

*THE PROVINCE OF
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*DIE PROVINSIE
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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
LOCAL AUTHORITY NOTICE		
190	Town-planning and Townships Ordinance (15/1986): City of Tshwane Metropolitan Municipality: Pretoria Amendment Scheme 9734P	2 18

LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 190

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9734P

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 138, 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 9734P.

(13/2/Montana x138 (9734P))
 __ January 2008

Executive Director: Legal Services
 (Notice No 329/2008)

PLAASLIKE BESTUURSKENNISGEWING 190

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9734P

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 138, 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 9734P.

(13/2/Montana x138 (9734P))
 ___ Januarie 2008

Uitvoerende Direkteur: Regsdienste
 (Kennisgewing No 329/2008)

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CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA EXTENSION 138 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 138 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana x138 (9734P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY CROWMARSH PROPERTIES (PROPRIETARY) LIMITED 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 531 (A PORTION OF PORTION 526) OF THE FARM HARTEBEEESTFONTEIN 324JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Montana Extension 138.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 8041/2007.

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 –

1.3.1 excluding the following servitudes which must not be carried over to the erven in the township:

“GEDEELTE 10 en die Resterende Gedeelte van Gedeelte E van die plaas “Hartebeestfontein” nr 592 distrik Pretoria, groot as sodanig 426,1381 hektaar (waarvan die eiendom hiermee getranspoteer ’n deel uitmaak) is wederkerig onderworpe aan en geregtig tot die reg van weg 12,59 meter wyd, soos aangetoon op Kaart S.G. Nr. A2596/1942, geheg aan Akte van Transport T24553/1942, gedateer 7 Desember 1942.” and

1.3.2 Including the following servitude which effects Erf 1961 in the township:-

A servitude in favour of the City of Tshwane Metropolitan Municipality, for stormwater purposes as indicated by SG Diagram No 1911/1995 and registered under reference number K1400/1996S.

1.4 ACCESS

No ingress from Road K99 to the township and no egress to Road K99 from the township shall be allowed as well as for a distance of 100 m along Third Road from the intersection thereof with Dr Swanepoel Road (Line dBAHG on the plan). A 16m building line shall be applicable along Road K99.

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 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 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.

1.8 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 K99 (Dr Swanepoel Road).

1.9 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have the erven in the township consolidated. The City of Tshwane Metropolitan Municipality hereby grants its consent to the consolidation in respect of Section 92(2) of Ordinance 15 of 1986.

1.10 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.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the Municipality, when required to do so by the 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 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, as well as any other applicable provisions, in terms of the provisions of the Environment Conservation Act, 1989 (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998), as the case may be.

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.

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 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 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 m 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.

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

VERKLARING VAN MONTANA UITBREIDING 138 TOT GOEDGEKEURDE DORP

Ingevolge artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie No 15 van 1986), verklaar die Stad Tshwane Metropolitaanse Munisipaliteit hierby die dorp Montana Uitbreiding 138 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Montana x138 (9734P))

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR CROWMARSH PROPERTIES (PROPRIETARY) LIMITED INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III: DEEL C VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE NO. 15 VAN 1986), OM TOESTEMMING OM 'N DORP OP GEDEELTE 531 ('N GEDEELTE VAN GEDEELTE 526) VAN DIE PLAAS HARTEBEESTFONTEIN 324JR, GAUTENG, TE STIG, TOEGESTAAN IS

1. STIGTINGSVOORWAARDES

1.1 NAAM

Die naam van die dorp is Montana Uitbreiding 138.

1.2 ONTWERP

Die dorp bestaan uit erwe soos aangedui op Algemene Plan LG No 8041/2007.

1.3 BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, as daar is, met inbegrip van die voorbehoud van die regte op minerale, maar –

1.3.1 uitgesonderd die volgende serwitut wat nie aan die erwe in die dorp oorgedra moet word nie:

“GEDEELTE 10 en die Resterende Gedeelte van Gedeelte E van die plaas “Hartebeestfontein” nr 592 distrik Pretoria, groot as sodanig 426,1381 hektaar (waarvan die eiendom hiermee getransporeer 'n deel uitmaak) is wederkerig onderworpe aan en geregtig tot die reg van weg 12,59 meter wyd, soos aangetoon op Kaart S.G. Nr. A2596/1942, geheg aan Akte van Transport T24553/1942, gedateer 7 Desember 1942.” en

1.3.2 insluitende die volgende serwitut wat Erf 1961 in die dorp raak:-

“A servitude in favour of the City of Tshwane Metropolitan Municipality, for stormwater purposes as indicated by SG Diagram No 1911/1995 and registered under reference number K1400/1996S.”

1.4 TOEGANG

Geen ingang van Pad K99 tot die dorp en geen uitgang tot Pad K99 uit die dorp word toegelaat nie asook vir 'n afstand van 100m langs Thirdweg vanaf die interseksie met Dr Swanepoel-weg (lyn dBAHG op die plan). 'n 16m boulyn sal van toepassing wees langs Pad K99.

