

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

**Provincial Gazette
Provinsiale Koerant**
EXTRAORDINARY • BUITENGEWOON

Selling price • Verkoopprijs: **R2.50**
Other countries • Buitelands: **R3.25**

Vol. 26

PRETORIA
19 FEBRUARY 2020
19 FEBRUARIE 2020

No. 44

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 216 OF 2020**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4653T**

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 200, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Economic Development and Spatial Planning Department, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 4653T.

(CPD 9/2/4/2-4653T (Item 28301))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

__ FEBRUARY 2020
(Notice 108/2020)

CITY OF TSHWANE**DECLARATION OF MONTANA EXTENSION 200 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 200 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/2/4/2-4653T (Item 28301))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY KAAAN DEVELOPMENT NR 2 CC, REGISTRATION NUMBER 2005/035232/23, 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 623 (A PORTION OF PORTION 41) OF THE FARM HARTEBEEST-FONTEIN 324JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Montana Extension 200.

1.2 DESIGN

The township shall consist of erven as indicated on General Plan SG No 415/2019.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The Township Owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road and all stormwater running off or being diverted from the road and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.5 CONDITIONS IMPOSED BY NATIONAL AND REGIONAL ROADS AUTHORITIES

The township owner shall, at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Mineral Resources, Eskom, Telkom, Roads and Stormwater: Infrastructure Planning and Management (Region B), Roads and Stormwater, Traffic Engineering & Operations, Community Safety: Metropolitan Police: Traffic, Environmental Management Division: Open Space Management, Tshwane Energy and Electricity, Community Safety: Fire Brigade Services, Health and Social Development: Municipal Health Services, Water and Sanitation (Region B), Roads and Stormwater: Infrastructure Planning and Management (Geology), Environmental Planning and Cemetery Services: Parks and Horticultural Provision Management where applicable as imposed by the Municipality.

1.6 ACCESS CONDITIONS

- 1.6.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.
- 1.6.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No F3589/2, 28 August 2017.
- 1.6.3 No access to or egress from the township shall be permitted via the Enkeldoorn Road.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 1 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 REFUSE REMOVAL

- 2.1.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the City of Tshwane.
- 2.1.2 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.

2.2 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, TELKOM and/or ESKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its his or her 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 Municipality, when requested thereto by the Municipality or where buildings/structures are dilapidated.

2.4 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

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, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;
- (ii) all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- (iii) all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- (iv) 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;
- (v) it is in a position to consider a final building plan; and
- (vi) 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.

2.5 RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN CONTEMPLATED IN SECTION 16(11) READ WITH SECTION 34 AND SCHEDULE 19 OF THE BY-LAW TO A NON PROFIT COMPANY

Erf 2300 shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to Marcus Estate Homeowners Association (NPC 2019/576477/08) which organization shall have full responsibility for the functioning and proper maintenance of the said erf and the engineering services within the said erf.

A servitude for access and municipal services shall be registered over Erf 2300 in favour of the Municipality as well as all the erven in the township.

2.6 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall, in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, pay an amount of money to the Municipality in lieu of the provision of land for the provision of opens spaces and parks equal to 1 104m² read with section 16(10) of the By-law.

2.7 ESTABLISHMENT OF A NON PROFIT COMPANY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his/her own cost establish a Non Profit Company ("NPC") in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the Company being to retain and maintain the private engineering services (ie roads, stormwater and refuse) in the township. The township owner shall further submit proof that such a Company has been duly registered, before a section 16(10) Certificate shall be issued in terms of the By-law.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to a NPC for purposes of access and engineering services.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

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

3.1 Including the following which shall be passed to all the erven in the township:

Condition B in Deed of Transfer T40687/2018:

- B. GEDEELTE 10 van die gesegde plaas HARTEBEESTFONTEIN No 324, Registrasie Afdeling JR, distrik Pretoria en die Resterende Gedeelte van Gedeelte A van die gemelde plaas (waarvan die hoewe hieronder getansporteer 'n deel uitmaak), groot as sodanig 426,1381 hektaar, is wederkerig onderworpe aan en geregtig tot die reg van weg 12,59 meter wyd, soos aangetoon op Kaart SG No A 5296/42, geheg aan Akte van Transport No T24553/1942, gedateer die 7de dag van Desember, 1942.

4. CONDITIONS OF TITLE

4.1 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THE MUNICIPALITY IN TERMS OF THE SECTION 16(4)(G) OF THE BY-LAW

4.1.1 ALL ERVEN (EXCEPT ERF 2300)

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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.

4.1.1.3 The Municipality 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 Municipality.

4.1.2 ERF 2300 IS SUBJECT TO THE FOLLOWING SERVITUDES:

4.1.2.1 The entire erf as indicated on the General Plan, is subject to a right of way in favour of the Municipality.

4.1.2.2 A servitude, for Municipal purposes and services as indicated on the General Plan No 415/2019 in favour of the City of Tshwane over Erf 2300, Montana Extension 200 Township.

4.1.2.3 The erf is subject to a servitude of right of way in favour of Erven 2254 to 2299 for access purposes, as indicated on the General Plan.

4.1.2.4 The erf shall not be alienated or transferred into the name of any purchaser other than Marcus Estate Homeowners Association (NPC 2019/576477/08) without the written consent of the Municipality first having been obtained.

4.1.3 ERVEN 2254 TO 2299

4.1.3.1 Entitled to a Servitude for Right of Way over Erf 2300, as indicated on the General Plan.

4.2 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED/CREATED ON THE FIRST REGISTRATION OF THE ERVEN CONCERNED

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

4.2.1 ERVEN 2254 TO 2299

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of Marcus Estate Homeowners Association (NPC 2019/576477/08) and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the Marcus Estate Homeowners Association (NPC 2019/576477/08) certifying that the provisions of the Memorandum of Incorporation ("MOI") have been complied with.