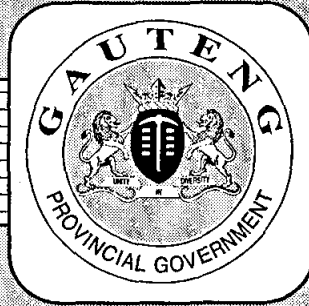


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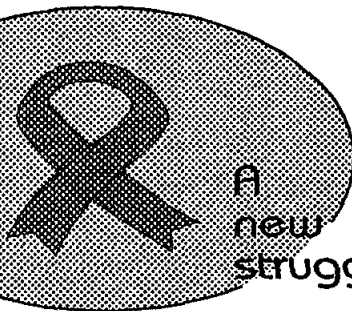
Vol. 11

PRETORIA, 13 SEPTEMBER 2005

No. 387

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with effect from **3 May 2005**.

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Mr M Z Montjane
Tel: (012) 334-4653
Cell: 083 640 6121

LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2241

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9582

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 70, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 9582.

(K13/2/Montana x70 (9582))
13 September 2005

Head: Legal and Secretarial Services
(Notice No 831/2005)

PLAASLIKE BESTUURSKENNISGEWING 2241

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9582

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

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9582.

(K13/2/Montana x70 (9582))
13 September 2005

Hoof: Regs- en Sekretariële Dienste
(Kennisgewing No 831/2005)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA EXTENSION 70 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 70 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(K13/2/Montana x70)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY K40 PROPERTIES 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 464 (A PORTION OF PORTION 447) 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 70.

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1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 4706/2005.

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 including –

- a) the following condition B2 in Title Deed T40805/1995 that affect all the erven in the township;

"Portion E of the farm HARTEBEEFONTEIN No. 324 district (of which the property hereby transferred forms a portion) is subject to the following condition:

"The provision of section thirty four of the Land Settlement Act 1912 whereunder certain rights are granted to the State President in respect of Portion E of the farm Hartebeesfontein No. 324 district Pretoria"

- b) The right in favour of the City Council of Pretoria to convey stormwater over the said property, subject to the conditions as set out in Notarial Deed K8429/1995S and affects Erven 1606, 1607, 1608, 1611, 1612, 1615, 1616, 1619, 1620, 1623, 1624, 1627, 1628, 1631, 1632 and 1635.

1.4 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 **R180 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).

1.5 ACCESS

No ingress to or egress from Road K99 (Dr Swanepoel Road) to the township shall be allowed. A 16m building line shall be applicable along Route K99 (Dr Swanepoel Road) which may be relaxed with the written consent of both the Municipality and the Gauteng Department of Public Transport, Roads and Works.

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 K99 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 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 K 99.

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 COMPLIANCE TO CONDITIONS IMPOSED BY 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.

1.15 NATIONAL HERITAGE RESOURCE ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.16 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOME OWNERS ASSOCIATION)

Erven 1634 to 1635 shall be transferred to the Section 21 Company (homeowners' association) by and at the expense of the township owner:

1.17 THE DEVELOPER'S OBLIGATIONS

1.17.1 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.

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1.17.2 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.

1.17.3 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.

1.17.4 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.

1.17.5 COMPLETION OF THE SCHEME

The developer remains liable for the development of the entire housing scheme in accordance with the approved site development plan, provided that the scheme may also be developed in phases with the consent of the Municipality, and provided further that the entire development takes place under the supervision of one architectural firm. If another architect or architectural firm is appointed at any stage during the execution of the scheme, the Municipality must be notified of this without delay.

1.17.6 APPROVAL OF BUILDING PLANS

Before any erf is transferred, the developer must have building plans approved at the Municipality in respect of every erf, excluding Erven 1634 and 1635, in accordance with the approved site development plan. The Power of Attorney to transfer the erven must be endorsed by the Municipality.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

1.17.7 PROOF OF DEED OF SALE AND FINANCING

The developer must submit proof that there is a valid and enforceable deed of sale between the developer and the buyer with regard to the sale of the relevant erf and the development of the erf by the developer in accordance with the approved plan. The developer must also provide proof that a loan for the proposed development has been approved in respect of each erf. If the buyer himself or herself is to finance the proposed development, satisfactory proof must be provided in respect of this financing.

