

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

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No. 26

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

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LOCAL AUTHORITY NOTICES

LOCAL AUTHORITY NOTICE 109

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 357T

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 has approved an amendment scheme with regard to the land in the township of Montana Tuine Extension 40, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 357T.

(13/2/Montana Tuine x40 (357T))
__ February 2013

Chief Legal Counsel
(Notice No 208/2013)

PLAASLIKE BESTUURSKENNISGEWING 109

STAD TSHWANE

TSHWANE WYSIGINGSKEMA 357T

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 'n wysigingskema met betrekking tot die grond in die dorp Montana Tuine Uitbreiding 40, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 357T.

(13/2/Montana Tuine x40 (357T))
__ Februarie 2013

Hoofregsadviseur
(Kennisgewing No 208/2013)

CITY OF TSHWANE

DECLARATION OF MONTANA TUINE EXTENSION 40 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 hereby declares the township of Montana Tuine Extension 40 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x40 (357T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WILCOPROP 202 PROPRIETARY LIMITED, 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 378 AND 567 OF THE FARM HARTEBEESTFONTEIN 324-JR, WHICH PROPERTIES HAVE BEEN CONSOLIDATED AND ARE NOW KNOWN AS PORTION 568 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 Tuine Extension 40.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 4848/2012.

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 servitudes which do not affect the erven in the township due to the location thereof:

(a) Portion 378 of the farm Hartebeestfontein 324-JR vide Deed of Transfer T45329/2012

“3. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar (waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak) is:

3.1 Onderhewig aan ‘n serwituu 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 K 4937/1995S.

3.2 Onderhewig aan ‘n serwituu van reg-van-weg 5 meter wyd vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die suidelike grens waarvan aangedui word deur die lyn ABCD op L.G Kaart Nr A4441/94 soos meer volledig blyk uit Notariële Aktes K 4938/1995S.

3.3 Onderhewig aan ‘n serwituu van reg-van-weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria:

3.3.1 4 meter wyd waarvan die lyn AB die middellyn voorstel;

3.3.2 16,5 meter wyd waarvan die lyn DEFGHJKLMNPQ RSTUVW die westelike grens voorstel;

Op Kaart LG A4442/94 soos meer volledig sal blyk uit Notariële Akte K4936/1995S.

4. Die voormalige Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 256,1422 hektaar (waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak) is onderhewig aan ‘n rioolserwituu, 2 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyne ABCDE en DFGH op Kaart LG 6256/1995 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte K2478/1996S.

5. Die voormalige Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 241,5426 hektaar (waarvan die eiendom hiermee getranspoteer ‘n gedeelte uitmaak) is geregtig op ‘n serwituu van reg-van-weg 16 meter wyd waarvan die suidelike grens aangedui word deur die lyn GHJ op Kaart L.G nr A4821/95 oor Gedeelte 211 (‘n gedeelte van Gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng soos meer volledig sal blyk uit Notariële Akte K6165/1997S

6. The Remaining Extent of Portion 44 of the farm HARTEBEEST-FONTEIN 324, Registration Division JR, Province Gauteng, measuring 234,5018 hectares (of which the property hereby transferred forms a portion) is subject to the following servitudes in favour of the City Council of Pretoria.

6.1 A sewerage servitude 2 (two) metres wide is depicted by the line AB on Diagram LG No 6836/1998

6.2 A servitude for electrical purposes 2 (two) metres wide, the southern boundary of which is depicted by the line AB on the Western Boundary by the line BC on Diagram LG 8824/1998.

- 6.3 A servitude for electrical purposes 2 (two) metres wide of which the line AB depicts the southern boundary, the line BC, the western boundary and the line CD, the southern boundary on Diagram LG No 6837/1998
- 6.4 A servitude for road purposes, 3 329 (three thousand three hundred and twenty nine) square metres in extent as depicted by the figures ABCDEA on Diagram LG No 6838/1998

as will more fully appear from Notarial Deed of Servitude K 6296/1999S with Diagrams LG Nos 6836/1998, 8824/1998, 6837/1998 and 6838/1998 attached.

