

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 871 OF 2017****CITY OF TSHWANE****PRETORIA AMENDMENT SCHEME 13222P**

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 113, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 13222P.

(13/2/Montana Park x113 (13222P))  
\_\_ SEPTEMBER 2017

**GROUP LEGAL AND SECRETARIAT SERVICES**  
(Notice 257/2017)

**PROVINSIALE KENNISGEWING 871 VAN 2017****STAD TSHWANE****PRETORIA WYSIGINGSKEMA 13222P**

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 113, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur Groep Regs- en Sekretariaat dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 13222P.

(13/2/Montana Park x113 (13222P))  
\_\_ SEPTEMBER 2017

**GROEP REGS- EN SEKRETARIAAT DIENSTE**  
(Kennisgewing 257/2017)

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**CITY OF TSHWANE****DECLARATION OF MONTANA PARK EXTENSION 113 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 113 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Park x113 (13222P))

## SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TOWNDEV (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 63 (A PORTION OF PORTION 23) OF THE FARM DERDEPOORT 327JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

## 1. CONDITIONS OF ESTABLISHMENT

## 1.1 NAME

The name of the township shall be Montana Park Extension 113.

## 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 1905/2013.

## 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

## 1.3.1 Excluding the following servitudes which do not affect the township by reason of their nature and/or location;

- (i) "Geregtig tot 'n serwituut van Reg van Weg 12,59 meter wyd oor gedeeltes 4, 5, 6, 7, 8, 9, 10 en 11 van gemelde plaas soos meer volledig sal blyk uit die betrokke transportakte van genoemde gedeeltes en uit kaart LG Nr A422/45, geheg aan Akte van Transport Nr 4172/1946 gedateer die 16 de dag van Februarie 1946"
- (ii) "Kragtens Notariële Akte Nr 319/1959S, gedateer die 3de dag van Maart 1959, is die eiendom hiermee getranspoteer, geregtig tot 'n serwituut van Reg van Weg 12,59 meter wyd oor Gedeelte 3 van die plaas Derdepoort Nr 327 Registrasie Afdeling JR distrik Pretoria, groot 9,1453 hektaar gehou kragtens Akte van Transport Nr 1777/1958, welke serwituut van reg van weg meer volledig sal blyk uit gesegde Notariale Nr 327 Registrasie Afdeling JR distrik Pretoria, groot 9,1453 hektaar gehou kragtens Akte van Transport Nr 1777/1958, welke serwituut van reg van weg meer volledig sal blyk uit gesegde Notariële Akte"

- '(iii) "A. GEDEELTE B van die plaas HARTBESFONTEIN Nr 324 (waarvan die hierbygetranspoteerde eiendom 'n gedeelte uitmaak) is onderhewig aan:

Het gedeelte hieronder gehouden is onderworpen aan een serwituut ten gunste van de eigenaar van gedeelte 12 ('n gedeelte van gedeelte E) zoals gehouden onder Akte van Transport Nr 24560/1942, geregistreer op die 7 de Oktober 1942, om water te leiden door een voor voerende van de fontein naar te tans bestaande dam op het gedeelte hieronder gehouden en voor dit doel om een watervoor te maken van een punt tussen gemelde dam en fontein uit te voor en van daar in een noordwestelike richting naar de naaste redelike bereikbare plaas op te lyn van gedeelte 12.

De eigenaar van gedeelte 12 zal gerechtigd zyn ten volle, vrye en ongehinderde vloei van het water komende uit voorzegte fontein, die op de kaart van dit gedeelte B gemerkt is, door zulk watervoor gedurende twee achtereenvolgende dagen uit elke 8 dagen, en sy zullen gerechtigd zyn tot de nodige toegang langs de oevers van gemelde voor voor het doel om dezelve te alle redelike tyden te maken, onderhouden, repareeren en schoon te maken met het recht aan hen om de nodige grond en klippen te nemen voor zulke reparaatie en onderhoud en om het water naar hun eiendom te voeren. Zy zulle, echter, verplicht syn op hunne eigene kosten en rekening gezegde watervoor te onderhouden in een schoon en gezonde toestand en vry van schadelike onkruiden, en zy zullen niet toelaten enige iets gedaan of nagelaten wordt die de moegelijkheid geeft de gezegde dam te benadelen of te bescahdigen en in het gebruik van hun rechten zullen zy behoorlik zorg dragen dat geen skade veroorzaakt wordt aan hekken, omheinigen, gebouwen of landen van het gedeelte bierboven vermeld en zulle sy niet gerechtigd zyn om omstructies of veranderinger te maken op gezegde watervoor.

In geval enige veranderingen of verbeteringen gemaakt worden voor versterking, behoud of vergroting van gezegde fontein zal de kosten ervan pro rata gedragen worden door de eigenaren van het gedeelte B hieronder gehouden en gedeelte 12 in verhouding tot hun aandeel in het water docht voordat een der eigenaren zulke verbeterigen een maand vooruit kennis geven en zulke laatsgenoemde eigenaren kunnen dan besluiten of zy hun heel willen doen, of slechts de dan bestande water gebruiken, in welk geval die eigenaar die de verbeterigen aanbrengt gerechtigd zal zyn tot alle verdure water door hem also veroorzaakt.

De ander eigenaren hetzy van gedeelte 12 of van het gedeelte hieronder gehouden kunnen echter delen in zulke vermeerderde water zodra sy hun deel van de onkosten betalen.

Ingeval er geen water in de fontein is en een der eigenaren opent de fontein verder totdat hy water krygt, zal hy gerechtigd zyn ertoe de eerste daaropvolgende regen."