1.18 SERVITUDES TO BE REGISTERED

- 1.18.1 The proposed Erf 1634 is subject to a right of way servitude for access, services and security and shall be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association. . The guard house must have separate connection points. Erf 1634 is also subject to a municipal services servitude.
- 1.18.2 As indicated on the General Plan SG No 4706/2005 Erven 1588 to 1604 will be subject to a sewer servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.3 As indicated on the General Plan SG No 4706/2005 Erven 1606 to 1607 will be subject to a storm water servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.4 As indicated on the General Plan SG No 4706/2005 Erven 1608, 1611, 1612, 1615, 1616, 1619, 1620, 1623, 1624, 1627, 1628, 1631 and 1632 will be subject to a storm water servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.5 As indicated on the General Plan SG No 4706/2005 Erf 1633 will be subject to a right of way to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70.
- 1.18.6 As indicated on the General Plan SG No 4706/2005 Erf 1605 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.7 As indicated on the General Plan SG No 4706/2005 Erf 1605 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.8 As indicated on the General Plan SG No 4706/2005 Erf 1609 to 1610 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.9 As indicated on the General Plan SG No 4706/2005 Erf 1613 to 1614 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association
- 1.18.10 As indicated on the General Plan SG No 4706/2005 Erf 1617 to 1618 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.11 As indicated on the General Plan SG No 4706/2005 Erf 1621 to 1622 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.12 As indicated on the General Plan SG No 4706/2005 Erf 1625 to 1626 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.13 As indicated on the General Plan SG No 4706/2005 Erf 1629 to 1630 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633,

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Montana Extension 70 and the City of Tshwane Metropolitan Municipality
and/or the Home Owner's Association.

- 1.18.14 As indicated on the General Plan SG No 4706/2005 Erf 1605 will be subject to a right of way and services servitude to be registered in favour of all the owners and/or occupants from time to time of Erven 1588 to 1633, Montana Extension 70 and the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.15 As indicated on the General Plan SG No 4706/2005 Erf 1605 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.16 As indicated on the General Plan SG No 4706/2005 Erf 1609 to 1610 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.17 As indicated on the General Plan SG No 4706/2005 Erf 1613 to 1614 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.18 As indicated on the General Plan SG No 4706/2005 Erf 1617 to 1618 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.19 As indicated on the General Plan SG No 4706/2005 Erf 1621 to 1622 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.20 As indicated on the General Plan SG No 4706/2005 Erf 1625 to 1626 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.21 As indicated on the General Plan SG No 4706/2005 Erf 1629 to 1630 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.
- 1.18.22 As indicated on the General Plan SG No 4706/2005 Erf 1633 will be subject to a services servitude to be registered in favour of the City of Tshwane Metropolitan Municipality and/or the Home Owner's Association.

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 EXCLUDING ERVEN 1634 AND 1635
 - 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 ALL ERVEN (EXCLUDING ERVEN 1634 AND 1635)

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.

Transfer of the erf to a third party is allowed only with the consent of the Municipality and then only if the development of the dwelling-unit has been completed to the satisfaction of the Municipality in accordance with the approved site development plan.