- 7. The Remaining Extent of Portion 44 of the farm HARTEBEEEST-FONTEIN 324, Registration Division JR, Province Gauteng, measuring 232,5018 hectares (of which the property hereby transferred forms a portion) is subject to a servitude of right-of-way and for municipal purposes 2 (two) metres wide in favour of the Pretoria City Council together with ancillary rights as indicated by the figure ABCDA on Diagram LG No 6839/1998 as will more fully appear from Notarial Deed K 3261/2000S.
- 8. The Remaining Extent of Portion 44 of the farm HARTEBEEEST-FONTEIN 324, Registration division JR, Province Gauteng, measuring 227,0771 hectares (of which the property hereby transferred forms a portion) is subject to the following servitudes in favour of the Pretoria City Council:-

- 8.1 A servitude of right-of-way in order to provide access and for general municipal purposes, which said servitude is indicate by the figure ABCDEFA on Diagram LG No 1632/2000.
- 8.2 A servitude of right-of-way in order to provide access and for general municipal purposes, 3 329 (three thousand three hundred and twenty nine) square metres in extent, which said servitude is indicated by the figures ABCDEA on Diagram LG No 6838/1998
- 8.3 A servitude of right-of-way in order to provide access and for general municipal purposes, which said servitude is indicated by the figures ABCDEA on Diagram L.G. No. 1633/2000
- 8.4 A servitude of right-of-way in order to provide access and for general municipal purposes, 9 478 (nine thousand four hundred and seventy eight) square metres, which said servitude is indicated by the figures ABCDEFA on Diagram LG No 5933/1998
- 8.5 A servitude for stormwater drainage, 3 (three) metres, the centre line of which said servitude is indicated by the line ABCD on Diagram LG No 5934/1998

as will more fully appear from Notarial Deed of Servitude K5897/2000S registered on the 8th November 2000 with Diagrams LG Nos 1632/2000, 6838/1998, 1633/2000, 5933/1998 and 5934/1998 attached.

- (b) Remaining Extent of Portion 44 (now Portion 567) of the farm Hartebeestfontein 324-JR vide Deed of Transfer T45329/2012
- 3. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is:-
 - 3.1 Onderhewig aan 'n Serwituut 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 LG Kaart Nr A11013/94 soos meer volledig sal blyk uit Notariële Akte Nr K 4937/1995.S

- 3.2 Onderhewig aan 'n serwituut van reg-van-weg 5 meter wyd vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die suidelike grens waarvan aangedui word deur die lyn ABCD op LG Kaart Nr A4441/94 soos meer volledig blyk uit Notariële Akte K4938/1995 S.
- 3.3 Onderhewig aan 'n serwituut van reg-van-weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria:
1. 4 meter wyd waarvan die lyn AB die middellyn voorstel;
 2. 3 meter wyd waarvan die lyn AC die suidelike grens voorstel;
 3. 16,5 meter wyd waarvan die lyn DEFGHJKLMN PQRSTUVW die westelike grens voorstel;
- op Kaart LG A4442/94 soos meer volledig sal blyk uit Notariële Akte K4936/1995S.
4. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 256,1422 hektaar waarvan die eiendom hiermee getranspoteer 'n gedeelte uitmaak is onderhewig aan 'n rioolserwituut 2 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyne ABCDE en DFGH op Kaart LG No 6256/1995 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte K2478/1996S.
5. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 241,5426 hektaar waarvan die eiendom hiermee getranspoteer 'n gedeelte uitmaak is geregtig op 'n serwituut van reg-van-weg 16 meter wyd waarvan die suidelike grens aangedui word deur die lyn GHJ op Kaart LG No A4821/95 oor Gedeelte 211 ('n Gedeelte van Gedeelte 44) van die plaas Hartebeestfontein 324 JR soos meer volledig sal blyk uit Notariële Akte K 6165/1997S.
6. The Remaining Extent of Portion 44 of the farm HARTE-BEESTFONTEIN 324, Registration Division JR, Province Gauteng; measuring 234,5018 hectares whereof the property hereby transferred forms a portion is subject to the following servitudes in favour of the City Council of Pretoria:-
- A. 1. A sewerage servitude 2 (two) meters wide in depicted by the line AB on diagram LG No 6836/98.
 - 2.A servitude for electrical purposes 2 (two) metres wide, the southern boundary of which is depicted by the line AB and the western boundary by the line BC on diagram LG No 8824/98.
 - 3.A servitude for electrical purposes 2 (two) metres wide of which the line AB depicts the southern boundary, the line BC the western boundary and the line CD, the southern boundary on diagram LG No 6837/98.
 - 4.A servitude for road purposes 3 329 (Three Thousand Three Hundred and Twenty Nine) Square metres in extent as depicted by the figures ABCDEA on diagram LG No 6838/98.
- as will more fully appear from Notarial Deed of Servitude K 6296/1999S with diagrams Numbers LG 6836/98, 8824/98, 6837/98 and 6838/98 attached.

