

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

**Provincial Gazette
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PROCLAMATIONS • PROKLAMASIES**PROCLAMATION 81 OF 2021****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4337T****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 197**

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 197 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 197, 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 **4337T** and shall come into operation on the date of publication of the notice.

(CPD 9/2/4/2-4337T (Item 27273))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ SEPTEMBER 2021
(Notice 138 of 2021)

CITY OF TSHWANE**DECLARATION OF MONTANA EXTENSION 197 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 197 is an approved township, subject to the conditions as set out in the schedules hereto.

(CPD 9/2/4/2-4337T (Item 27273))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY UNIQON DEVELOPERS (PTY) LTD, REGISTRATION NUMBER 1997/021737/07, 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 628 (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 197.

1.2 DESIGN

The township shall consist of erven and a road/street as indicated on General Plan SG No 764/2020.

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 THE GAUTENG PROVINCIAL GOVERNMENT; DEPARTMENT OF AGRICULTURAL AND RURAL DEVELOPMENT (GDARD)

1.5.1 Should the township not be proclaimed in terms of Section 16(9) of the By-law before (GDARD date) the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

1.5.2 The township owner shall at his own costs, comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development, including those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014, in terms of Section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 73 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.6 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, Telkom, Gauteng Province Roads and Transport, Gauteng Province Agriculture and Rural Development, Wonderboom National Airport, 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, Legal Services: Development Compliance, Integrated Transport Planning Section: Roads and Transport: Transport Planning, Civil Aviation Authority, where applicable as imposed by the Municipality.

1.7 ACCESS CONDITIONS

Access to or egress from the township shall be provided to the satisfaction of the Municipality.

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, (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 CONSOLIDATION OF ERVEN

The township owner shall, at her own costs, after proclamation of the township but prior to the development of any erf/unit in the township, consolidate Erven 2303 and 2304 to the satisfaction of the Municipality.

The Municipality hereby grants approval for the consolidation of Erven 2303 and 2304 in terms of section 16(12)(d) of By-law read with section 15(6) of the By-law, which consolidation approval shall only come into operation on proclamation of the township and subject to the section 16(10) certification in term 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.

2.5 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:

- 2.5.1 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;
- 2.5.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- 2.5.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.5.4 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;
- 2.5.5 it is in a position to consider a final building plan; and
- 2.5.6 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.

2.6 FIRST TRANSFER

Where by virtue of a condition of approval of a land development application, in terms of this By-Law or any other applicable law including legislation referred to in section 2(2) of the Act, a property or land shall be transferred to the Municipality, a non-profit company and or anybody or person as required by the Municipality, or a servitude as contemplated in section 47(7) of the City of Tshwane Land Use Management By-Law, 2016 be registered in favour of the Municipality, the property or land shall be transferred or the servitude shall be registered:

- 2.6.1 prior to any registration of any property(ies) resulting from a land development application, including prior to the registration of a certificate of registered title and/or transfer of a property(ies), or portion of property(ies), the opening of a sectional title scheme and/or registration of a unit in a sectional title scheme, read with subsection 16(10) of the By-Law; and
 - 2.6.2 at the cost of the owner; and
 - 2.6.3 in the event of the owner not wanting to register any property(ies) resulting from the approval of the land development area, within a period of 6 months from the date of the land use rights coming into operation or within such further period as the Municipality may allow and the provisions of subsections 16(6)(a) of the By-Law shall apply.
- 2.7 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW
- 2.7.1 The township owner shall in terms of section 47(7)(a) of the By-law secure or make provision for private open space measuring 2 574m².
 - 2.7.2 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) or make provision for private open space or park/s equal to 2 574m² in extent.
 - 2.7.3 Should the servitude (Deed and Diagram) not make provision of the full extent of 2 574m², the Township owner shall pay an amount of money to the Municipality (in lieu of) for the shortfall for the provision of land for the open spaces or private open space calculated on the value per square of an area of 2 574m² determined by the Valuation Department of the Municipality.

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, including the following servitude on Deed of Transfer T44011/2019 that affects Enkeldoorn Street in the township only:

- 3.1 "In terms of Notarial Deed of Servitude K1148/2020-S the within mentioned property is subject to a Right of Way Servitude, 871 (eight hundred and seventy-one) square meters, in favour of the Tshwane Metropolitan Municipality indicated by the figure ABCDEA on Diagram SG No 1367/2013 as will more fully appear from the Notarial Deed of Servitude."

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

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.
 - 4.1.2 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.
 - 4.1.3 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.