

**THE PROVINCE OF
GAUTENG**



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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 152 OF 2017

DECLARATION AS APPROVED TOWNSHIP

In terms of Section 69 of the Town-planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares Montana Park Extension 53 township to be an approved township subject to the conditions set out in the Schedule hereto.

GO 15/3/2/3/418

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY M&F GIURICICH DEVELOPMENTS (PTY) LTD UNDER THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1965, FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 382 OF THE FARM DERDEPOORT NO. 326-J.R., PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

(1) **NAME**

The name of the township shall be Montana Park Extension 53.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on Surveyor General Plan No. SG 10166/1995.

(3) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals,

(a) excluding the following servitudes and expropriations which do not affect the township due to location:

(i) "Onderhewig aan 'n servituut van reg van oorp pad 6,30 meter wyd, ten gunste van:

(a) Gedeelte 178 ('n gedeelte van die Westelike Gedeelte van gemelde plaas, groot 14,1579 hektaar langs die grens gemerk A.B., soos aangetoon op Kaart SG Nr. A143/49 geheg aan Akte van Verdelingstransport Nr. 25322/1949.

(b) Gedeelte 104 ('n gedeelte van die Westelike Gedeelte van gemelde plaas, groot 15,6836 hektaar langs die grens gemerk S1, S2 soos aangetoon op Kaart L.G. Nr. A3333/43 geheg aan Akte van Transport Nr. 1236/1944; en

(c) Gedeelte 105 ('n gedeelte van die Westelike Gedeelte van gemelde plaas, groot 15,6836 hektaar langs die grens gemerk S1, S2 soos aangetoon op Kaart L.G. Nr. A3334/43 geheg aan Akte van Transport Nr. 1237/1944;"

(ii) By Notarial Deed of Cession of Servitude K 5207/1995 dated 15 August 1995 the property is subject to a servitude for stormwater drainage, together with ancillary rights, in extent 3249 square metres in favour of the Central Pretoria Metropolitan Substructure (City Council of Pretoria) and as indicated by the figure ABCDEFGHJKLMN on Diagram SG No. A 1378/1992 annexed thereto

(iii) By Notarial Deed of Cession of Servitude K 5979/2007 S dated 13 August 2007 the property is subject to a servitude for water pipeline purposes, together with ancillary rights, in extent 597 square metres in favour of the City of Tshwane Metropolitan Municipality and as indicated by the figure S57, S58, S55, S56, S57 on Diagram SG No. 10915/2006 annexed thereto.

(b) including the following servitudes which affect all the erven in the township:

“(1) Die Resterende Gedeelte van die Westelike Gedeelte van voormelde plaas, groot as sulks 117,4610 hektaar (waarvan die eiendom hieronder getranspoteer 'n gedeelte uitmaak) is ONDERHEWIG AAN EN GEREGTIG TOT:

- (a) Die eienare van die voormalige Resterende Gedeelte van die Westelike Gedeelte van genoemde plaas groot as sodanig 347,2110 hektaar ('n gedeelte waarvan hierby getranspoteer word) en van Gedeelte “56” van die Westelike Gedeelte van gesegde plaas, soos getranspoteer onder Akte van Verdelingstransport nr 5952/1941 gedateer 21 April 1941, sal geregtig wees tot drie-vierde van die water uit die algemene watervoor wat kom uit die Hartbeestspruit en loop oor gesegde gedeelte “56” en gesegde voormalige Resterende Gedeelte na gedeelte van die ngesegde plaas, groot 176,3514 hektaar soos getranspoteer onder Akte van Transport nr 7286/1919. Die voormelde regte van water sal deur die respektiewe eienare by beurte gereël word.
- (b) Die betaande pad wat loop oor die voormalige Resterende Gedeelte van die Westelike Gedeelte van genoemde plaas, groot as sodanig 347,2110 hektaar ('n gedeelte waarvan hierby getranspoteer word) Gedeelte “56” van die Westelike Gedeelte van gemelde plaas en Gedeelte van gemelde plaas groot 176,3514 hektaar sal bly soos voorheen.
- (c) Die eienare van die oorspronklike Resterende Gedeelte van die Westelike Gedeelte van gesegde plaas, groot as sodanig 527,8550 hektaar ('n gedeelte waarvan hierby getranspoteer word) sal nie die reg hê nie op die fontein wat lê naby die spruit wat loop deur Koedoespoort, nog tot die water in die spruit.
- (d) Die eienare van die genoemde oorspronklike Resterende Gedeelte van die Westelike Gedeelte van gesegde plaas, groot as sodanig 527,8550 hektaar ('n gedeelte waarvan hierby getranspoteer word) sal nie die reg hê op die dam en watervoor deur J J Dreyer uit die rivier geneem op die Westelike kant van die rivier, dag sal die water wat loop in die nag teruggekeer moet word in die rivier bokant die dam, waaruit die gesamentlike watervoor uitgehaal is en die gesegde voormalige resterende Gedeelte van die Westelike gedeelte van genoemde plaas, groot as sodanig 347,2110 hektaar ('n gedeelte waarvan hierby getranspoteer word) en die voormelde geleelte “56” van die Westelike gedeelte van gesegde plaas spesiaal geregtig tesamemet die eienaar van voormelde gedeelte groot 176,3514 hektaar, tot die water vir drie weke dag en nag te gebruik uit elke vier weke.
- (e) Die eienare van gemelde voormalige Resterende Gedeelte van die Westelike Gedeelte van gesegde plaas, groot as sodanig 347,2110 hektaar ('n gedeelte waarvan hierby getranspoteer word) en van voormelde gedeelte “56” van die Westelike Gedeelte van gesegde plaas tesame met die eienaar van gesegde gedeelte groot 176,3514 hektaar, sal 2/3de van die koste vir repirasie van die dam en watervoor moet dra.
- (f) Die gesegde voormalige resterende Gedeelte van die Westelike Gedeelte van gesegde plaas, groot as sodanig 347,2110 hektaar ('n gedeelte waarvan hierby getranspoteer word) en die gesegde gedeelte “56” van die Westelike Gedeelte van gesegde plaas, is onderworpe aan en geregtig tot die terme van 'n Order van die Waterhof (distrik Nr 21) gedateer 30 Maart 1933, en geregistreer onder Nr. 471/1933 S, 'n afskrif waarvan geheg is aan Aktes van Verdelinehstransporte Nos 5953/1941 en 5954/1941 dateer 21 April 1941.
- (g) Die eienare van die gesegde voormalige Resterende Gedeelte van die Westelike Gedeelte van gesegde plaas, groot as sodanig 347,3110 hektaar ('n gedeelte waarvan hierby getranspoteer word) is geregtig tot 'n reg van suiping op die voormelde gedeelte “56” van die Westelike Gedeelte van gesegde plaas, aan die Westekante van die Hartebeestspruit by die ou drif.”

(4) ENDOWMENT

Payable to the local authority

The township owner shall, in terms of the provisions of section 63(1) of the Town- planning and Townships Ordinance, 1965, pay a lump sum endowment of R1 960 000 - 00 to the local authority for the provision of land for a park (public open space).

Such endowment shall be payable in terms of section 74 of the said Ordinance.

- (5) **ACCEPTANCE AND DISPOSAL OF STORMWATER**
The township owner shall arrange for the drainage of the township to fit in with that of Zambesi Drive (Road 29 {K14}) and for all stormwater running off or being diverted from the road to be received and disposed of.
- (6) **DEMOLITION OF BUILDINGS AND STRUCTURES**
The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.
- (7) **REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES**
If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owner.
- (8) **OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES**
The township owner shall within such period as the local authority may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefor, as previously agreed upon between the township owner and the local authority.
- (9) **CONSOLIDATION OF ERVEN**
The township owner shall, at his own expense, have Erven 2438, 2439 and 2440 in the township to be consolidated. The City of Tshwane hereby grant its consent to the consolidation in respect of Section 92(1)(b) of the Ordinance.

2. CONDITIONS OF TITLE

The erven, with the exception of the erf mentioned in clause 2(4), shall be subject to the following conditions imposed by the Administrator in terms of the provisions of the Town-planning and Townships Ordinance, 1965.

- (1) The erf is subject to a servitude, 2 m 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 2 m 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.
- (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 2 m thereof.
- (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 course 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.

PRETORIA AMENDMENT SCHEME 13004

The Administrator hereby, in terms of the provisions of Section 89 of the Town Planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of the Pretoria Town Planning Scheme, 1974, comprising the same land as included in the township of Montana Park Extension 53.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Office of the Premier: Gauteng Planning Division), Johannesburg, and the Town Clerk, Tshwane, and are open for inspection at all reasonable times.

The amendment scheme is known as Pretoria Amendment Scheme 13004.

DPLG 11/3/14/C/13004

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