- B. Subject to 3 (three) servitudes for sewerage purposes 3 (three) metres wide over the property, 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 LG No 6885/1999 as will more fully appear from Notarial Deed of Servitude K 6297/99S with diagram attached.
7. The Remaining Extent of Portion 44 of the farm HARTE-BEESTFONTEIN 324, Registration Division JR, Province Gauteng, measuring 232,5018 hectares whereof the property hereby transferred forms a portion is subject to the following servitude:-
- 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 LG No 6839/1998 together with ancillary rights as will more fully appear from the Notarial Deed K 3261/2000S.
8. The Remaining Extent of Portion 44 of the farm HARTE-BEESTFONTEIN 324, Registration Division JR, Province Gauteng; measuring 227,0681 hectares whereof the property hereby transferred forms a portion is subject to the following servitudes in favour of the City Council of Pretoria:-
- 8.1 A servitude of right-of-way in order to provide access for general municipal purposes as indicated by figure ABCDEFA on diagram LG No 1632/2000.
- 8.2 A servitude of right-of-way in order to provide access for general municipal purposes 3 329 square metres in extent as indicated by the figure ABCDEA on diagram LG No 1638/1998.
- 8.3 A servitude of right-of-way in order to provide access for general municipal purposes as indicated by the figure ABCDEA on diagram LG No 1633/2000
- 8.4 A servitude of right-of-way in order to provide access for general municipal purposes 9 478 square metres in extent as indicated by the figure ABCDEFA on diagram LG No 5933/1998.
- 8.5 A servitude for stormwater drainage 3 metres wide, the centre line as indicated by the line ABCD on diagram LG No 5934/1998
- as will more fully appear from Notarial Deed K 5897/2000S with diagram Numbers LG 1632/2000, 1638/1998, 1633/2000, 5933/1998 and 5934/1998 attached.
9. The Remaining Extent of Portion 44 of the farm HARTE-BEESTFONTEIN 324, Registration Division JR, Province Gauteng; measuring 205,6593 hectares whereof the property hereby transferred forms a portion is subject to the following servitude:-
- Subject to a servitude for general municipal purposes respectively 3 437 square metres and 3 374 square metres in extent indicated by the figures ABCA and EFGHJKLMNE on the servitude diagram SG No 6522/2000 in favour of the City Council of Pretoria in terms of Section 79 (24)(9) of the Local Government Ordinance, 1939 (no 17 of 1939) read with Section S of Expropriation Act 63 of 1975 as will more fully appear from Deed of Cession of Servitude K 513/2001S with diagram attached.”

