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No. 16 (Administrateurs-), 1970.

PROKLAMASIE

*deur Sy Edele die Administrateur van die
Provinsie Transvaal.*

Nademaal Pretoriastreek-dorpsaanlegskema, 1960, van die Stadsraad van Pretoria by Proklamasie No. 279 van 1960, ingevolge artikel 43 van die Dorpe- en Dorpsaanleg-Ordonnansie, 1931, goedgekeur is;

En nademaal dit wenslik geag word om genoemde Dorpsaanlegskema in sekere opsigte te wysig;

So is dit dat ek, kragtens en ingevolge die bevoegdhede wat by artikel 46 van genoemde Ordonnansie aan my verleen word, hierby verklaar dat Pretoriastreek-dorpsaanlegskema, 1960, van die Stadsraad van Pretoria, hierby gewysig word soos aangedui in die skemaklousules en op Kaart No. 3, in bewaring gehou deur die Sekretaris van die Dorperaad, Pretoria, en die Stadsklerk, Pretoria. Hierdie wysiging staan bekend as Pretoriastreek-dorpsaanlegskema: Wysigende Skema No. 60.

Gegee onder my Hand te Pretoria op hede die 14de dag van Januarie Eenduisend Negehoenderd en Sewentig.

S. G. J. VAN NIEKERK,

Administrateur van die Provinsie van Transvaal.
T.A.D. 5/2/75/60.

No. 16 (Administrator's), 1970.

PROCLAMATION

*by the Honourable the Administrator of the
Province of Transvaal.*

Whereas Pretoria Region Town-planning Scheme, 1960, of the City Council of Pretoria, was approved by Proclamation No. 279 of 1960, in terms of section 43 of the Townships and Town-planning Ordinance, 1931;

And whereas it is deemed expedient to amend the said Town-planning Scheme in certain respects;

Now, therefore, under and by virtue of the powers vested in me by section 46 of the said Ordinance, I hereby declare that Pretoria Region Town-planning Scheme, 1960, of the City Council of Pretoria, is hereby amended as indicated in the scheme clauses and on Map No. 3, filed with the Secretary of the Townships Board, Pretoria, and the Town Clerk, Pretoria. This amendment is known as Pretoria Region Town-planning Scheme: Amending Scheme No. 60.

Given under my Hand at Pretoria on this 14th day of January, One thousand Nine hundred and Seventy.

S. G. J. VAN NIEKERK,

Administrator of the Province of Transvaal.
T.A.D. 5/2/75/60.

No. 17 (Administrateurs-), 1970.

PROKLAMASIE

*deur Sy Edele die Administrateur van die
Provinsie van Transvaal.*

Nademaal 'n aansoek ontvang is om toestemming om die dorp La Montagne te stig op die plaas La Montagne No. 426 JR, distrik Pretoria;

En nademaal aan die bepalings van dorpe- en Dorpsaanleg-Ordonnansie, 1931, wat op die stigting van dorpe betrekking het, voldoen is;

So is dit dat ek kragtens en ingevolge die bevoegdhede wat by subartikel (4) van artikel 20 van genoemde Ordonnansie aan my verleen word, hierby verklaar dat genoemde dorp 'n goedgekeurde dorp is, onderworpe aan die voorwaardes vervat in die bygaande bylae.

Gegee onder my Hand te Pretoria op hede die 14de dag van Januarie Eenduisend Negehoenderd-en-sewentig.

S. G. J. VAN NIEKERK,

Administrateur van die Provinsie Transvaal.
T.A.D. 4/8/2717.

BYLAE

VOORWAARDES WAAROP DIE AANSOEK GE-
DOEN DEUR LA MONTAGNE (EIENDOMS) BE-
PERK, INGEVOLGE DIE BEPALINGS VAN DIE
DORPE- EN DORPSAANLEG-ORDONNANSIE NO.
11 VAN 1931, OM TOESTEMMING OM 'N DORP
TE STIG OP DIE PLAAS LA MONTAGNE NO. 426
JR, DISTRIK PRETORIA, TOEGESTAAN IS.

A—STIGTINGSVOORWAARDES

1. Naam

Die naam van die dorp is La Montagne.

No. 17 (Administrator's), 1970.

PROCLAMATION

*by the Honourable the Administrator of the
Province of Transvaal.*

Whereas an application has been received for permission to establish La Montagne Township on the farm La Montagne No. 426 JR, district Pretoria.

And whereas the provisions of the Townships and Town-planning Ordinance, 1931, relating to the establishment of townships, have been complied with;

Now, therefore, under and by virtue of the powers vested in me by sub-section (4) of section 20 of the said Ordinance, I hereby declare that the said township shall be an approved township, subject to the conditions contained in the schedule hereto.

Given under my Hand at Pretoria on this 14th day of January One Thousand Nine Hundred and Seventy.

S. G. J. VAN NIEKERK,

Administrator of the Province of Transvaal.
T.A.D. 4/8/2717.

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION
MADE BY LA MONTAGNE (EIENDOMS) BEPERK
UNDER THE PROVISIONS OF THE TOWNSHIPS
AND TOWN-PLANNING ORDINANCE, NO. 11 OF
1931, FOR PERMISSION TO ESTABLISH A TOWN-
SHIP ON THE FARM LA MONTAGNE NO. 426 JR,
DISTRICT OF PRETORIA, WAS GRANTED.

A—CONDITIONS OF ESTABLISHMENT.

