

*THE PROVINCE OF
GAUTENG*

*DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 101

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9739P

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 53, 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 9739P.

(13/2/Montana x53 (9739P))
 __ December 2007

Executive Director: Legal Services
 (Notice No 1184/2007)

PLAASLIKE BESTUURSKENNISGWEING 101

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9739P

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 53, 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 9739P.

(13/2/Montana x53 (9739P))
 __ Desember 2007

Uitvoerende Direkteur: Regsdienste
 (Kennisgewing No 1184/2007)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA EXTENSION 53 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 53 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana x53 (9739P))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY DEACON BLUE ONE CC 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 524 (A PORTION OF PORTION 508) 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 53.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 7399/2007.

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 excluding –

1.3.1 THE FOLLOWING Servitude that is not to be transferred to the erven in the township:

“Gedeelte 10 en die Resterende Gedeelte van Gedeelte E van die Plaas HARTEBEESTFONTEIN NR 324, Registrasie Afdeling J.R., distrik Pretoria, groot as sodanig 497,5157 morge (waarvan die eiendom hieronder getranspoteer 'n deel uitmaak), is wederkerig ONDERWORPE aan en GEREGTIG tot die reg van we, 40 Kaapse voet wyd, soos aangetoon op Kaart SG Nr. A2596/1942, aangeheg tot Akte van Transport Nr T24553/1942, gedateer 7 Desember 1942.

1.3.2 THE FOLLOWING Stormwater Drainage Servitude in favour of the City of Tshwane Metropolitan Municipality, 652 square metres in extent, as indicated by the Figure ABCD on SG Diagram Nr A2241/1996, registered under Notarial Deed of Servitude No K7179/1996S, registered on 11 October 1996, does not affect the erven in the township.”

1.3.3 Gedeelte E van die plaas Hartebeestfontein nr 324 Registrasie Afdeling JR, distrik Pretoria (waarvan die eiendom hieronder getranspoteer 'n deel uitmaak) is verder onderhewig aan: -

The provisions of Section Thirty-Four of the Land Settlement Act, 1912, whereunder certain rights are granted to Governor-general in respect of Portion E of the farm HARTEBEESTFONTEIN No 324, Registration Division JR, district Pretoria.

1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay endowment for an area of 630m² in terms of Regulation 44(1) of the Town-planning and Townships Regulations to the Municipality. The endowment 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 ACCESS

No entrances to and exits from the township shall be permitted along Dr Swanepoel Road.

Entrances to and exits from the township to Rooibos Road shall not be permitted for a distance of 100 m from the intersection of Dr Swanepoel Road and Rooibos Road.

1.6 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.

1.7 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 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 Dr Swanepoel Road.

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 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.

1.15 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 53 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 53 tot 'n goedgekeurde dorp, onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

(13/2/Montana x53 (9739P))

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR DEACON BLUE ONE CC 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 524 ('N GEDEELTE VAN GEDEELTE 508) VAN DIE PLAAS HARTEBEESTFONTEIN 324JR, GAUTENG, TE STIG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES**1.1 NAAM**

Die naam van die dorp is Montana Uitbreiding 53.

1.2 ONTWERP

Die dorp bestaan uit erwe, parke en strate soos aangedui op Algemene Plan LG No 7399/2007.

1.3 BESIKKING OOR BESTAANDE TITELVOORWAARDES

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

- 1.3.1 Die volgende servitute 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 324, Registrasie Afdeling J.R., distrik Pretoria, groot as sodanig 497,5157 morge (waarvan die eiendom hieronder getranspoteer 'n deel uitmaak), is wederkerig ONDERWORPE aan en GEREGETIG tot die reg van we, 40 Kaapse voet wyd, soos aangetoon op Kaart SG Nr. A2596/1942, aangeheg tot Akte van Transport Nr T24553/1942, gedateer 7 Desember 1942.

1.3.2 THE FOLLOWING Stormwater Drainage Servitude in favour of the City of Tshwane Metropolitan Municipality, 652 square metres in extent, as indicated by the Figure ABCD on SG Diagram Nr A2241/1996, registered under Notarial Deed of Servitude No K7179/1996S, registered on 11 October 1996, does not affect the erven in the township."

1.3.3 Gedeelte E van die plaas Hartebeestfontein nr 324 Registrasie Afdeling JR, distrik Pretoria (waarvan die eiendom hieronder getranspoteer 'n deel uitmaak) is verder onderhewig aan: -

The provisions of Section Thirty-Four of the Land Settlement Act, 1912, whereunder certain rights are granted to Governor-general in respect of Portion E of the farm HARTEBEESTFONTEIN No 324, Registration Division JR, district Pretoria.

1.4 **BEGIFTIGING**

Betaalbaar aan die Stad Tshwane Metropolitaanse Munisipaliteit.

Die dorpsenienaar moet aan die Stad Tshwane Metropolitaanse Munisipaliteit, begiftiging vir 'n area van 630m² in terme van Regulasie 44(1) van die Dorpsbeplanning en Dorpe Regulasie, betaal, welke bedrag deur die Stad Tshwane Metropolitaanse Munisipaliteit aangewend moet word vir die verkryging van grond vir park- en/of openbare-oopruimtedoeleindes.

Die genoemde begiftigingsbedrag is betaalbaar kragtens die bepalings van artikel 81 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986).

1.5 **TOEGANG**

Geen ingange en uitgange vanuit die dorp sal toegelaat word langs Dr Swanepoel-weg nie.

Ingange en uitgange vanuit die dorp na Rooibosweg sal nie toegelaat word vir 'n afstand van 100m van die interseksie van Dr Swanepoel-weg en Rooibosweg nie.

1.6 **ONTVANGS VAN EN WEGDOEN MET STORMWATER**

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

1.7 **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 dorpsenienaar gedra word.

1.8 **OPRICHTING VAN HEINING OF ANDER FISIESE VERSPERRING**

Die dorpsenienaar 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 dorpsenienaar 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.

1.9 **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 Dr Swanepoel-weg.

1.10 **SLOPING VAN GEBOUE EN STRUKTURE**

Die dorpsenienaar 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 wat opgelê is deur die Gauteng Departement van Landbou en Omgewingsbewing met die aansoek om vrystelling om aan die bepalings van Regulasie 1182 en 1183 gepromulgeer ingevolge artikel 21, 22 en 26 van die Wet op Omgewingsbewing, 1989 (Wet No 73 van 1989) vir die ontwikkeling van die dorpsgebied.

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 goeë dunnke 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.