2.3.2 The following servitudes which do affect certain erven in the township and will be registered against the title deeds of the said erven:

a) Portion 378 of the farm Hartebeestfontein 324-JR vide Deed of Transfer T45329/2012

i) Erf 1734

"2. Die eiendom hiermee getranspoteer is onderhewig aan 'n rioolpyplynserwituut 4 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn xy op Kaart LG No 81/2000 geheg aan Sertifikaat van Geregistreerde Titel T138547/2000 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte nr K3483/1986S."

ii) Erven 1734 and 1735

"3.4 Die eiendom hiermee getranspoteer is onderworpe aan 'n Serwituut van reg-van-weg vir die lê van riool-en stormwaterpype ten gunste van die Stadsraad van Pretoria 3 meter wyd die suidelike grens van welke serwituut aangedui word deur die lyn FG op kaart LG 81/2000 geheg aan Sertifikaat van Geregistreerde Titel T138547/2000 soos meer volledig sal blyk uit Notariële Akte van Serwituut K4937/1995S met kaart LG No A4442/1994 daarby aangeheg."

(b) Remaining Extent of Portion 44 (now Portion 567) of the farm Hartebeestfontein 324-JR vide Deed of Transfer T45329/2012

i) Erf 1734

"2. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 353,0689 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan 'n rioolpyplynserwituut 4 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn ABCDEF op serwituut LG A2076/1985 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte nr K3483/1986 S."

1.4 NON-PROFIT COMPANY

The Bougainvillea Retirement Village Non-Profit Company (NPC) must be established in terms of the Companies Act whereas such association shall be responsible for the management of the security village in general.

1.5 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Municipal: Erven 1737 and 1738

1.6 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay as endowment a total amount of **R1 270 000** for an area of **4 446m²** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan 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).

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

1.7.1 The stormwater plan for this development must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas. Any new or enlarged stormwater systems to address all stormwater runoff must be investigated and designed by a professional civil engineer to the satisfaction of the local authority.

1.7.2 The low points in roads and the accumulation of stormwater in crescents, cull-de-sacs and lower lying erven must be drained to the satisfaction of the local authority.

1.8 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the local authority in order to ensure that:

1.8.1 Water will not dam up, that the entire surface of the township area is drained properly and that the streets are sealed with tar, cement or bitumen;

1.8.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.9 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.

1.10 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 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.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane metropolitan 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 which the Gauteng Department of Agriculture and Rural Development, as well as any other applicable provisions, in terms of the provisions of the Environmental Conservation Act (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.15 NATIONAL HERITAGE RESOURCES ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

1.16 ACCESS

- a) Access to the township shall be across Erf 1630, Montana Tuine Extension 49.
- b) Ingress to and egress from the township shall be to the satisfaction of the Municipality.

1.17 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.

1.18 CONSOLIDATION OF ERVEN

The township owner shall at his own expense have Erven 1734 and 1735 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.

1.19 DEVELOPER'S OBLIGATIONS

- a) Provision of detailed Engineering Drawings:
 - i) The developer must submit to the CoT complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.
 - ii) The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.
 - iii) The developer must obtain a way leave from the Council prior to commencement of construction work, if such work will be done on Council property.
 - iv) A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.
- b) Site Development Plan:
 - i) A complete Site Development Plan for the whole development must be submitted before any building construction may commence, at the cost of the applicant, for the approval of the Division: Roads and Stormwater: Engineers Drawings with details regarding access, parking layout and stormwater drainage must be submitted with the Site Development Plan.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICTED, 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 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, 2m 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 2m 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 ERF 1735

2.1.2.1 The erf shall be subject to a right of way servitude, with varying widths, in favour of the owners and/or occupiers and/or tenants from time to time of Erven 1756 and 1757, Montana Tuine Extension 64 and Erf 1759, Montana Tuine Extension 65, 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 2m thereof.

2.1.2.3 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 essential, 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 main sewer pipelines and other works.

2.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED:

2.2.1 ERVEN 1734 AND 1735

2.2.1.1 The owner of each erf in the township shall become a member of the home owners' association (non-profit company) upon the transfer of the erf.