'(iv) "F. In terme van Artikel 16(1), Wet 73 van 1989, is binne-gemelde eiendom verklaar tot beskermde natuuumgewing en bekend te staan as MAGALIESBERBERG BESKERMDE NATUUMROMGEWING, kragtens Administrateurs kennisgewing 126, offisiële Gazette No 4996 gedateer 5 Mei 1994."

1.3.2 Excluding the following servitudes which only affects streets in the township:

- (i) Kragtens Notariële Akte van Serwituut K3740/99S is die binne-gemelde eiendom onderhewig aan 'n serwituut vir algemene munisipale doeleindes groot 7,41 meter wyd, parallel met en vir die volle lengte van die noordelike grens soos aangetoon deur lyn AB op kaart SG nr A2410/45 met bykomende regte ten gunste van die Stadsraad van Pretoria."
- (ii) By virtue of Notarial Deed of Servitude K197/91 S dated the 3<sup>rd</sup> of December 1990 the withinmentioned property is subject to a servitude of right of way for road purposes 12,59 metres wide and represented by the figure ABCDEA on diagram SG No A1097/90 in favour of the City Council of Pretoria as will more fully appear from said Notarial Deed."

#### 1.4 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay endowment a total amount of R165 000,00 for an area of **408m<sup>2</sup>** in terms of Regulation 44(1) of the Town-planning and Townships Regulations, to the City of Tshwane. The amount of this area shall be used by the City of Tshwane 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 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.

#### 1.6 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane 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.

#### 1.7 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, when required to do so by the Municipality.

#### 1.8 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.

#### 1.9 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 his 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.

## 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 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 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 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- 2.1.2 ERVEN 2929 AND 2931
- 2.1.2.1 The erf shall be subject to a servitude 3,0 m wide for municipal services (storm water) in favour of the City of Tshwane, 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 there from.
- 2.1.2.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.
- 2.1.3 ERVEN 2930 AND 2936
- 2.1.3.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2929, 2937 and 2938 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 from it.
- 2.1.3.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- 2.1.4 ERVEN 2937 AND 2938
- 2.1.4.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2929, 2930 and 2936 as indicated on the general plan.
- 2.1.4.2 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.
- 2.1.4.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**2.1.5 ERVEN 2932 AND 2933**

2.1.5.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2931, 2934 and 2935 as indicated on the general plan.

2.1.5.2 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.

2.1.5.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**2.1.6 ERVEN 2934 AND 2935**

2.1.6.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2931, 2932 and 2933 as indicated on the general plan.

2.1.6.2 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.

2.1.6.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**2.1.7 ERVEN 2939 AND 2940**

2.1.7.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2941, 2942 and the Remainder of Portion 23 of the farm Derdepoort 327 JR as indicated on the general plan.

2.1.7.2 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.

2.1.7.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**2.1.8 ERVEN 2941 AND 2942**

2.1.8.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2939, 2940 and the Remainder of Portion 23 of the farm Derdepoort 327 JR as indicated on the general plan.

2.1.8.2 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.



2.1.8.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.9 ERF 2929

2.1.9.1 The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2930 and 2936 as indicated on the general plan.

2.1.9.2 The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2937 and 2938 as indicated on the general plan.

2.1.10 ERF 2930

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2937 and 2938 as indicated on the general plan.

2.1.11 ERF 2931

2.1.11.1 The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2932 and 2933 as indicated on the general plan.

2.1.11.2 The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2934 and 2935 as indicated on the general plan.

2.1.12 ERF 2932

The erf shall be entitled to a 4.0 right-of-way servitude over Erven 2934 and 2935 as indicated on the general plan.

2.1.13 ERF 2933

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2934 and 2935 as indicated on the general plan.

2.1.14 ERF 2934

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2932 and 2933 as indicated on the general plan.

2.1.15 ERF 2935

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2932 and 2933 as indicated on the general plan.

## 2.1.16 ERF 2936

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2937 and 2938 as indicated on the general plan.

## 2.1.17 ERF 2937

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2930 and 2936 as indicated on the general plan.

## 2.1.18 ERF 2938

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2930 and 2936 as indicated on the general plan.

## 2.1.19 ERF 2939

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2941 and 2942 as indicated on the general plan.

## 2.1.20 ERF 2940

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2941 and 2942 as indicated on the general plan.

## 2.1.21 ERF 2941

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2939 and 2940 as indicated on the general plan.

## 2.1.22 ERF 2942

The erf shall be entitled to a 4.0m right-of-way servitude over Erven 2939 and 2940 as indicated on the general plan.

## 2.1.23 ERF 2943

2.1.23.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2944, 2945 and 2946 as indicated on the general plan.

2.1.23.2 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.

2.1.23.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.23.4 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2946 as indicated on the general plan.

## 2.1.24 ERF 2944

2.1.24.1 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2943 as indicated on the general plan.

2.1.24.2 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2946 as indicated on the general plan.

**2.1.25 ERF 2945**

2.1.25.1 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2943 as indicated on the general plan.

2.1.25.2 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2946 as indicated on the general plan.

**2.1.26 ERF 2946**

2.1.26.1 The erf shall be subject to a 4,0m right-of-way servitude in favour of Erven 2943, 2944 and 2945 as indicated on the general plan.

2.1.26.2 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.

2.1.26.3 The City of Tshwane 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 shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.1.26.4 The erf shall be entitled to a 4.0m right-of-way servitude over Erf 2943 as indicated on the general plan.

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