1.5 ONTVANGS VAN EN WEGDOEN MET STORMWATER

Die dorpseienaar moet die stormwaterdreinerings van die dorp so reël dat dit inpas by die van die aangrensende paaie en hy moet die stormwater wat van die pad afloop of afgelei word, ontvang en daarmee wegdoen.

1.6 VERSKUIWING EN/OF VERWYDERING VAN MUNISIPALE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verskuif of te vervang, moet die koste daarvan deur die dorpseienaar gedra word.

1.7 OPRIGTING VAN HEINING OF ANDER FISIESE VERSPERRING

Die dorpseienaar moet op eie koste 'n heining of ander fisiese versperring oprig tot tevredeheid van die Hoof van die Departement: Gauteng Provinsiale Regering: Departement van Openbare Vervoer, Paaie en Werke, soos en wanneer deur hom verlang om dit te doen en die dorpseienaar moet sodanige heining of fisiese versperring in 'n goeie toestand hou tot tyd en wyl die erwe in die dorp aan die daaropvolgende grondeienaars oorgedra word, waarna die verantwoordelikheid vir die instandhouding van sodanige heining of fisiese versperring by hulle berus.

1.8 DEPARTEMENT VAN OPENBARE VERVOER, PAAIE EN WERKE: AKOESTIESE AFSKERMINGSMAATREËLS

Die aansoeker sal verantwoordelik wees vir enige kostes met betrekking tot die oprigting van akoestiese afskermingsmaatreëls langs Pad K99 (Dr Swanepoel-weg).

1.9 KONSOLIDASIE VAN ERWE

Die dorpseienaar moet op eie koste die erwe in die dorp laat konsolideer. Die Stad Tshwane Metropolitaanse Munisipaliteit verleen hiermee ingevolge Artikel 92(2) van Ordonnansie 15 van 1986, toestemming tot die konsolidasie.

1.10 SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes en kantruimtes of oor gemeenskaplike grense gelê is, of bouvallige strukture laat sloop tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.11 VERWYDERING VAN ROMMEL

Die dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot tevredeheid van die Stad Tshwane Metropolitaanse Munisipaliteit wanneer die Stad Tshwane Metropolitaanse Munisipaliteit dit vereis.

1.12 VERSKUIWING EN/OF VERWYDERING VAN ESKOM KRAGLYNE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande kraglyne van Eskom te verskuif, moet die koste daarvan deur die dorpseienaar gedra word.

1.13 VERSKUIWING EN/OF VERWYDERING VAN TELKOM DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande dienste van TELKOM te verskuif en/of te verwyder, moet die koste daarvan deur die dorpseienaar gedra word.

1.14 VOLDOENING AAN VOORWAARDES OPGELÊ DEUR DIE GAUTENG DEPARTEMENT VAN LANDBOU EN OMGEWINGSBEWARING

Die dorpseienaar sal op sy eie koste voldoen aan al die voorwaardes opgelê deur die Gautengse Departement van Landbou en Omgewingsbewing, asook enige ander toepaslike voorwaardes soos vervat in die Wet op Omgewingsbewing, 1989 (Wet 73 van 1989), of die Nasionale Wet op Omgewingsbewing, 1998 (Wet 107 van 1998), wat ookal die geval mag wees.

1.15 NASIONALE ERFENIS HULPBRONNE WET

Die dorpseienaar sal op sy eie koste voldoen aan die bepalings van die Nasionale Erfenis Wet, Wet 25 of 1999.

2. TITELVOORWAARDES

- 2.1 DIE ERWE HIERONDER GENOEM, IS ONDERWORPE AAN DIE VOORWAARDES SOOS AANGEDUI, OPGELÊ DEUR DIE STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT INGEVOLGE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986):

2.1.1 ALLE ERWE

- 2.1.1.1 Die erf is onderworpe aan 'n serwituut, 2 meter breed, vir munisipale dienste (water, riool, elektrisiteit, stormwater) (hierna "die dienste" genoem), ten gunste van die Stad Tshwane Metropolitaanse Munisipaliteit langs enige twee grense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes, 2 meter breed, oor die toegangsgedeelte van die erf, indien en wanneer die plaaslike bestuur dit verlang: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.
- 2.1.1.2 Geen geboue of ander strukture mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2 meter daarvan geplant word nie.
- 2.1.1.3 Die Stad Tshwane Metropolitaanse Munisipaliteit is daarop geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige dienste en ander werke wat hy na goeiddunke noodsaaklik ag, tydelik te plaas op grond wat aan die voornoemde serwituut grens, en voorts is die Stad Tshwane Metropolitaanse Munisipaliteit geregtig op redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die Stad Tshwane Metropolitaanse Munisipaliteit enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige dienste en ander werke veroorsaak word.
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