LOCAL AUTHORITY NOTICE 110**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 358T**

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 has approved an amendment scheme with regard to the land in the township of Montana Tuine Extension 64, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 358T.

(13/2/Montana Tuine x64 (358T))
__ February 2013

Chief Legal Counsel
(Notice No 209/2013)

PLAASLIKE BESTUURSKENNISGEWING 110**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 358T**

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 'n wysigingskema met betrekking tot die grond in die dorp Montana Tuine Uitbreiding 64, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 358T.

(13/2/Montana Tuine x64 (358T))
__ Februarie 2013

Hoofregsadviseur
(Kennisgewing No 209/2013)

CITY OF TSHWANE**DECLARATION OF MONTANA TUINE EXTENSION 64 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 hereby declares the township of Montana Tuine Extension 64 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x64 (358T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WILCOPROP 202 PROPRIETARY LIMITED, 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 519 (A PORTION OF PORTION 517) 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 Tuine Extension 64.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 4849/2012.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T45330/2012, if any, including the reservation of the rights to minerals, but excluding –

1.3.1 following servitudes which do not affect the erven in the township due to the location thereof:

3. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is:

3.1 Onderhewig aan 'n serwituut van Reg-van-Weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABC op Kaart L.G. Nr. A 11013/94 soos meer volledig sal blyk uit Notariële Akte Nr K4937/1995S.

3.2 Onderhewig aan 'n serwituut van Reg-van-Weg 5 meter wyd vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die suidelike grens waarvan aangedui word deur die lyn ABCD op Kaart LG Nr 4441/94 soos meer volledig blyk uit Notariële Aktes K4938/95S.

3.3 Onderhewig aan 'n serwituut van reg-van-weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria:

1. 1 meter wyd waarvan die lyn AB die middellyn voorstel;
2. 2 meter wyd waarvan die lyn AC die suidelike grens voorstel;
3. 16,5 meter wyd waarvan die lyn DEFGHJKLMNPQRSTUWV die westelike grens voorstel;

op Kaart L.G A 4442/94 soos meer volledig sal blyk uit Notariële Akte K4936/1995S.

B. Die voormalige Gedeelte 216 ('n gedeelte van gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng soos aangetoon deur die figure A B C E1 F1 A op Diagram LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes:

1. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling J.R. Provinsie Gauteng, groot 286,7588 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan 'n rioolpyplynserwituut, 2 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyne ABCDE en DFGH op serwituutkaart LG 6256/1995 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte K2470/1996S.

2. Onderhewig aan 'n serwituut vir die lê van 'n elektriese kabel, 3 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn DE op kaart A Nr 2076/1985 die oostelike grens voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K3483/1986S.

C. Die voormalige Gedeelte 216 ('n gedeelte van Gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, soos aangetoon deur die figure A B C E1 F1 A op Diagram LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes:

1. Onderhewig aan 'n rioolpyplynserwituut, 4 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn abc op kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K3483/1996S.

2. Onderhewig aan 'n rioolpyplynserwituut, 3 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn bdef op kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996 S.
 3. Onderhewig aan 'n serwituut vir stormwater doeleindes, 6 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn Eg op Kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996S.
- D. Die voormalige Gedeelte 217 ('n gedeelte van gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng soos aangetoon deur die figure DEFGHJKLMaXYZ A1 B1 C1 D1 E1 D op Kaart LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes.
1. Onderhewig aan 'n rioolpyplynserwituut, 4 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn abc op kaart LG Nr A 2076/1985 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr K3483/1986S.
 2. Onderhewig aan 'n serwituut vir riool- en stormwaterdoeleindes, 10 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyne cDE en EF op kaart LG Nr 5196/1995 onderskeidelik die suidelike en oostelike grense voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr K2479/1996S.
 3. Onderhewig aan 'n serwituut vir waterdoeleindes, 5 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn TQ op kaart LG Nr 5196/1995 die oostelike grens voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996 S.”
- 1.3.2 The following servitudes which do affect certain erven in the township and will be registered against the title deeds of the said erven:
- i) Erven 1756 and 1758
 - “2. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 353,0689 hektaar ('n gedeelte waarvan hiermee getransporeer word) is onderhewig aan 'n rioolpyplynserwituut 4 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn ABCDEF op serwituut LG A2076/1985 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte nr K3483/1986 S.”

