

**THE PROVINCE OF
GAUTENG**



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PROCLAMATION • PROKLAMASIE

PROCLAMATION 84 OF 2016

CITY OF TSHWANE TSHWANE AMENDMENT SCHEME 386T

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 Extension 156, 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 386T.

(13/2/Montana x156 (386T))
SEPTEMBER 2016

SED: GROUP LEGAL SERVICES 14
(Notice 247/2016)

PROKLAMASIE 84 VAN 2016

STAD TSHWANE TSHWANE WYSIGINGSKEMA 386T

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 Uitbreiding 156, 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 386T.

(13/2/Montana x156 (386T))
SEPTEMBER 2016

SUD: GROEP REGSDIENSTE 14
(Kennisgewing 247/2016)

CITY OF TSHWANE DECLARATION OF MONTANA EXTENSION 156 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 Extension 156 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana x156 (386T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY LAS MANOS INVESTMENTS 152 (PTY) LTD, 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 585 (A PART OF PORTION 41) 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 156.

1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 3613/2012.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, including the reservation of rights to minerals, but excluding the following conditions of title which do not affect the township:

a) Condition B

“GEDEELTE 10 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, distrik Pretoria en die resterende gedeelte E van die gemelde plaas (waarvan die hoewe hieronder getranspoteer ‘n deel uitmaak) groot as sodanig 426, 1396 Hektaar, is wederkerig onderworpe aan en geregtig tot die reg van weë 12,59 meter wyd, soos aangetoon op Kaart SG Nr A 2596/42, geheg aan Akte van Transport Nr 24553/1942, gedateer die 7de dag van Desember 1942.”

The following entitlements which will not be passed on to the erven in the Township:

b) Condition B

“GEDEELTE 10 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling J.R., Distrik Pretoria en die resterende gedeelte van gedeelte E van die gemelde plaas (waarvan die hoewe hieronder getranspoteer ‘n deel uitmaak), groot as sodanig 426,1396 Hektaar is wederkering onderworpe aan en geregtig tot die reg van weë 12,59 meter wyd, soos aangetoon op Kaart SG Nr A 2596/42, geheg aan Akte van Transport Nr 24553/1942, gedateer die 7de dag van Desember 1942.”

c) Servitude Diagram Number SG 5385/2007, of 50m² for road widening purposes.

1.4 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.

1.5 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan 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.

1.6 REMOVAL OF LITTER

The township owner shall at its 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.

1.7 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.

1.8 OBLIGATIONS WITH REGARDS TO ABUTTING SIDEWALK AREA

The township owner shall be obliged to construct a one metre (1m) wide pedestrian walkway in the road-reserve of Rooibos Road and Enkeldoorn Avenue adjacent to the township. Also to landscape the sidewalk area by planting indigenous trees endemic to the area and landscaped areas in-between, to the satisfaction of the Municipality.

1.9 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.

1.10 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at its own expense comply with all the conditions imposed, by which the Gauteng Department of Agriculture and Rural Development 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, (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.

1.11 NATIONAL HERITAGE RESOURCE ACT:

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

1.12 ACCESS

Access to the township shall only be gained off Rooibos Road, at a distance of not less than 45-metres from Enkeldoorn Avenue.

No access shall be allowed to the township from Enkeldoorn Avenue.

1.13 RECEIVING AND DISPOSAL OF STORMWATER

The stormwater planning for the township shall be integrated with the greater stormwater master plan for the surrounding catchment area, including adjoining areas.

The low points in the township shall be drained to the satisfaction of the Municipality.

1.14 CONSOLIDATION OF ERVEN

The township owner shall, at its own costs, after promulgation of the township but prior to the development of any erf/unit in the township, consolidate Erven 2140 and 2141 to the satisfaction of the local authority.

The local authority hereby grants its consent for the consolidation of Erven 2140 and 2141 in terms of section 92(1)(b) of Ordinance 15 of 1986, which consolidation shall only come into operation on proclamation of the township and subject to the section 82 certificate being issued by the City of Tshwane.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION 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, 2m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality 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 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.

2.1.2 ERF 2141

2.1.2.1 The erf shall be subject to a three metre (3m) wide servitude for Municipal stormwater purposes 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 therefrom.

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 or such main sewer pipelines and other works.

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