1. Name.

The name of the township shall be La Montagne.

2. *Ontwerpplan van die Dorp.*

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan L.G. No. A. 3550/68.

3. *Water.*

Die applikant moet 'n sertifikaat van die plaaslike bestuur aan die Administrateur vir sy goedkeuring voorlê waarin vermeld word dat:

- (a) 'n voorraad water geskik vir menslike gebruik en wat toereikend is om aan die vereistes van die inwoners van die dorp te voldoen wanneer dit heeltemal toegebou is, met inbegrip van voorsiening vir brandweerdienste, beskikbaar is;
- (b) reëlins tot bevrediging van die plaaslike bestuur getref is in verband met die lewering van water in (a) hierbo genoem en die lê van die pypnet daarvoor in die dorp: Met dien verstande dat onderstaande bepalinge in sodanige reëlins ingesluit word:-
 - (i) dat die applikant 'n geskikte voorraad water tot by die straatfront van 'n erf moet laat aanlê voordat die planne van 'n gebou wat op die erf opgerig sal word deur die plaaslike bestuur goedgekeur word;
 - (ii) dat alle koste van of in verband met die installering van 'n installasie en toebehore vir die lewering, opgaar, indien nodig, van water en die lê van die pypnet daarvoor deur die applikant gedra moet word, wat ook aanspreeklik is om sodanige installasie en toebehore in 'n goeie toestand te onderhou tot tyd en wyl dit deur die plaaslike bestuur oorgeneem word: Met dien verstande dat, indien die plaaslike bestuur vereis dat die applikant 'n installasie en toebehore van 'n groter kapasiteit as wat vir die dorp nodig is, moet installeer, die ekstra koste in verband daarmee deur die plaaslike bestuur gedra moet word;
 - (iii) dat die plaaslike bestuur daartoe geregtig is om genoemde installasie en toebehore te eniger tyd kosteloos oor te neem, op voorwaarde dat ses maande kennis gegee word: Met dien verstande dat die applikant geld vir water wat gelewer word teen 'n tarief deur die plaaslike bestuur goedgekeur, kan vorder tot tyd en wyl die plaaslike bestuur genoemde waterlewering oorneem;
- (c) die applikant geskikte waarborge aan die plaaslike bestuur verstrek het met betrekking tot die nakoming van sy verpligtings kragtens bostaande reëlins.
'n Beknopte verklaring waarin die aard en hoeyeelheid van die watervoorraad beskikbaar en die hooftrekke van die reëlins tussen die applikant en die plaaslike bestuur getref, uiteengesit word, met spesiale vermelding van die waarborge in subparagraaf (c) genoem, moet saam met die sertifikaat as 'n aanhangsel daarby ingedien word.

4. *Sanitêre Dienste.*

Die applikant moet 'n sertifikaat van die plaaslike bestuur aan die Administrateur vir sy goedkeuring voorlê waarin vermeld word dat reëlins tot bevrediging van die plaaslike bestuur getref is vir sanitêre dienste in die dorp, met inbegrip van voorsiening vir die afvoer van afvalwater en vullisverwydering.

'n Beknopte verklaring van die hoofbepalinge van genoemde reëlins moet saam met die sertifikaat as 'n aanhangsel daarby ingedien word.

2. *Design of Township.*

The township shall consist of erven and streets as indicated on General Plan S.G. No. A 3550/68.

3. *Water.*

The applicant shall lodge with the Administrator for his approval a certificate from the local authority to the effect that -

- (a) a supply of potable water, sufficient for the needs of the inhabitants of the township when it is fully built up, including provision for fire-fighting services, is available;
- (b) arrangements to the satisfaction of the local authority have been made regarding the delivery of the water referred to in (a) above and the reticulation thereof throughout the township: Provided that such arrangements shall include the following provisions:-
 - (i) That before the plans of any building to be erected upon any erf are approved by the local authority the applicant shall cause a suitable supply of water to be laid on to the street frontage of the erf;
 - (ii) that all costs of, or connected with, the installation of plant and appurtenances for the delivery storage, if necessary, and reticulation of the water shall be borne by the applicant which shall also be responsible for the maintenance of such plant and appurtenances in good order and repair until they are taken over by the local authority: Provided that if the local authority requires the applicant to install plant and appurtenances of a capacity in excess of the needs of the township, the additional costs occasioned thereby shall be borne by the local authority;
 - (iii) that the local authority shall be entitled to take over free of cost the said plant and appurtenance at any time, subject to the giving of six month's notice: Provided that until the local authority takes over the said water supply the applicant may make charges for water supplied at a tariff approved by the local authority;
- (c) the applicant has furnished the local authority with adequate guarantees regarding the fulfilment of its obligations under the abovementioned arrangements.

A summarised statement setting forth the nature and quantity of the available supply of water and the major features of the arrangements entered into between the applicant and the local authority, with special reference to the guarantees referred to in subparagraph (c) shall accompany the said certificate as an annexure thereto.

4. *Sanitation.*

The applicant shall lodge with the Administrator for his approval a certificate from the local authority to the effect that arrangements to its satisfaction have been made for the sanitation of the township, which shall include provision for the disposal of waste water and refuse removal.

A summarised statement of the main provisions of the arrangements shall accompany the certificate as an annexure thereto.

5. Elektrisiteit.

Die applikant moet 'n sertifikaat van die plaaslike bestuur aan die Administrateur vir sy goedkeuring voorlê waarin vermeld word dat reëlings tot bevrediging van die plaaslike bestuur getref is vir die lewering en distribusie van elektrisiteit deur die hele dorp.