1.4 NON-PROFIT COMPANY

The Bougainvillea Retirement Village Non-profit Company (NFC) must be established in terms of the Companies Act whereas such association shall be responsible for the management of the security village in general.

1.5 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Municipal: Erven 1757 and 1758

1.6 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay as endowment a total amount of **R1 020 000** for an area of **3 576m²** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan 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).

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

1.7.1 The stormwater plan for this development must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas. Any new or enlarged stormwater systems to address all stormwater runoff must be investigated and designed by a professional civil engineer to the satisfaction of the local authority.

1.7.2 The low points in roads and the accumulation of stormwater in crescents, cull-de-sacs and lower lying erven must be drained to the satisfaction of the local authority.

1.8 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the local authority in order to ensure that:

1.8.1 Water will not dam up, that the entire surface of the township area is drained properly and that the streets are sealed with tar, cement or bitumen;

1.8.2 trenches and excavations for foundations, pipes, cables, or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.9 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.

1.10 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 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.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan 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 which the Gauteng Department of Agriculture and Rural Development, as well as any other applicable provisions, in terms of the provisions of the Environmental Conservation Act (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.15 NATIONAL HERITAGE RESOURCES ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999.

1.16 ACCESS

1.16.1 Access to the township shall be from the townships Montana Tuine Extension 32 and Montana Tuine Extension 55 and no access shall be allowed along Cello Street and part of Rainstick Street as indicated on the layout plan.

1.16.2 Ingress to and egress from the township shall be to the satisfaction of the Municipality.

1.17 TRAFFIC IMPACT STUDY

1.17.1 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.

1.18 DEVELOPER'S OBLIGATIONS**1.18.1 Provision of detailed Engineering Drawings:**

- i) The developer must submit to the CoT complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.
- ii) The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.
- iii) The developer must obtain a way leave from the Council prior to commencement of construction work, if such work will be done on Council property.
- iv) A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

1.18.2 Site Development Plan:

- i) A complete Site Development Plan for the whole development must be submitted before any building construction may commence, at the cost of the applicant, for the approval of the Division: Roads and Stormwater: Engineers Drawings with details regarding access, parking layout and stormwater drainage must be submitted with the Site Development Plan.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICTED, 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 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, 2m 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 2m 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 ERF 1756

2.1.2.1 The erf shall be subject to the following servitudes:

- (i) A servitude for municipal services (stormwater, sewer, electrical), 16 m wide, in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan;
- (ii) A right of way servitude, 16 m wide, in favour of Erf 1759, Montana Tuine Extension 65, as indicated on the General Plan.
- (iii) A servitude, 2m wide, for municipal services (sewer and stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.
- (iv) A servitude, 2m wide, for municipal services (sewer and stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.
- (v) A servitude, 3m wide, for municipal services (sewer and stormwater) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the General Plan.
- (vi) A servitude, 4m wide, for municipal services (sewer and stormwater) 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 2m thereof.

2.1.2.3 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 essential, 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 main sewer pipelines and other works.

2.1.3 ERF 1757

2.1.3.1 The erf shall be subject to a right of way servitude, 16m wide, in favour of the owners and/or occupiers and/or tenants from time to time of Erf 1759, Montana Tuine Extension 65, as indicated on the General Plan.

2.1.3.2 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 2m thereof.

2.1.3.3 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 essential, 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 main sewer pipelines and other works.