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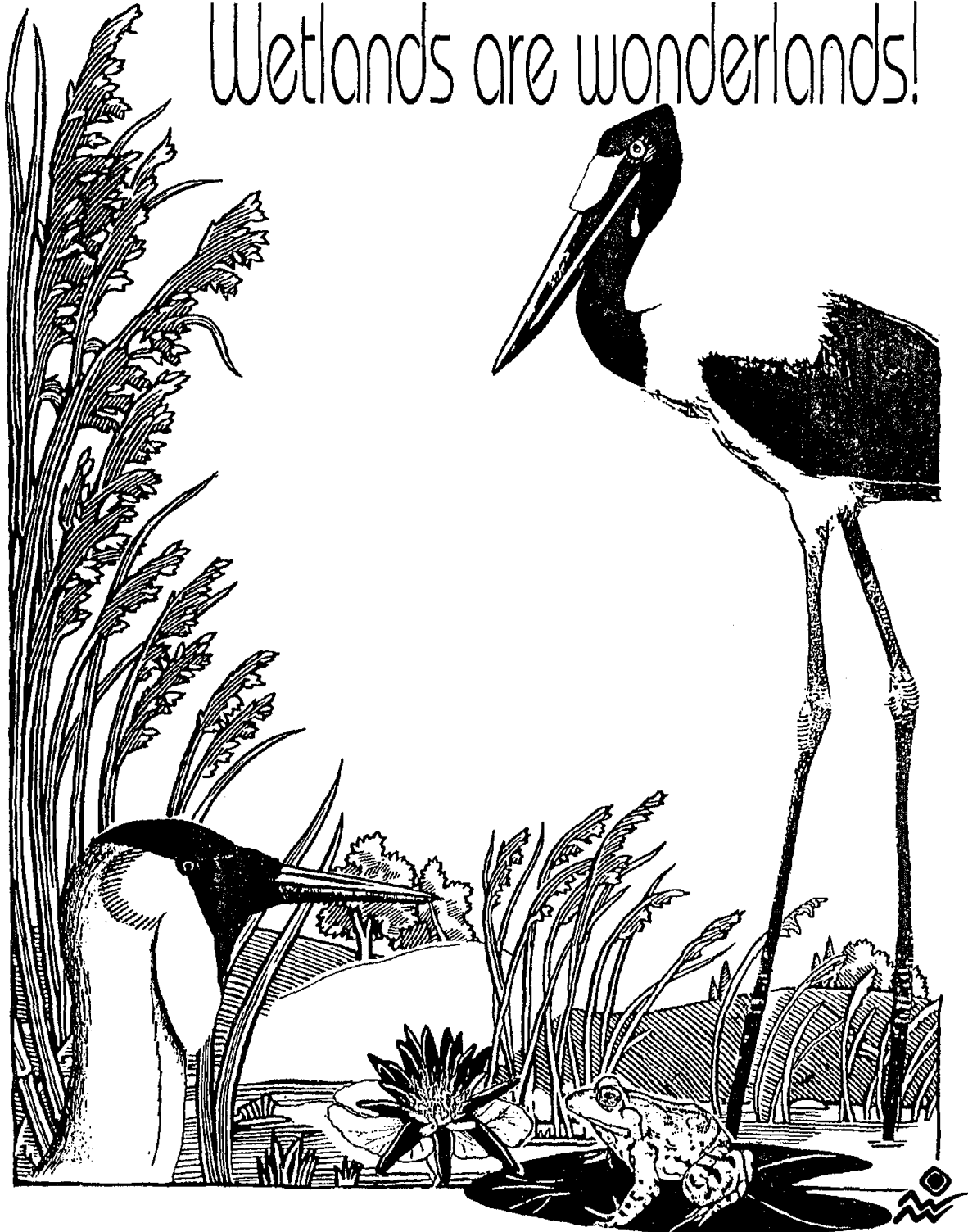
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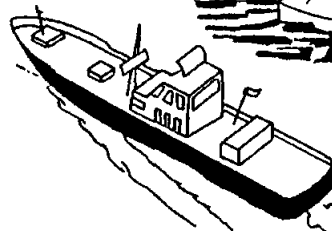
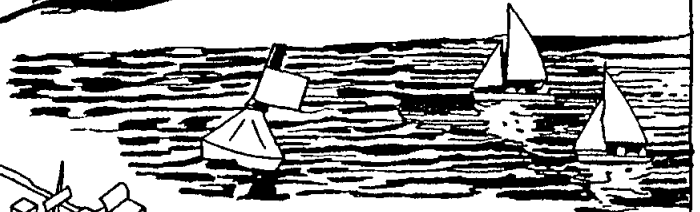
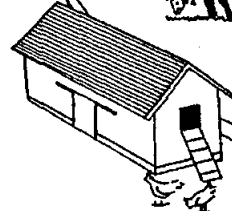