'n Beknopte verklaring van die hoofbepalings van genoemde reëlings moet saam met die sertifikaat as 'n aanhangsel daarby ingedien word.

6. Begraafplaas, Stortingsterrein en Bantuelokasie.

Die applikant moet tot bevrediging van die Administrateur met die plaaslike bestuur reëlings tref in verband met die verskaffing van 'n stortingsterrein en terreine vir 'n begraafplaas en Bantuelokasie. Indien sodanige reëlings daaruit bestaan dat grond aan die plaaslike bestuur oorgedra moet word, moet die oordrag vry wees van voorwaardes betreffende die gebruik en vervreemding daarvan deur die plaaslike bestuur.

7. Mineraleregte.

Alle regte op minerale en edelgesteentes moet deur die applikant voorbehou word, ten opsigte van die Resterende Gedeelte van Gedeelte 12 'n Gedeelte van Gedeelte 2) van die plaas Hartebeespoort No. 328 — JR, distrik Pretoria.

8. Servituut van uitspanning.

Die applikant moet op eie koste die dorpsgebied laat vrystel van die servituut van Uitspanning.

9. Konsolidasie van samestellende gedeeltes.

Die applikant moet op eie koste die samestellende gedeeltes waarop die dorp geleë is, laat konsolideer.

10. Vloedwaterdreinerings en strate.

Die applikant moet aan die plaaslike bestuur vir goedkeuring 'n gedetailleerde skema, volledig met planne, deursnee en spesifikasie opgestel deur 'n siviele ingenieur wat deur die plaaslike bestuur goedgekeur is, voorlê vir die opgaar en afvoer van vloedwater deur die hele dorp deur middel van behoorlike aangelegde werke en vir die aanlê, tarmacadamisering, beranding en kanalisering van die strate daarin tesame met die verskaffing van sodanige keermure as wat die plaaslike bestuur nodig ag. Verder moet die skema die roete en helling aandui deur middel waarvan elke erf toegang tot die aangrensende straat verkry.

11. Beperking op proklamasie.

Die dorp mag nie geproklameer word nie tot tyd en wyl die Administrateur tevrede gestel is dat:-

- (i) die betrokke wysigende skema geproklameer is;
- (ii) die skriftelike goedkeuring van die Minister van Beplanning t.o.v. garageregte en laundrette in die dorp ingedien is.

12. Vloedwaterdreinerings en aanleg van strate.

(a) Die goedgekeurde skema betreffende vloedwaterdreinerings en straat-aanleg genoem in klousule A10 hiervan, moet deur en op koste van die applikant uitgevoer word namens en tot voldoening van 'n Siviele Ingenieur wat deur die plaaslike bestuur goedgekeur is wanneer deur die plaaslike bestuur versoek. Geen erf behalwe die erwe genoem in klousule A13 hiervan, mag van die hand gesit word nie voordat die plaaslike bestuur 'n verklaring by die Registrateur van Aktes ingedien het ten effekte dat daar voldoen is aan die vereistes van hierdie klousule: Met dien

5. Electricity.

The applicant shall lodge with the Administrator for his approval a certificate from the local authority to the effect that arrangements to its satisfaction have been made for the supply and distribution of electricity throughout the township.

A summarised statement of the main provisions of the arrangements shall accompany the certificate as an annexure thereto.

6. Cemetery, Depositing Site and Bantu Location.

The applicant shall make arrangements with the local authority to the satisfaction of the Administrator in regard to the provision of a depositing site and sites for a cemetery and Bantu location. Should such arrangements consist of land to be transferred to the local authority, such transfer shall be free of conditions relative to the use and disposal thereof by the local authority.

7. Mineral Rights.

All rights to minerals and precious stones shall be reserved by the applicant in respect of the Remaining Portion of Portion 12 (a Portion of Portion 2) of the farm Hartebeespoort No. 328 — JR, district of Pretoria.

8. Servitude of Outspan.

The applicant shall at its own expense cause the township area to be freed from the servitude of Outspan.

9. Consolidation of Component Portions.

The applicant shall at its own expenses cause the component portions on which the township is situated, to be consolidated.

10. Stormwater Drainage and Streets.

The applicant shall submit to the local authority for approval, a detailed scheme, complete with plans, sections and specifications, prepared by a civil engineer approved by the local authority, for the collection and disposal of stormwater throughout the township by means of properly constructed works, and for the construction, tarmacadamising, kerbing and channelling of the streets therein together with the provision of such retaining walls as may be considered necessary by the local authority. Furthermore the scheme shall indicate the route and gradient by means of which each erf gains access to the joining street.

11. Restriction on Proclamation.

The township shall not be proclaimed until such time as the Administrator is satisfied that:-

- (i) the relevant amending scheme has been proclaimed;
- (ii) the written approval of the Minister of Planning in respect of the garage rights and laundrette in the township has been submitted.

12. Stormwater Drainage and Construction of Streets.

(a) The approval scheme relating to stormwater drainage and street construction referred to in Clause A10 hereof, shall be carried out by and at the expense of the applicant on behalf of and to the satisfaction of a Civil Engineer approved by the local authority as and when required by the local authority. No erf other than the erven referred to in Clause A13 hereof, shall be disposed of before the local authority has submitted a declaration to the Registrar of Deeds to the effect that the requirements of

verstande dat indien die applikant 'n finansiële waarborg aan die plaaslike bestuur gee, dat voldoen sal word aan die vereistes van hierdie klousule wanneer die applikant deur die plaaslike bestuur daartoe versoek sou word, hierdie beperking sal verval.