2.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED:

2.2.1 ERF 1756

- (i) The owner of each erf in the township shall become a member of the home owners' association upon the transfer of the erf.
-

LOCAL AUTHORITY NOTICE 111**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 359T**

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 has approved an amendment scheme with regard to the land in the township of Montana Tuine Extension 65, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 359T.

(13/2/Montana Tuine x65 (359T))
__ February 2013

Chief Legal Counsel
(Notice No 210/2013)

PLAASLIKE BESTUURSKENNISGEWING 111**STAD TSHWANE****TSHWANE WYSIGINGSKEMA 359T**

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 'n wysigingskema met betrekking tot die grond in die dorp Montana Tuine Uitbreiding 65, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 359T.

(13/2/Montana Tuine x65 (359T))
__ Februarie 2013

Hoofregsadviseur
(Kennisgewing No 210/2013)

CITY OF TSHWANE**DECLARATION OF MONTANA TUINE EXTENSION 65 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 hereby declares the township of Montana Tuine Extension 65 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x65 (359T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WILCOPROP 202 PROPRIETARY LIMITED, 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 THE REMAINDER OF PORTION 517 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 Tuine Extension 65.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 4850/2012.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T45330/2012, if any, including the reservation of the rights to minerals, but excluding –

1.3.1 following servitudes which do not affect the erven in the township due to the location thereof:

3. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is:

3.1 Onderhewig aan 'n serwituut van Reg-van-Weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABC op Kaart LG Nr A 11013/94 soos meer volledig sal blyk uit Notariële Akte Nr K4937/1995S.

3.2 Onderhewig aan 'n serwituut van Reg-van-Weg 5 meter wyd vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria, die suidelike grens waarvan aangedui word deur die lyn ABCD op Kaart LG Nr 4441/94 soos meer volledig blyk uit Notariële Aktes K4938/95S.

3.3 Onderhewig aan 'n serwituut van reg-van-weg vir die lê van riool- en stormwaterpype ten gunste van die Stadsraad van Pretoria:

1. 1 meter wyd waarvan die lyn AB die middellyn voorstel;
2. 2 meter wyd waarvan die lyn AC die suidelike grens voorstel;
3. 16,5 meter wyd waarvan die lyn DEFGHJKLMNPQRSTUWV die westelike grens voorstel;

op Kaart LG A 4442/94 soos meer volledig sal blyk uit Notariële Akte K4936/1995S.

B. Die voormalige Gedeelte 216 ('n gedeelte van gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng soos aangetoon deur die figure A B C E1 F1 A op Diagram LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes:

1. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 286,7588 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan 'n rioolpyplynserwituut, 2 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyne ABCDE en DFGH op serwituutkaart LG 6256/1995 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte K2470/1996S.

2. Onderhewig aan 'n serwituut vir die lê van 'n elektriese kabel, 3 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn DE op kaart A Nr 2076/1985 die oostelike grens voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K3483/1986S.

C. Die voormalige Gedeelte 216 ('n gedeelte van Gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, soos aangetoon deur die figure A B C E1 F1 A op Diagram LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes:

1. Onderhewig aan 'n rioolpyplynserwituut, 4 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn abc op kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K3483/1996S.

2. Onderhewig aan 'n rioolpyplynserwituut, 3 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn bdef op kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996 S.
 3. Onderhewig aan 'n serwituut vir stormwater doeleindes, 6 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn Eg op Kaart LG Nr 5195/1995 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996S.
- D. Die voormalige Gedeelte 217 ('n gedeelte van gedeelte 44) van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng soos aangetoon deur die figure DEFGHJKLmXYZ A1 B1 C1 D1 E1 D op Kaart LG 8121/2007, aangeheg by Sertifikaat van Verenigde Titel T41254/2008, ('n gedeelte van die eiendom hierby gehou) is onderhewig aan die volgende voorwaardes.
1. Onderhewig aan 'n rioolpyplynserwituut, 4 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn abc op kaart LG Nr A 2076/1985 die middellyn voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr K3483/1986S.
 2. Onderhewig aan 'n serwituut vir riool- en stormwaterdoeleindes, 10 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyne cDE en EF op kaart LG Nr 5196/1995 onderskeidelik die suidelike en oostelike grense voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut Nr K2479/1996S.
 3. Onderhewig aan 'n serwituut vir waterdoeleindes, 5 meter wyd, ten gunste van die Stadsraad van Pretoria waarvan die lyn TQ op kaart LG Nr 5196/1995 die oostelike grens voorstel soos meer volledig sal blyk uit Notariële Akte van Serwituut K2479/1996 S.”