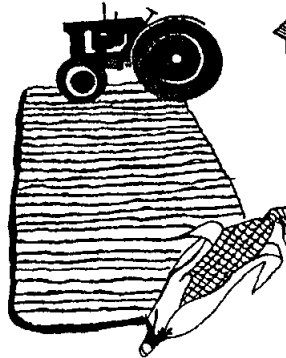
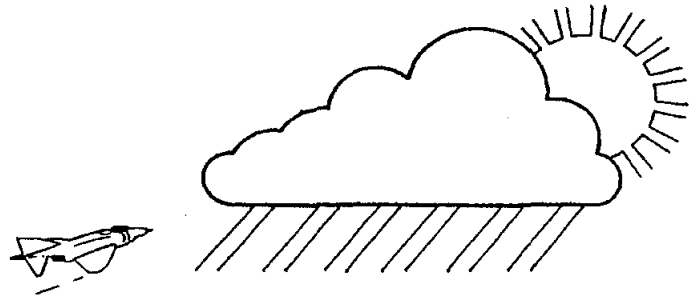
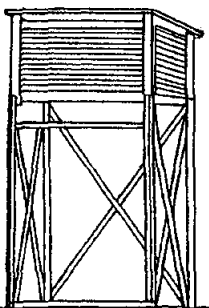
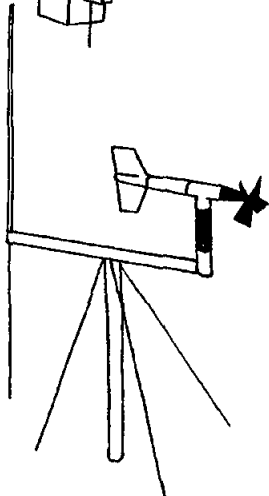
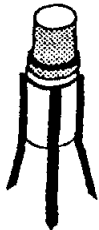
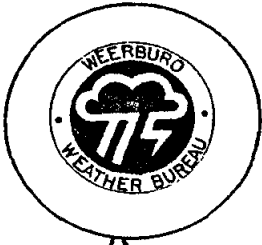