- (b) Die applikant is aanspreeklik vir die onderhoud van die strate tot tyd en wyl hierdie aanspreeklikheid deur die plaaslike bestuur oorgeneem word.
- (c) Die strate moet tot voldoening van die plaaslike bestuur name gegee word.

13. Erwe vir Staats- en ander doeleindes.

Die applikant moet op eie koste die volgende erwe, soos op die Algemene Plan aangewys, aan die bevoegde owerhede oordra:-

- (a) Vir Staatsdoeleindes:-
 - (i) Algemeen: Erf No. 8.
 - (ii) Onderwys: Erf No. 13.
- (b) Vir munisipale doeleindes:-
 - (i) As 'n park: Erf No. 15.
 - (ii) As 'n transformatorterrein: Erf No. 3.

14. Beskikking oor bestaande titelvoorwaardes.

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien enige, met inbegrip van die voorbehoud van minerale regte maar uitgesonderd:

- (a) die volgende regte wat nie aan die eienaars van erwe in die dorp oorgedra sal word nie:-

"Entitled to the right to graze cattle not exceeding ten in number on a certain portion of the said portion of the farm HARTEBEESTPOORT in extent fifty-eight (58) morgen, one (1) square rood, according to the diagram S.G. No. A. 1201/1922, filed with Deed of Transfer No. 5074/1922 for a consideration of one penny per day per head, with the further right to the Transferees at any time to convert such right to a similar right in perpetuity upon payment of the sum of Fifteen Pounds (£15.00) sterling; such right of grazing is not a sole right and the owners of the said portions 2, 3, 4, 5, 6 and 7 of the said portion of the farm HARTEBEESTPOORT have similar rights for a maximum number of forty-seven (47) cattle.

Entitled to a right of way over the said portions 2, 3, 6 and 7 as shewn on the said General Plan. Specially entitled to a servitude of a right-of-way 20 feet wide over portion "b" called Louisiana of portion 4 of the said portion "G" of the said farm, in extent ten (10) morgen, two hundred and four (204) square roods, and held by Deed of Transfer No. 454/1928 dated 20th January, 1928, as shewn on the diagram of the said portion "b" and over the remaining extent of the said portion "G" measuring as such one thousand and eight (1,008) morgen, two hundred and eleven (211) square roods, and held by Deed of Transfer No. 10127/1925, dated 20th October, 1925, from the South Eastern corner of the property hereby transferred along the southern boundary of portion 2 of portion "G" hereinafter mentioned, to the existing road shewn on the diagram of portion "G" aforesaid, and along that road over the said remaining extent of portion "G" and over portion 1 called "Eureka" of portion "G" and over

this clause have been met: Provided that if the applicant gives a financial guarantee to the local authority, that the requirements of this clause will be satisfied, on the applicant being required to do so by the local authority, this restriction will fall away.

- (b) The applicant shall be responsible for the maintenance of the streets until such time as this responsibility is taken over by the local authority.
- (c) The streets shall be named to the satisfaction of the local authority.

13. Erven for State and Other Purposes.

The applicant shall at its own expense, transfer the following erven as shown on the general Plan to the proper authorities:-

- (a) For State purposes:-
 - (i) General: Erf No. 8.
 - (ii) Education: Erf No. 13.
- (b) For municipal purposes:-
 - (i) As a park: Erf No. 15.
 - (ii) As a transformer site: Erf No. 3.

14. Disposal of Existing Conditions of Title.

All erven must be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals but excluding:

- (a) the following rights which will not be passed on to the owners of erven in the township:-

"Entitled to the right to graze cattle not exceeding ten in number on a certain portion of the said portion of the farm Hartebeestpoort in extent fifty-eight (58) morgen, one (1) square rood, according to the diagram S.G. No. A. 1201/1922, filed with Deed of Transfer No. 5074/1922 for a consideration of one penny per day per head, with the further right to the Transferees at any time to convert such right to a similar right in perpetuity upon payment of the sum of Fifteen Pounds (£15.00) sterling; such right of grazing is not a sole right and the owners of the said portions 2, 3, 4, 5, 6 and 7 of the said portion of the farm HARTEBEESTPOORT have similar rights for a maximum number of forty-seven (47) cattle.

Entitled to a right of way over the said portions 2, 3, 6 and 7 as shewn on the said General Plan. Specially entitled to a servitude of a right-of-way 20 feet wide over a portion "b" called Louisane of portion 4 of the said portion "G" of the said farm, in extent ten (10) morgen, two hundred and four (204) square roods, and held by Deed of Transfer No. 454/1928 dated 20th January, 1928, as shewn on the diagram of the said portion "b" and over the remaining extent of the said portion "G" measuring as such one thousand and eight (1,008) morgen, two hundred and eleven (211) square roods, and held by Deed of Transfer No. 10127/1925, dated 20th October, 1925, from the South Eastern corner of the property hereby transferred a long the southern boundary of portion 2 of portion "G" hereinafter mentioned, to the existing road shewn on the diagram of portion "G" aforesaid, and along that road over the said remaining extent of portion "G" and over portion 1 called "Eureka" of portion "G" and over

portion 1 called "Eureka" of portion "G" held by Deed of Transfer No. 1178/1926, dated 15th June, 1926, and portion 2 called "Sonop" of portion "G" held by Deed of Transfer No. 6179/1926, dated 15th June, 1926.