1.3.2 The following servitudes which do affect certain erven in the township and will be registered against the title deeds of the said erven:

i) Erf 1759

“2. Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 353,0689 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan 'n rioolpyplynserwituut 4 meter wyd ten gunste van die Stadsraad van Pretoria waarvan die lyn ABCDEF op serwituut LG A2076/1985 die hartlyn voorstel soos meer volledig sal blyk uit Notariële Akte nr K3483/1986 S.”

1.4 NON-PROFIT COMPANY

The Bougainvillea Retirement Village Non-profit Company (NFC) must be established in terms of the Companies Act whereas such association shall be responsible for the management of the security village in general.

1.5 LAND FOR MUNICIPAL PURPOSES

The following erf/erven shall be transferred to the City of Tshwane Metropolitan Municipality by and at the expense of the township owner:

Municipal: Erf 1760

1.6 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay as endowment a total amount of **R640 000** for an area of **2 232m²** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality. The amount of this area shall be used by the City of Tshwane Metropolitan 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).

1.7 ACCEPTANCE AND DISPOSAL OF STORMWATER

1.7.1 The stormwater plan for this development must be integrated with the greater stormwater master plan for the total relevant catchment area including adjoining areas. Any new or enlarged stormwater systems to address all stormwater runoff must be investigated and designed by a professional civil engineer to the satisfaction of the local authority.

1.7.2 The low points in roads and the accumulation of stormwater in crescents, cull-de-sacs and lower lying erven must be drained to the satisfaction of the local authority.

1.8 PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the local authority in order to ensure that:

1.8.1 Water will not dam up, that the entire surface of the township area is drained properly and that the streets are sealed with tar, cement or bitumen;

1.8.2 trenches and excavations for foundations, pipes, cables, or for any other purposes, are properly refilled with damp soil in layers not thicker than 150 mm, and compacted until the same grade of compaction as that of the surrounding material is obtained.

1.9 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.

1.10 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 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.

1.11 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan 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 which the Gauteng Department of Agriculture and Rural Development, as well as any other applicable provisions, in terms of the provisions of the Environmental Conservation Act (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be, for the development of this township.

1.15 NATIONAL HERITAGE RESOURCES ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999.

1.16 ACCESS

1.16.1 Access to the township shall be from the townships Montana Tuine Extension 40 and Erf 1630, Montana Tuine Extension 49.

1.16.2 Ingress to and egress from the township shall be to the satisfaction of the Municipality.

1.17 TRAFFIC IMPACT STUDY

1.17.1 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.

1.18 DEVELOPER'S OBLIGATIONS

1.18.1 Provision of detailed Engineering Drawings:

- i) The developer must submit to the CoT complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.
- ii) The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.
- iii) The developer must obtain a way leave from the Council prior to commencement of construction work, if such work will be done on Council property.
- iv) A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

1.18.2 Site Development Plan:

- i) A complete Site Development Plan for the whole development must be submitted before any building construction may commence, at the cost of the applicant, for the approval of the Division: Roads and Stormwater: Engineers Drawings with details regarding access, parking layout and stormwater drainage must be submitted with the Site Development Plan.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICTED, 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 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, 2m 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 2m 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.

2.2 CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED:

2.2.1 ERF 1759

- (i) The owner of each erf in the township shall become a member of the home owners' association upon the transfer of the erf.
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