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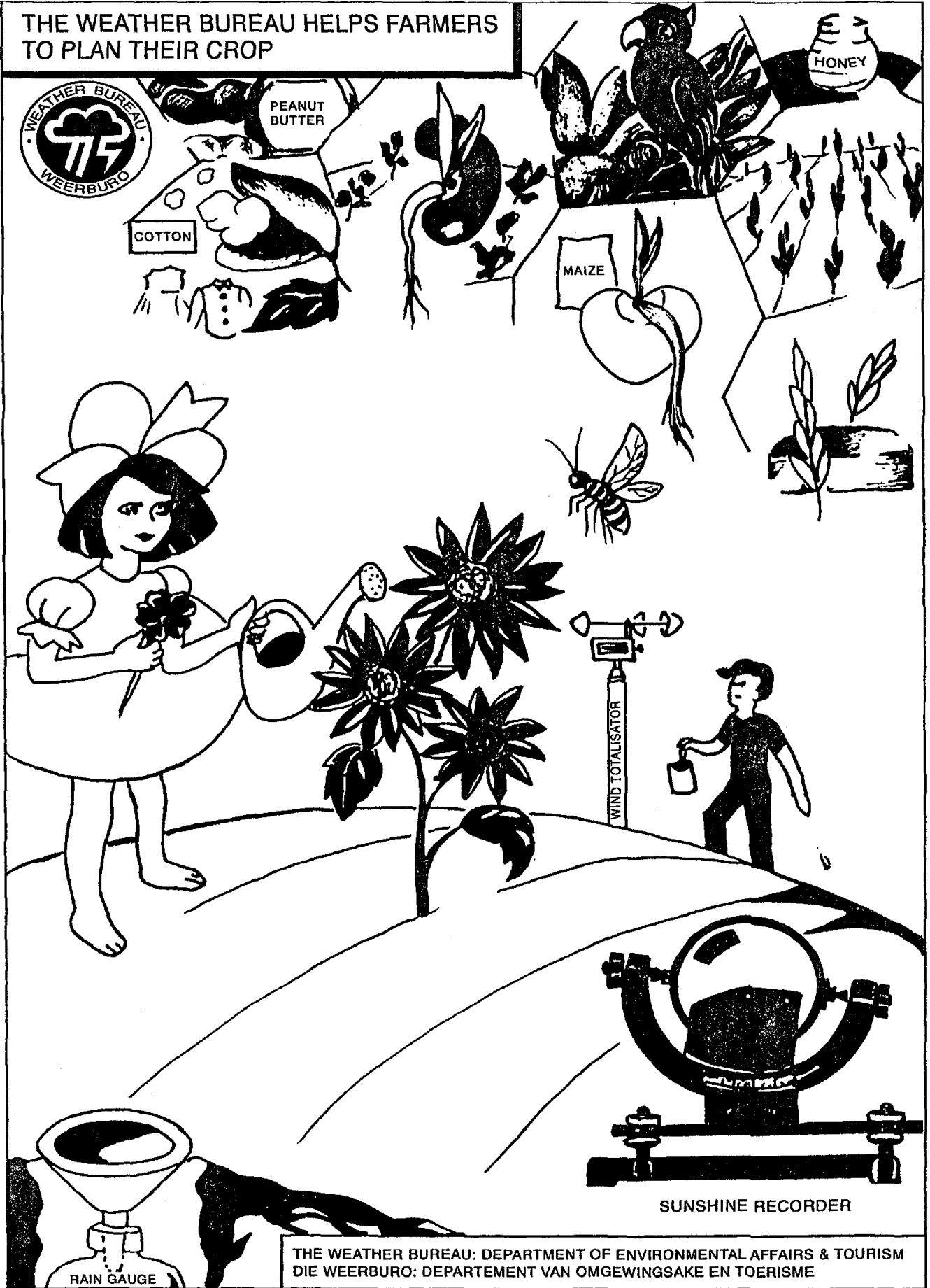
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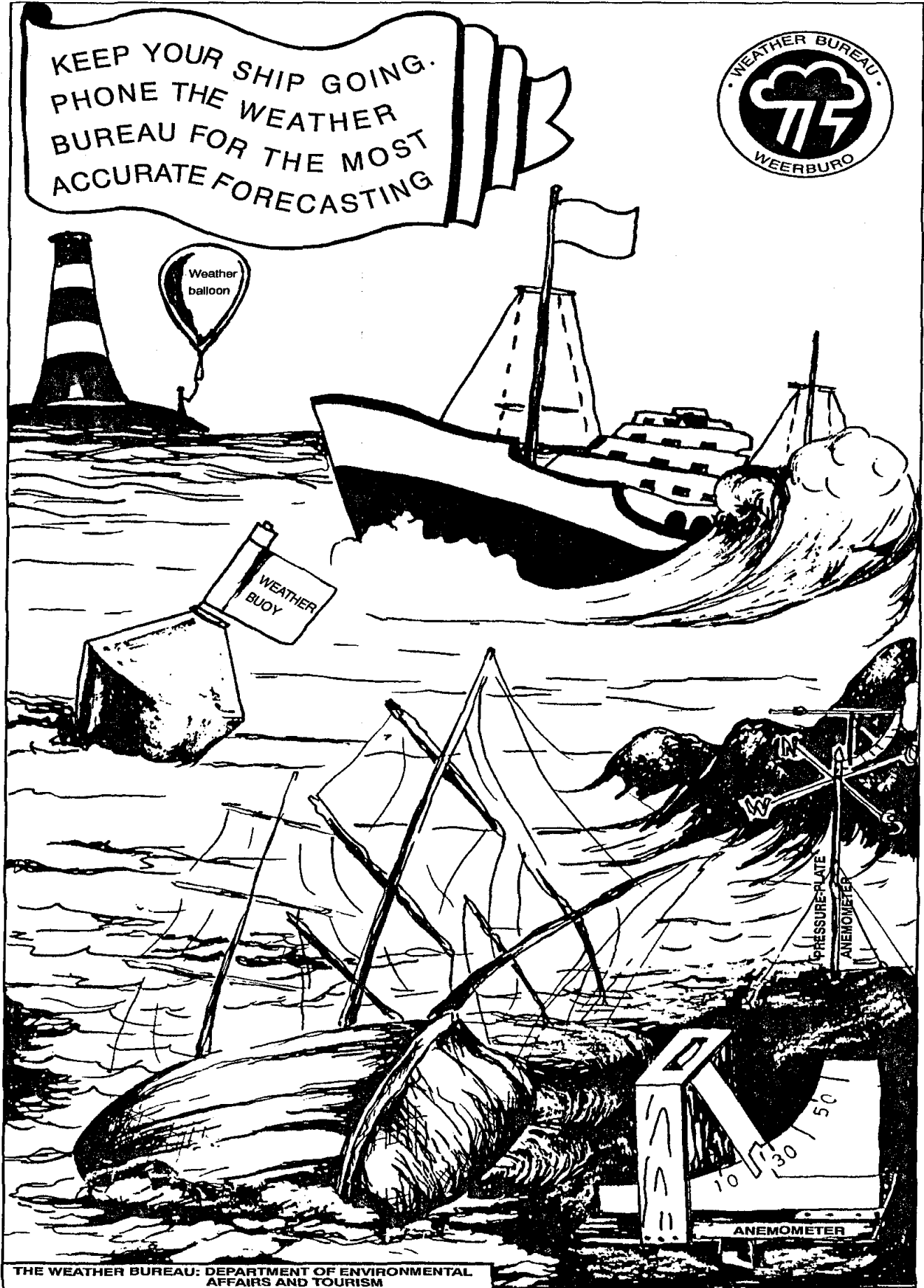
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