Entitled to a servitude of right-of-way 60 Cape feet wide along the line marked G.A. and east of that mark g G on Diagram S.G. No. 1194/1922 annexed to Deed of Transfer No. 5074/1922 over portion 2 of that portion of the farm Hartebeestpoort No. 328, situate in the district of Pretoria:

Entitled to a servitude over portion 2 of the farm Hartebeestfontein No. 308, situate in the district of Pretoria, to the water furrow shown on the said Diagram S.G. No. A, 1194/1922 of all water flowing therein, in favour of:-

- (i) Henry Albert Mundt and Marai Hendrika Pretorius (Born Mundt) married out of community of property to Nicolaas Jacobus Pretorius as to a 2/3rd share.
- (ii) The owner of the said portion in extent 200 morgen as to 1/6th share.
- (iii) Johanna Louisa Mundt (Born Kleinhans) as to a 1/16th share.

Further entitled to a servitude of right of way along the said spruit to the said portion in extent 200 morgen over portion 2 of the farm Hartebeestfontein No. 328, situate in the district of Pretoria, in favour of Johanna Louisa Mundt (born Kleinhans) as owner of the said remaining extent.

- (b) die volgende reg-van-weg wat in 'n straat in die dorp val:

Subject to a servitude of right-of-way 60 Cape feet wide along the side B C on the Said diagram in favour of the owners of portions 2, 3, 5, 6 and 7 of the said portion of the farm HARTEBEESTPOORT as shewn on General Plan S.G. No. A. 1202/1922 filed with Deed of Transfer No. 5074/1922.

- (c) die volgende serwituut wat slegs Erwe Nos. 11, 12 en 14 en 'n straat in die dorp raak:-

Subject to an Electric Power Line servitude in favour of the City Council of Pretoria over that portion of the said HARTEBEESTPOORT No. 328, Registration Division JR, lettered ABC, DCEF and HJFGH on the diagram S.G. No. A 1673/49 framed for servitude purposes and filed with Servitude of Way-leave No. 926/1951-S registered on 10th November, 1951."

- (d) die volgende serwituut wat slegs Erf No. 13 in die dorp raak:

Further subject to the right of the City Council of Pretoria to convey Electricity on the property hereby transferred, subject to conditions as will more fully appear from Notarial Deed No. 384/1935 S annexed to Deed of Transfer No. 7925/1934, dated the 23rd day of April, 1934".

15. *Sloping van geboue.*

Die applikant moet op eie koste alle geboue en strukture geleë binne die boulynreserwe, kantruimte of oor 'n gemeenskaplike grens laat sloop tot bevrediging van die plaaslike bestuur wanneer hy deur die plaaslike bestuur versoek word om dit te doen.

16. *Nakoming van voorwaardes.*

Die applikant moet die stigtingsvoorwaardes nakom en moet die nodige stappe doen om te sorg dat die titelvoorwaardes en enige ander voorwaarde genoem in artikel

and over portion 1 called "Eureka" of portion "G" held by Deed of Transfer No. 1178/1926 dated 15th June, 1926, and portion 2 called "Sonop" of portion "G" held by Deed of Transfer No. 6179/1926 dated 15th June, 1926.

Entitled to a servitude of right-of-way 60 Cape feet wide along the line marked G.A. and east of that mark G on Diagram S.G. No. 1194/1922 annexed to Deed of Transfer No. 5074/1922 over portion 2 of that portion of the farm Hartebeestpoort No. 328, situate in the district of Pretoria:

Entitled to a servitude over portion 2 of the farm Hartebeestfontein No. 308, situate in the district of Pretoria, to the water furrow shown on the said Diagram S.G. No. A 1194/1922 of all water flowing therein, in favour of:-

- (i) Henry Albert Mundt and Marai Hendrika Pretorius (Born Mundt) married out of community of property to Nicolaas Jacobus Pretorius as to a 2/3rd share.
- (ii) The owner of the said portion in extent 200 morgen as to a 1/6th share.
- (iii) Johanna Louisa Mundt (Born Kleinhans) as to a 1/6th share.

Further entitled to a servitude of right of way along the said spruit to the said portion in extent 200 morgen over portion 2 of the farm Hartebeestfontein No. 328, situate in the district of Pretoria, in favour of Johanna Louisa Mundt (born Kleinhans) as owner of the said remaining extent."

- (b) the following right of way which falls in a street in the township:

"Subject to a servitude of right-of-way 60 Cape feet wide along the side B C on the Said diagram in favour of the owners of portions 2, 3, 5, 6 en 7 of the said portion of the farm HARTEBEESTPOORT as shewn on General Plan S.G. No. A 1202/1922 filed with Deed of Transfer No. 5074/1922."

- (c) the following servitude which affects only Erven Nos. 11, 12 and 14 and a street in the township:-

"Subject to an Electric Power Line servitude in favour of the City Council of Pretoria over that portion of the said farm HARTEBEESTPOORT No. 328, Registration Division JR, lettered ABC, DCEF and HJFGH on the diagram S.G. No. A 1673/49 framed for servitude purposes and filed with Servitude of Way-leave No. 926/1951-S registered on 10th November, 1951."

