

*THE PROVINCE OF
GAUTENG*

*DIE PROVINSIE
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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 2790

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9679P

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

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

This amendment is known as Pretoria Amendment Scheme 9679P.

(13/2/Montana x85 (9679P))
 ___ November 2007

Executive Director: Legal Services
 (Notice No 1236/2007)

PLAASLIKE BESTUURSKENNISGEWING 2790

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9679P

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

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9679P.

(13/2/Montana x85 (9679P))
 ___ November 2007

Uitvoerende Direkteur: Regsdienste
 (Kennisgewing No 1236/2007)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA EXTENSION 85 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 85 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana x85 (9679P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TEM KONSTRUKSIE (PTY) LTD IN TERMS OF THE PROVISIONS OF CHAPTER III: PART A AND C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 471 (A PORTION OF PORTION 63) 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 85.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 10575/2005.

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, as well as the following servitudes –

1.3.1 The figure AB S3 S4 represents a drainage servitude 3.15 meters wide vide Diagram SG No A6833/1958 and Notarial Deed No 541/1961S and affects Erven 2766 to 2776 and Jan Bantjies Road.

1.3.2 The figure A A1 A2 D represents a servitude 4.26 meters wide vide Diagram SG No A787/1991, Deed of Servitude K5017/1991 and affect Jan Bantjies Road.

1.3.3 The line B S2 represents the eastern boundary of a servitude 2.00 meters wide vide diagram SG No 4181/2001, and affects Erf 2776.

1.3.4 The figure S3 S4 represents a sewerage line servitude 2,35 m wide in favour of the City of Tshwane Metropolitan Municipality vide Notarial Deed K5616/1992S and affects Erven 2766 to 2776 and Jan Bantjies Road.

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay to the Municipality as endowment a total amount of **R146 000,00** which amount shall be used by the 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 RECEIVING AND DISPOSAL OF STORM-WATER

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 road.

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 Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the 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 Municipality, when required to do so by the 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 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 COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture, Conservation and Environment including, 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, 1989 (Act 73 of 1989) for the development of this township.

1.12 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.

1.13 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)

Erf 2812 shall be transferred to the Section 21 Company (homeowners' association) by and at the expense of 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). 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 (i.e. water, sewerage, electricity, and the road and storm-water 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 City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete 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.

1.14.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality 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 Metropolitan Municipality 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 Metropolitan Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane Metropolitan 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 (i.e. water, sewerage, electricity, and the road and storm-water 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 City of Tshwane Metropolitan Municipality.

1.14.5 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.

1.14.6 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 Erf 2812, in accordance with the approved site development plan.

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

1.14.7 CERTIFICATE OF COMPLIANCE

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 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 1.14.6."

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 ERF 2812)

2.1.1.1 The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm-water) (hereinafter referred to as "the services"), in favour of the Section 21 Company, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 m wide, over the entrance portion of the erf, if and when required.

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 m from it.

2.1.1.3 The Section 21 Company 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 Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.2 ALL ERVEN (EXCLUDING ERF 2812)

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.

- 2.1.3 The proposed Erf 2812 is subject to a right of way servitude for access, services and security and shall be registered in favour of the Municipality and/or the Section 21 Company.
- 2.1.4 The figure c-d-C-e represents a 1,5m wide sewer servitude and shall be registered over the proposed Erven 2780, 2781, 2782, 2791, 2792, 2793, 2794, 2803, 2804, 2805 and 2806 in the name of the Section 21 Company and/or Municipality.
- 2.1.5 The figure f-g-h-i represents a 3,0m wide sewer and storm water servitude and shall be registered over the proposed Erf 2777 in the name of the Section 21 Company and/or Municipality.
- 2.1.6 The figure j-k-l-m-n-o represents a 1,0m wide sewer servitude and shall be registered over the proposed Erf 2783 in the name of the Section 21 Company and/or Municipality.
- 2.1.7 The figure p-q-r-s represents a 3,0m wide sewer servitude and shall be registered over the proposed Erf 2783 in the name of the Section 21 Company and/or Municipality.
- 2.1.8 The figure t-u-v-w-x-r represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2784 in the name of the Section 21 Company and/or Municipality.
- 2.1.9 The figure y-z-q-a' represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2785 in the name of the Section 21 Company and/or Municipality.
- 2.1.10 The figure f'-g'-h'-l' represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2787 in the name of the Section 21 Company and/or Municipality.
- 2.1.11 The figure j'-k'-l'-m'-n'-o' represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2795 in the name of the Section 21 Company and/or Municipality.
- 2.1.12 The figure t'-u'-v' represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2796 in the name of the Section 21 Company and/or Municipality.
- 2.1.13 The figure q'-w'-x'-r' represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2796 in the name of the Section 21 Company and/or Municipality.
- 2.1.14 The figure y'-z'-q'-a" and b"-c"-d"-e" represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2797 in the name of the Section 21 Company and/or Municipality.
- 2.1.15 The figure f"-g"-h"-l"-j"-k" represents a 1,5m wide sewer servitude and shall be registered over the proposed Erf 2799 in the name of the Section 21 Company and/or Municipality.
- 2.1.16 The figure l"-m"-n"-o" represents a 1,5m wide sewer servitude and shall be registered over the proposed Erven 2807, 2809 and 2811 in the name of the Section 21 Company and/or Municipality.
- 2.1.17 The figure p'-q'-r'-s' represents a 1,5 m wide servitude and shall be registered over the proposed Erf 2795 in the name of the Section 21 Company and/or the Municipality.