage) 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 2 metre there from.

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 City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provisions that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.

**2.1.3 ERVEN 1353 AND 1354**

2.1.3.1 The erven shall be subject to a 3 metre right of way servitude registered in favour of the Section 21 Company, as indicated on the general plan.

2.1.3.2 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 there from.

**2.1.4 ERF 1322**

A servitude of right of way and municipal services in favour of the remaining extent of the township.

**2.1.5 ALL ERVEN EXCEPT ERVEN 1361 AND 1391**

Upon transfer, the owner of each erf must automatically become a member of the section 21 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/erf.