- (d) the following servitude which affects only Erf No. 13 in the township:-

"Further subject to the right of the City Council of Pretoria to convey Electricity on the property hereby transferred, subject to conditions as will more fully appear from Notarial Deed No. 384/1935 S annexed to Deed of Transfer No. 7925/1934, dated on 23rd day of April, 1934."

15. *Demolition of Buildings.*

The applicant shall at its own cost cause all buildings and structures situated within the building line reserve, side space or over a common boundary to be demolished to the satisfaction of the local authority as and when required to do so by the local authority.

16. *Enforcement of conditions.*

The applicant shall observe the conditions of establishment and take the necessary steps to secure the enforcement of the conditions of title and any other conditions

56 bis van Ordonnansie No. 11 van 1931 nagekom word: Met dien verstande dat die Administrateur die bevoegdheid besit om die applikant van almal of enigen van die verpligtings te onthef en om sodanige verpligtings by enige ander persoon of liggaam van persone te laat berus.

B—TITELVOORWAARDES.

1. Erwe met sekere uitsonderings.

Die erwe met uitsondering van:-

- (i) die erwe genoem in klousule A13 hiervan
- (ii) erwe wat vir Staatsdoeleindes verkry mag word; en
- (iii) erwe wat vir munisipale doeleindes verkry mag word, mits die Administrateur in oorleg met die Dorperaad die doeleindes waarvoor sodanige erwe nodig is, goedgekeur het; is onderworpe aan die voorwaardes hierna genoem, opgelê deur die Administrateur kragtens die bepalings van die Dorpe- en Dorpsaanleg-Ordonnansie No. 11 van 1931.

A—ALGEMENE, VOORWAARDES.

- (a) Die applikant en enige ander persoon of liggaam van persone wat skriftelik deur die Administrateur daartoe gemagtig is, het met die doel om te sorg dat hierdie voorwaardes en enige ander voorwaardes genoem in artikel 56 bis van Ordonnansie No. 11 van 1931 nagekom word, die reg en bevoegdheid om op alle redelike tye die erf te betree ten einde sodanige inspeksie te doen of ondersoek in te stel as wat vir die bovermelde doel gedoen of ingestel moet word.
- (b) Nóg die eienaar, nóg enigiemand anders besit die reg om vir enige doel hoegenaamd bakstene, teëls of erdepype of ander artikels van 'n soortgelyke aard op die erf te vervaardig of te laat vervaardig.
- (c) Nóg die eienaar, nóg enigiemand anders besit die reg om, behalwe om die erf vir boudoeleindes in gereedheid te bring, enige materiaal daarop uit te grawe sonder die skriftelike toestemming van die plaaslike bestuur.
- (d) Behalwe met die toestemming van die plaaslike bestuur mag geen dier, soos omskryf in die Skutregulasies van Plaaslike Bestuur, soos afgekondig by Administrateurskennisgewing No. 2 van 1929, op die erf aangehou word nie.
- (e) Behalwe met die skriftelike toestemming van die plaaslike bestuur mag geen geboue van hout en/of sink of geboue van roustene op die erf opgerig word nie.
- (f) Behalwe met die skriftelike toestemming van die plaaslike bestuur en onderworpe aan sodanige voorwaardes as wat die plaaslike bestuur ople mag nóg die eienaar nóg enige bewoner van die erf putte of boorgate op die erf sink of enige ondergrondse water daaruit put nie.
- (g) Waar dit volgens die mening van die plaaslike bestuur ondoenlik is om neerslagwater van erwe met 'n hoër ligging regstreeks na 'n publieke straat toe af te voer, is die eienaar van die erf verplig om te aanvaar dat sodanige neerslagwater op sy erf vloei en/of toe te laat dat dit daaroor loop. Met dien verstande dat die eienaars van erwe met 'n hoër ligging, vanwaar die neerslagwater oor 'n erf met 'n laer ligging loop, aanspreeklik is om 'n eweredige aandeel van die koste te betaal van enige pyplyn of afleivoor wat die eienaar van sodanige erf met 'n laer ligging nodig mag vind om aan te lê of te bou om die water wat aldus oor die erf loop, af te voer.

referred to in section 56 bis of Ordinance, No. 11 of 1931: Provided that the Administrator shall have the power to relieve the applicant of all or any of the obligations and to vest these in any other person or body of persons.

B—CONDITIONS OF TITLE.

1. The erven with certain exceptions.

The erven with the exception of —

- (i) the erven mentioned in clause A13 hereof;
- (ii) such erven as may be acquired for State purposes; and
- (iii) such erven as may be acquired for municipal purposes provided the Administrator, after consultation with the Townships Board, has approved the purposes for which such erven are required; shall be subject to the conditions mentioned hereafter, imposed by the Administrator under the provisions of the Townships and Town-planning Ordinance, No. 11 of 1931.

A—GENERAL CONDITIONS.

