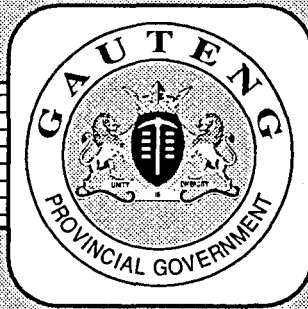


**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

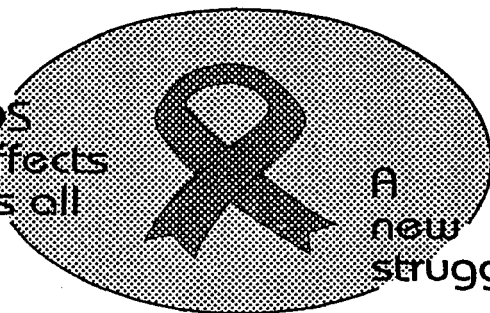
Vol. 12

PRETORIA, 18 SEPTEMBER 2006

No. 350

**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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**ACCEPTABLE PAYMENT FOR  
SERVICES AND GOODS IN  
GOVERNMENT PRINTING WORKS****WITH IMMEDIATE EFFECT ALL  
PAYMENTS FOR SERVICES RENDERED  
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BY MEANS OF BANK GUARANTEED  
CHEQUES ONLY****IMPLEMENTATION OF THIS  
CIRCULAR IS WITHOUT EXCEPTION****S. MBHELE  
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## LOCAL AUTHORITY NOTICE

### LOCAL AUTHORITY NOTICE 2696 CITY OF TSHWANE METROPOLITAN MUNICIPALITY PRETORIA AMENDMENT SCHEME 9612P

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 Tuine Extension 48, 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 9612P.

(13/2/Montana Tuine x48 (9612P))  
\_\_ September 2006

Acting Head: Legal and Secretarial Services  
(Notice No 929/2006)

### PLAASLIKE BESTUURSKENNISGEWING 2696 STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT PRETORIA WYSIGINGSKEMA 9612P

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 Tuine Uitbreiding 48, 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 9612P.

(13/2/Montana Tuine x48 (9612P))  
\_\_ September 2006

Waarnemende Hoof: Regs- en Sekretariële Dienste  
(Kennisgewing No 929/2006)

### CITY OF TSHWANE METROPOLITAN MUNICIPALITY

#### DECLARATION OF MONTANA TUINE EXTENSION 48 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 Tuine Extension 48 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x48)

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ABSA PROPERTY DEVELOPMENT (PTY) LTD 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 455 (A PORTION OF PORTION 44) OF THE FARM HARTEBEESTFONTEIN 324JR, PROVINCE GAUTENG, HAS BEEN GRANTED.

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Montana Tuine Extension 48.

## 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 4264/2005.

## 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 the conditions/servitudes that do no influence the township:

1.3.1 the following servitudes in Title Deed T125957/2001 which do not affect the township;

- a. Gedeelte 'B' van die plaas Hartebeestfontein 592, (waarvan die gedeelte getranspoteer, 'n gedeelte uitmaak) is spesiaal onderhewig aan die volgende kondisies:

"Het gedeelte hieronder gehouden is onderworpen aan een servituut ten gunste van de eigenaar van gedeelte 12 ('n gedeelte van Gedeelte 'E') zoals gehouden onder Akte van Transport No. T.24560/1942, gergistreerd op de 7de Oktober 1942 om water te leiden door een voor voerende van de fontein naar de tans bestaande dam op het gedeelte hieronder gehouden en voor dit doel om een watervoor te maken van een punt tussen gemelde dam en fontein uit de voor en van daar in een noordwestelike richting naar de naaste redelike bereikbaar plaats op de lyn van gedeelte 12.

De eigenaar van gedeelte 12 zal gerechtigd zyn tot volle, vrye en ongehinderde vloei van het water komende uit voorzegde fontein, die op die kaart van dit gedeelte 'B' gemerkt is, door zulk watervoor gedurende twee achtereenvolgende dagen uit elke 8 dagen, en zy zullen gerechtigd zyn tot de nodige toegang langs de oevers van gemelde voor voor het doel om dezelve te alle redelike tyden te maken, onderhouden, repareren en schoon te maken met het recht aan hun om de nodige grond en klippen te nemen voor zulke reparatie en onderhoud en om het water naar hun eigendom te voeren. Zy zullen echter verplicht zyn op hunne eigene kosten en rekening gezegde watervoor te onderhouden in een schoon en gezonde toestand en vry van schadelike onkruiden, en zy zullen niet toelaten dat enige iets gedaan of nagelaten wordt die de moegelijkheid geeft de gezegde dam te benadelen of te beschadigen en in het gebruik van hun rechten zullen zy behoorlik zorg dragen dat geen schade veroorzaakt wordt aan hekken, omheinigen gebouwen of lande van het gedeelte hierboven vermeld en zullen zy niet gerechtigd zyn om obstructies of veranderinge te maken op gezegde watervoor.

