

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 82 OF 2016**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 421T**

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 Park Extension 111, being an amendment of the Tshwane Town-planning Scheme, 2008.

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

This amendment is known as Tshwane Amendment Scheme 421T.

(13/2/Montana Park x111 (421T))
— August 2016

SED: GROUP LEGAL SERVICES
(Notice 245/2016)

PROKLAMASIE 82 VAN 2016
STAD TSHWANE
TSHWANE WYSIGINGSKEMA 421T

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 Park Uitbreiding 111, synde 'n wysiging van die Tshwane dorpsbeplanningskema, 2008, goedgekeur het.

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

Hierdie wysiging staan bekend as Tshwane wysigingskema 421T.

(13/2/Montana Park x111 (421T)
__ Augustus 2016

SUD: GROEP REGSDIENSTE
(Kennisgewing 245/2016)

CITY OF TSHWANE

DECLARATION OF MONTANA PARK EXTENSION 111 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 Park Extension 111 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Park x111 (421T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY JAN BOTHA JANSE VAN RENSBURG AND LOUISA ANN JANSE VAN RENSBURG, UNDER 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 594 (PORTION OF PORTION 32) OF THE FARM HARTEBEESTFONTEIN NO 324JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Montana Park Extension 111.

1.2 DESIGN

The township consists of erven and streets as indicated on General Plan SG No 5809/2013.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

1.4 CONDITIONS IMPOSED BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including those by which exemption has been granted from compliance with regulations No 1182 and 1183 promulgated in terms of section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE

1.5 ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Tshwane Roads and Storm Water Department.

1.6 ACCEPTANCE AND DISPOSAL OF STORMWATER

1.6.1 The township owner must accept and dispose of the storm water runoff from the higher lying area (mountain). The boundary fence on the southern boundary of the township must not impede on the natural flow of the storm water runoff.

1.6.2 The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all storm water running off or being diverted from the road shall be received and disposed of.

1.7 REFUSE REMOVAL

1.7.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

1.7.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

1.8 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, should it be deemed necessary.

1.9 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority or where buildings/structures are dilapidated.

1.10 ENDOWMENT

The township owner shall, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment for an area of 96 m² to the local authority in lieu of the provision of land for a park (public open space).

1.11 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

1.11.1 The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the storm water reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed; and

1.11.2 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and storm water drainage and the installation of systems therefore, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

1.11.3 Notwithstanding the provisions of clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in (a) and/or (b) above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser neither shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE. 1

All erven shall be made subject to existing conditions and servitudes, if any.

A. Excluding the following which do not affect the township due to its locality:

(a) Condition B(a) in Deed of Transfer No T13848/1981, namely:

"The provisions of section thirty four of the Land Settlement Act, 1912, whereunder certain rights are granted to the Governor General in respect of Portion 5 of the Farm "Hartebeestfontein" no 592 District Pretoria".

(b) Condition C in Deed of Transfer No. T13848/1981, namely:

"GEDEELTE 10 en die resterende gedeelte van Gedeelte 5 van die Plaas "Hartebeestfontein" No 592, Distrik Pretoria, groot as sodanig 426,138 hektaar (waarvan die gedeelte hiermee getranspoteer 'n deel uitmaak), is wederkerig onderworpe aan en geregtig tot die reg van weg, 12,59 meters wyd, soos aangetoon op kaart SG No A2596/42, geheg aan Akte van Transport No 24553/1942, hede gedateer".

(c) The endorsement on p.11 in Deed of Transfer T13848/1981, namely:

"Binnegemelde eiendom is verklaar as beskermde Natuur omgewing nl: Magaliesberg Beskermde Natuuromgewing".

3. CONDITIONS OF TITLE

A. Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

3.1 ALL ERVEN

3.1.1 Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

3.1.2 No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

3.1.3 The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process of the construction, maintenance or removal of such sewerage mains and other works as it, in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose subject to any damage done during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

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