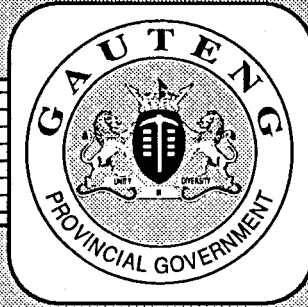


**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

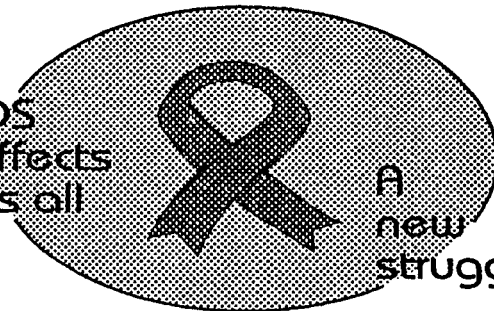
Vol. 12

PRETORIA, 10 NOVEMBER 2006

No. 412

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

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HELPUNE**

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DEPARTMENT OF HEALTH



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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 3194

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9660P

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 49, 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 9660P.

(13/2/Montana Tuine x49 (9660P))
 ___ November 2006

Acting Head: Legal and Secretarial Services
 (Notice No 1143/2006)

PLAASLIKE BESTUURSKENNISGEWING 3194

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9660P

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 49, 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 9660P.

(13/2/Montana Tuine x49 (9660P))
 ___ November 2006

Waarnemende Hoof: Regs- en Sekretariële Dienste
 (Kennisgewing No 1143/2006)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA TUINE EXTENSION 49 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 49 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x49)

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 466 (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 49.



1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 7998/2005.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, 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 getransporeer, '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 T24560/1942, 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 word die de moegelijkheid geeft de gezegde dam te benadelen of te beschadigen en in het gebruik van hun rechten zullen zy behoort zorg dragen dat geen schade veroorzaakt word 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 word voor versterking, behoud of vergroting van gezegde fontein zal de koste ervan pro rata gedragen word doot de eigenare van het gedeelte 'B' hieronder en gedeelte 12 in verhouding tot hun aandeel in het water doch voordat een der eigenare zulke verbeteringe of vergroting doet, zal hy de andere eigenare een maand vooruit kennis geven en zulke laatsgenoemde eigenare kunne dan besluite of zy hun deel willen doen, of slechts de dan bestaande water gebruik, in welk geval de eigenaar die de verbeteringe aanbrengt gerechtigd zal zyn tot alle verdere water door hem alzo veroorzaakt.

De andere eigenare hetzy van gedeelte 12 of van het gedeelte hieronder gehouden kunne achter delen in zulke vermeerderde water zodra zy hun deel van de onkoste betalen.

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



- b. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEEST-FONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is:
- (i) Onderhewig aan 'n servituut van reg-van-weg, 5 meter wyd vir die lê van riool- en stormwaterpype, ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABC op L.G. kaart nr. A11013/94 soos meer volledig sal blyk uit Notariële Akte nr. K4937/1995 S.
 - (ii) Onderhewig aan 'n servituut van reg-van-weg, 5 meter wyd vir die lê van riool- en stormwaterpype, ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABCD op L.G. kaart nr. A4441/94 soos meer volledig sal blyk uit Notariële Akte nr. K4938/1995 S.
- c. Servitude K2478/1996-S: Servitude for sewer pipeline in favour of Tshwane Municipality vide diagram SG No 6256/1995.
- d. 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.
- e. 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.
- f. Servitude No K5897/2000-S: Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 1632/2000. Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 1638/1998. Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 1633/2000. Servitude of right of way and for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 5933/1998 and Servitude for stormwater drainage in favour of Tshwane Municipality vide diagram SG No 5934/1998.
- g. Servitude No K513/2001-S: Servitude for general municipal purposes in favour of Tshwane Municipality vide diagram SG No 6522/2000.
- h. 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
- Servitude of right of way 16,5 metres wide, of which the line DEFGHJKLMNP QRSTUVW on SG No A4442/94 is the western boundary; and held by Notarial Deed of Servitude K4936/95S.
- i. Right of way servitude vide diagram SG No 4821/1995 in Notarial Deed K6165/97S.
- j. The following servitude which only affects Bóugainvillea Drive:
- Subject to a servitude vide diagram SG No 1553/99 and will more fully appear from Deed of Transfer T149299/99

- 1.3.2 the following servitudes which only affects Erf 1609 and Bougainvillea Drive;

"Die eiendom hiermee getransporteer as Gedeelte van voorgemelde Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEEEST-FONTEIN 324, Registrasie Afdeling J R, Provinsie Gauteng, groot 353,0689 hektaar is onderhewig aan 'n rioolpyplyn serwituut 4 meter wyd ten gunste van City of Tshwane Metropolitan Municipality, die lyn c f op aangehegte Kaart S.G. A2076.1985 soos meer volledig sal blyk uit Notariële Akte K3483/1986S."

- 1.3.3 The following servitude affects Erven 1610, 1629, 1633 and Bougainvillea Drive, Hoepellaan and Bartailed Streets:

"Subject to 3 (three) servitudes for sewerage purposes 3 (three) metres wide over the property in favour of the City of Tshwane Metropolitan Municipality, the centre line of the first servitude is depicted by the figure AB, the centre of the second servitude is depicted by the figure CDE and the southern boundary of the third servitude is depicted by the figure FG on diagram L.G. No. 6885/1999 as will more fully appear from Notarial Deed of Servitude K6297/99S with diagram attached."

1.4 LAND FOR MUNICIPAL PURPOSES

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

Parks (public open space): Erven 1631 and 1632

1.5 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.

1.6 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.

1.7 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.

1.8 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.

1.9 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.

1.10 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. In the case of Erven 1612 up to and including 1629, no transfer of the erven will be allowed until such time that the adjoining Montana Tuine Extension 34 or division thereof has been proclaimed.

1.11 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.

1.12 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.

1.13 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.

1.14 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.

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

Erven 1633 and 1634 shall be transferred to the homeowners' association (Section 21 Company) by and at the expense of the township owner.

1.16 TRAFFIC IMPACT STUDY

All conditions imposed regarding the construction of roads and the provision of acceptable access to the township as required by the Municipality (General Manager: Service Delivery (Roads and Stormwater Division)) after approval of the traffic impact study shall be complied with by the owner of the township at his own expense.

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 1631 AND 1632)**

2.1.1.1 The erven shall be subject to a servitude, 2 metres wide, for municipal services (water, sewerage, 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, 2 metres wide, over the entrance portion of the erf, if and when required by the Municipality: 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 metres from it.

2.1.1.3 The 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 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 ERVEN 1610, 1615, 1626 AND 1633

2.1.2.1 The erven shall be subject to a 4 metre wide stormwater servitude, in favour of the 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 metres there from.