- (a) The applicant and any other person or body of persons so authorised in writing by the Administrator, shall, for the purpose of securing the enforcement of these conditions and any other conditions referred to in section 56 bis of Ordinance No. 11 of 1931 have the right and power to enter into and upon the erf at all reasonable times for the purpose of such inspection or inquiry as may be necessary to be made for the abovementioned purpose.
- (b) Neither the owner nor any other person shall have the right to make or permit to be made upon the erf for any purpose whatsoever any bricks, tiles or earthenware pipes or other articles of a like nature.
- (c) Neither the owner nor any other person shall have the right save and except to prepare the erf for building purposes, to excavate therefrom any material without the written consent of the local authority.
- (d) Except with the consent of the local authority no animal as defined in the Local Authority's Pounds Regulations, as published under Administrator's Notice 2 of 1929, shall be kept or stabled on the erf.
- (e) Except with the written consent of the local authority no wood and/or iron buildings or buildings of unburnt clay brick shall be erected on the erf.
- (f) Except with the written approval of the local authority and subject to such conditions as the local authority may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any subterranean water therefrom.
- (g) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher lying erven direct to a public street the owner of the erf shall be obliged to accept and/or permit the passage over the erf of such stormwater: Provided that the owners of any higher lying erven, the stormwater from which is discharged over any lower lying erf, shall be liable to pay a proportionate share of the cost of any pipeline or drain which the owner of such lower lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

B—ALGEMENE WOONERWE.

Benewens die voorwaardes uiteengesit in subklousule hiervan, is Erwe Nos. 1, 2, 7 en 11 aan die volgende voorwaardes onderworpe:-

- (a) Die interne strate op die erf moet op eie koste deur die geregistreerde eienaar gebou en in stand gehou word tot bevrediging van die plaaslike bestuur;
- (b) Die hoofgeboue wat voltooide geboue moet wees en nie geboue wat gedeeltelik opgerig is en eers later voltooi sal word nie moet gelyktydig met of voor die buitegeboue opgerig word.
- (c) Ingeval 'n woonhuis op die erf opgerig word, mag nie meer as een woonhuis met sodanige buitegeboue as wat gewoonlik vir gebruik in verband daarmee nodig is op die erf opgerig word nie: Met dien verstande dat as die erf onderverdeel word of as sodanige erf of enige gedeelte daarvan gekonsolideer word met enige ander erf of gedeelte van 'n erf, hierdie voorwaarde met die toestemming van die Administrateur van toepassing gemaak mag word op elke gevolglike gedeelte of gekonsolideerde area. Die waarde van die woonhuis, sonder buitegeboue, wat op die erf opgerig mag word, moet minstens R10,000 wees.
- (d) Indien die erf omhein of op 'n ander wyse toege- maak word, moet die heining of ander omheinings- materiaal opgerig en onderhou word tot bevrediging van die plaaslike bestuur.

C—BESIGHEIDSERWE.

(1) Benewens die voorwaardes uiteengesit in subklousule (A) hiervan, is Erwe Nos. 4 en 12 aan die volgende voorwaardes onderworpe:-

- (a) Voorsiening moet op die erf gemaak word vir die oplaai en aflaai van voertuie tot bevrediging van die plaaslike bestuur;
- (b) 'n Skermmuur moet opgerig word waarvan die om- vang, materiaal, ontwerp, posisie en onderhoud van die muur tot bevrediging van die plaaslike bestuur moet wees.
- (c) Behoudens die bepalinge van enige wet, verordening of regulasie is daar geen beperking wat betref die aantal winkels of besighede wat op die erf opgerig of gedryf mag word nie: Met dien verstande dat geen besigheid van 'n Bantoe-eethuis van watter aard ook- al op die erf gedryf mag word nie.
- (d) Die besigheidsgeboue moet gelyktydig met of voor die buitegeboue opgerig word.

(2) Die volgende bykomstige voorwaardes van toepas- sing indien openbare garages op die erwe opgerig word.

- (a) Geen voertuie mag geparkeer word of materiaal van enige aard geberg of gestapel word buite die garage- gebou of skermmuur nie.
- (b) Geen materiaal van enige aard hoegenaamd mag hoër as die hoogte van die skermmuur geberg of ge- stapel word nie.

D—ERWE VIR SPESIALE DOELEINDES.

Benewens die voorwaardes uiteengesit in subklousule (A) hiervan, is onderstaande erwe aan die volgende voor- waardes onderworpe:-

(1) ERF NO. 5.

Voorsiening moet op die erf gemaak word vir die op- en oplaai van voertuie tot bevrediging van die plaaslike bestuur.

B—GENERAL RESIDENTIAL ERVEN.

In addition to the conditions set out in subclause (A) hereof, Erven Nos. 1, 2, 6, 7 and 11 shall be subject to the following conditions:

- (a) The internal roads on the erf shall be constructed and maintained by the registered owner as his own expense to the satisfaction of the local authority;
- (b) The main buildings, which shall be completed build- ings and not buildings partly erected and intended for completion at a later date, shall be erected simul- taneously with or before the erection of the outbuild- ings.
- (c) In the event of a dwelling-house being erected on the erf, not more than one dwelling-house together with such outbuildings as are ordinarily required to be used in connection therewith shall be erected on the erf: Provided that if the erf is subdivided or if such erf or any portion thereof is consolidated with any other erf or portion of an erf this condition may with the consent of the Administrator, be applied to each resulting portion or consolidated area. The dwelling-house, exclusive of outbuildings, to be erected on the erf shall be of the value of not less than R10,000 and
- (d) If the erf is fenced, or otherwise enclosed, the fencing or other enclosing device shall be erected and main- tained to the satisfaction of the local authority.

C—BUSINESS ERVEN.

(1) In addition to the conditions set out in sub-clause (A) hereof, Erven Nos. 4 and 12 shall be subject to the following conditions:

- (a) Provision shall be made on the erf for the loading and off-loading of vehicles to the satisfaction of the local authority;
- (b) A screen wall shall be erected, the extent, materials, design, position and maintenance whereof shall be to the satisfaction of the local authority.
- (c) Subject to the provisions of any law, by-law or reg- ulation there shall be no limitation to the number of shops or businesses that may be established or conducted on the erf: Provided that no business of a Bantu eating house of any description shall be con- ducted on the erf.
- (d) The business premises shall be erected simultaneously with or before the erection of the outbuildings.