In geval enige veranderinge gemaakt worden voor versterking, behoud of vergroting van gezegde fontein zal de kosten ervan pro rata gedragen worden doot de eigenaren van het gedeelte 'B' hieronder en gedeelte 12 in verhouding tot hun aandeel in het water doch voordat een der eigenaren zulke verbeteringe of vergroting doet, zal hy de andere eigenaren een maand vooruit kennis geven en zulke laatstgenoemde eigenaren kunnen dan besluiten of zy hun deel willen doen, of slechts de dan bestaande water gebruiken, in welk geval de eigenaar die de verbeteringe aanbrengt gerechtigd zal zyn tot alle verdere water door hem alzo veroorzaakt.

De andere eigenaren hetzy van gedeelte 12 of van het gedeelte hieronder gehouden kunnen axhter delen in zulke vermeerderde water zodra zy hun deel van de onkosten betalen.

In geval er geen water in de fontein is en een der eigenaren opent de fontein verder totdat hy water krygt, zal hy gerechtigd zyn ertoe tot de eerste daarop volgende regen".

- b. Servitude No K4937/1995-S: Servitude of right of way for sewer and stormwater pipelines in favour of Tshwane Municipality vide diagram SG No A11013/1994.

- c. Servitude No. K4938/1995-S: Servitude of right of way for sewer and stormwater pipelines in favour of Tshwane municipality vide diagram SG No A4441/1994.\
- d. Servitude K2478/1996-S: Servitude for sewer pipeline in favour of Tshwane Municipality vide diagram SG No 6256/1995.
- e. Servitude No K6296/1999-S: Servitude for sewer purposes in favour of Tshwane Municipality vide diagram SG No 6836/1998. Servitude for electrical purposes in favour of Tshwane Municipality, vide diagrams S.G. No 8824/1998 and SG No 6837/1998 and servitude for road purposes in favour of Tshwane Municipality vide diagram SG No 6838/1998.
- f. A servitude of right-of-way and for municipal purposes 2 (two) metres wide in favour of the City Council of Pretoria as indicated by the figures ABCDA on diagram L.G. No. 6839/1998 together with ancillary rights as will more fully appear from Notarial Deed K3261/2000 S.
- g. Servitude No. K6297/1999-S: Servitude for sewerage purposes in favour of Tshwane Municipality vide diagram SG No 6885/1999.
- h. Servitude No. K5897/2000-S: Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram S.G. No. 1632/2000. Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram S.G. No. 1638/1998. Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram S.G. No. 1633/2000. servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram S.G. No. 5933/1998 and Servitude for stormwater drainage in favour of Tshwane Municipality vide diagram SG No 5934/1998.
- i. Servitude No K513/2001-S: Servitude for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 6522/2000.
- j. Servitude of right of way 4 metres wide, of which line AB on SG No A4442/94 is the centre line; and  
  
Servitude of right of way 3 metres wide, of which line AC on SG No 4442/94 is the southern boundary, and held by Notarial Deed of Servitude K4936/95S.
- k. Right of way servitude vide diagram SG No 4821/1995 in Title Deed T125957/2001.

1.3.2 the following servitudes which only affects Erf 1607 in the township;

- a. A servitude for sewerage purposes, 4 metres wide, in favour of the City of Tshwane Metropolitan Municipality, as indicated on diagram SG No A2076/1985 and held by Notarial Deed of Servitude K3483/1986S,
- b. A servitude of Right of Way, 16,5 metres wide, in favour of the City of Tshwane Metropolitan Municipality, as Indicated on diagram SG No A4442/94 and held by Notarial Deed of Servitude K4936/95S.

**1.4 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 adjacent roads and he shall receive and dispose of the stormwater running off or being diverted from the roads.

**1.5 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.

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**1.6 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.

**1.7 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.

**1.8 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.

**1.9 RESTRICTION ON THE ALIENATION AND DEVELOPMENT OF ERVEN**

The township owner shall not alienate or develop any erven within the township and no transfer of erven shall be permitted until the Municipality is satisfied that all requirements regarding access, roads, road improvements and traffic control measures in and around the proposed development have satisfactorily been complied with.

**1.10 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.

**1.11 GEOTECHNICAL REPORT**

No structures shall be erected on this site prior to the appointment of a professional engineer, who must design, specify and supervise structural measures to be implemented according to the structure type.

**1.12 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT (GDACE)**

The conditions imposed in the Record of Decision, issued on 10 June 2003 by the Gauteng Department of Agriculture, Conservation and Environment in terms of section 22 of the Environmental Conservation Act, 1989 (Act 73 of 1989) shall be complied with by the owner of the township at his own expense.

**1.13 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 the erven 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.

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

Erven 1602 to 1608 shall be transferred to the homeowners' association (Section 21 Company) by and at the expense of the township owner.

**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 erven 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 or 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 ERVEN 1501 AND 1521**

2.1.2.1 The erven shall be subject to 3 metres wide stormwater servitudes, 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.

**2.1.3 ERVEN 1414, 1560 AND 1566**

The erven shall be subject to a servitude 2 metres wide for municipal purposes, in favour of the local authority, as indicated on the general plan.

