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We would like to inform you that with effect from the 1st of November 2019, the Publications Section will be relocating to a new facility at the corner of **Sophie de Bruyn** and **Visagie Street, Pretoria**. The main telephone and facsimile numbers as well as the e-mail address for the Publications Section will remain unchanged.

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 77 OF 2019

CITY OF TSHWANE

TSHWANE AMENDMENT SCHEME 4098T

DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP

MONTANA EXTENSION 188

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Montana Extension 188 is an approved township, subject to the conditions as set out in the schedules hereto.

It is hereby notified in terms of the provisions of Section 16(9) of the City of Tshwane Land Use Management By-Law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Montana Extension 188, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme **4098T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4098T (Item 26395))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

____ JULY 2019
(Notice 134 of 2019)

CITY OF TSHWANE

DECLARATION OF MONTANA EXTENSION 188 AS APPROVED TOWNSHIP

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-Law, 2016, that Montana Extension 188 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4098T (Item 26395))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY GENTABIX (PTY) LTD REGISTRATION NUMBER 2016/172047/07, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 630 (A PORTION 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 188.

1.2 DESIGN

The Proposed Township Montana Extension 188 shall consist of Erven 2243 and 2244, Montana Extension 188, as indicated on General Plan SG 3962/2018.

1.3 LAND FOR MUNICIPAL PURPOSES

None

1.4 ENDOWMENT

The township owner shall, in terms of the provisions of section 47(3) of the By-law, provide for the provision of land for a park (public open space) equal to **2 196m²**, or pay a lump sum (Zero) as endowment to the local authority for a shortfall in the provision of land for a park.

1.5 ACCESS

Access to the township will be provided from Third Road which is a Public Road. Access to or egress from the township shall be provided to the satisfaction of the local authority.

1.6 RECEIVING AND DISPOSAL OF STORM WATER

The storm water plan for this township must be integrated with the greater storm water master plan for the total relevant catchment area, including adjoining areas. The low points in roads and the accumulation of storm water in crescents, cul-de-sac and lower lying Erven must be drained to the satisfaction of the Municipality.

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road (or roads) and all storm water running off or being diverted from the road (or roads) and higher lying areas shall be received and disposed of, to the satisfaction of the local authority.

Only natural run-off shall be accepted. Constructed run-off as per formal agreement with neighbours.

1.7 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

If, by reason of the establishment of the Proposed Township, it would become necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the land development township owner.

1.8 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his 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.

1.9 REMOVAL OF LITTER

The township owner shall at his own expense cause all litter within the development area to be removed to the satisfaction of the local authority when required to do so.

1.10 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 Proposed Township, the cost thereof shall be borne by the township owner.

1.11 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 Proposed Township, the cost thereof shall be borne by the township owner.

1.12 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 TO BE COMPLIED WITH BEFORE THE SECTIONAL TITLE DWELLING UNIT OR ANY DWELLING UNIT OR ERF IN THE TOWNSHIP BECOME REGISTERABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 1 ABOVE IN TERMS OF SECTION 16(10) OF THE BYLAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/Erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to

the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner; prior to the Municipality certifying to the Registrar of Deeds that:

- i) All engineering services have been designed and constructed to the satisfaction of the Municipality;
- ii) Phasing of the construction and the installation of all engineering services will be allowed with the phasing of the development;
- iii) All engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- iv) All engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes, if applicable;
- v) All conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;
- vi) It is in a position to consider a final building plan; and
- vii) All the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.2 THE TOWNSHIP OWNER'S OBLIGATIONS

2.2.1 GEOTECHNICAL REPORT

All conditions as set in the geo-technical report must be adhered to in the design of services and foundations for structures and buildings.

2.2.2 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier along the boundary of the Proposed Township to the satisfaction of the local authority, as and when required by the local authority. The land development area owner shall maintain such fence or physical barrier in a good state of repair until such time as the Sectional Title Dwelling Units or any Dwelling Unit or Erf in the Proposed Township are transferred to ensuring land owners, after which the responsibility for the maintenance of the fence or physical barrier rests with the latter.

2.2.3 REFUSE REMOVAL

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

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

3. DISPOSAL OF EXISTING CONDITIONS

All erven shall be made subject to the existing conditions and servitudes, if any, excluding the following:

Condition A

"The provisions of Section Thirty Four of the Land Settlement Act, 1912, where under certain rights are granted to the State in respect of Portion E of the farm Hartebeestfontein 592JR Transvaal" which not affect the township area.

Condition B

Right of Way servitude that effect the property where the township shall be established, but It should be removed and it shall not be passed on to the erven in the township:

“Gedeelte 10 van die plaas Hartebeestfontein 592, Registrasie Afdeling J.R. Transvaal, en die Resterende gedeelte van Gedeelte van Gedeelte E van die gemelde plaas groot 426,1381 hektaar, is weerkerig onderworpe aan en geregtig tot die reg van weg 12,59 meter wyd soos aangetoon op Kaart LG A2596/42, geheg aan Akte van Transport T24553/1942, gedateer die 7 de dag van Desember 1942.”

Condition D

Stormwater servitude K1712/2009S which extends along the northern boundary of the property. The servitude will thus only affect Erf 2243, Montana Extension 188.

“The line A B on diagram SG No A1649/1951 represents the northern boundary of a stormwater servitude 2,00 metres wide, Notarial Deed of servitude K1712/2009s and will only affect Erf 2243, Montana Extension 188.”.

4. CONSOLIDATION OF ERVEN 2243 AND 2244

The township owner shall at his or her own costs, after proclamation of the township but prior to the development of any erf / unit in the township consolidate Erven 2243 and 2244 to the satisfaction of the Municipality.

The City of Tshwane herewith grants approval for the consolidation of Erven 2243 and 2244, Montana Extension 188 in terms of Section 16(12) (d) of the City of Tshwane Bylaws read with Section 15(6) of the By-Law, which consolidation approval shall only come into operation on proclamation of the township subject to the section 16(10) certification in terms of the By-Law by the City of Tshwane.

The Township Owner shall simultaneously with an application for a section 16(10) certification for the registration of erven in the township apply for a section 16(10) certification for purposes of the consolidation and shall comply with the conditions of the consolidation and the township for issuing of both certifications.

5. REGISTRATION OF SERVITUDE

The applicant shall at his own expense have a servitude registered over Erf 2244, in favour of Erf 2243, for access purposes and services, to the satisfaction of the City of Tshwane.

If the erven should be consolidated the servitude shall lapse by means of a merger of the two erven.

6. CONDITIONS OF TITLE

THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF SECTION 16(4)(G) OF THE BY-LAW

6.1 ALL ERVEN

6.1.1 The Erven are subject to a servitude, 2m wide, in favour of the local authority for municipal purposes, along any two boundaries other than the street boundaries and in the case of a panhandle erf, an additional servitude for municipal purposes, 3 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.

6.1.2 No buildings or other structures shall be erected within the aforesaid servitude area and no trees with large roots shall be planted within the area of such servitude or within a distance of 2 m from it.

6.1.3 The local authority shall be entitled temporarily to deposit 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.

6.2 ERF 2243

Subject to a servitude 4 (Four) meters wide for municipal services in favour of the local authority the northern boundary whereof is represented by the line xy on General Plan SG 3962/2018.

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