(2) The following additional conditions are applica- ble in the event of public garages being erected on the erf.

- (a) No vehicles shall be parked or materials of any kind stored or stacked outside the garage building or the screen wall.
- (b) No material of any kind whatsoever shall be stored or stacked to a height higher than the screen wall;

D—SPECIAL PURPOSE ERVEN.

In addition to the conditions set out in subclause (A) hereof, the undermentioned erven shall be subject to the following conditions:-

(1) ERF NO. 5.

Provision shall be made on the erf for the loading and off-loading of vehicles to the satisfaction of the local authority;

(2) ERF NO. 9.

Die erf moet omhein en in stand gehou word tot bevrediging van die plaaslike bestuur.

(3) ERF NO. 14.

Die erf moet omhein en in stand gehou word tot bevrediging van die plaaslike bestuur.

2. *Erwe onderworpe aan spesiale voorwaardes.*

Benewens die betrokke voorwaardes hierbo uiteengesit is onderstaande erwe aan die volgende voorwaardes onderworpe:-

(a) ERWE NOS. 2 en 6.

Die erf is onderworpe aan 'n serwituut van 'n water-pyplyn ten gunste van die plaaslike bestuur soos aangewys op die algemene plan.

(b) ERWE NOS. 1, 2, 4, 5, 6, 7, 8 en 11.

Die erf is onderworpe aan 'n serwituut vir straat-doeleindes ten gunste van die plaaslike bestuur soos aangewys op die algemene plan.

3. *Serwituut vir Riolerings- en ander Munisipale doeleindes.*

Benewens die betrokke voorwaardes hierbo uiteengesit, is alle erwe aan die volgende voorwaardes onderworpe:-

(a) Die erf is onderworpe aan 'n serwituut vir riool- en ander munisipale doeleindes, ten gunste van die plaaslike bestuur, ses voet breed, langs net een van sy grense uitgesonderd 'n straatgrens soos bepaal deur plaaslike bestuur.

(b) Geen gebou of ander struktuur mag binne die voor genoemde serwituut gebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van ses voet daarvan geplant word nie.

(c) Die plaaslike bestuur is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoof-pypleiding en ander werke wat hy volgens goed-dunke noodsaaklik ag, tydelik te plaas op die grond wat aan die voornoemde serwituut grens: en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel: Met dien verstande dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleiding of ander werke veroorsaak word.

4. *Woordoms-krywing.*

In voormelde voorwaardes het onderstaande uitdruk-kings die betekenis wat an hulle geheg word:

- (i) „Applikant” beteken La Montagne (Eiendoms) Beperk en sy opvolgers tot die eiendomsreg van die dorp.
- (ii) „Woonhuis” beteken 'n huis wat ontwerp is vir gebruik as 'n woning deur een gesin.

5. *Staats- en Munisipale Erwe.*

As enige erf waarvan melding in klousule A13 ge-maak word of enige erf wat verkry word soos beoog in klousule B1(ii) en (iii) hiervan, geregistreer word in die naam van enige ander persoon as die Staat of die plaas-like bestuur, dan is so 'n erf daarop onderworpe aan sodanige van die voornoemde voorwaardes of sodanige ander voorwaardes as wat die Administrateur in oorleg met die Dorperaad bepaal.

(2) ERF NO. 9.

The erf shall be fenced and maintained to the satis-faction of the local authority;

(3) ERF NO. 14.

The erf shall be fenced and maintained to the satis-faction of the local authority;

2. *Erven subject to special conditions.*

In addition to the relevant conditions set out above, the undermentioned erven shall be subject to the following conditions:

ERVEN NOS. 2 and 6.

(a) The erf is subject to a water-pipeline in favour of the local authority as shown on the general plan.

ERVEN NOS. 1, 2, 4, 5, 6, 7, 8 and 11.

(b) The erf is subject to a servitude for street purposes in favour of the local authority as shown on the general plan.

3. *Servitude for Sewerage and other Municipal Purposes.*

In addition to the relevant conditions set out above, the erven shall be subject to the following conditions:

(a) The erf is subject to a servitude, six feet wide, in favour of the local authority, for sewerage and other municipal purposes, along one only of its boundaries other than a street boundary as determined by the local authority.

(b) No building or other structure shall be erected with-in the aforesaid servitude area and no large-rooted trees shall be planted within the servitude area or within a distance of 6 feet thereof.

(c) The local authority shall be entitled to deposit tem-porarily 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 dur-ing the process of the construction maintenance or removal of such sewerage mains and other works being made good by the local authority.

4. *Definitions.*

In the foregoing conditions the following terms shall have the meaning assigned to them:

- (i) “Applicant” means La Montagne (Eiendoms) Be-perk and its successors in title to the township.
- (ii) “Dwelling-house” means a house designed for use as a dwelling for a single family.

5. *State and Municipal Erven.*

Should any erf referred to in Clause A13 or any erf acquired as contemplated in Clause B1(ii) and (iii) hereof be registered in the name of any person other than the State or the local authority such erf shall thereupon be subject to such of the aforementioned or such other conditions as may be permitted by the Administrator after consultation with the Townships Board.