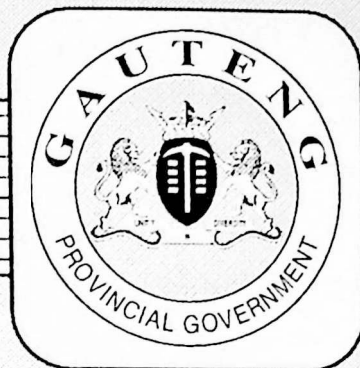


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MAART 2006

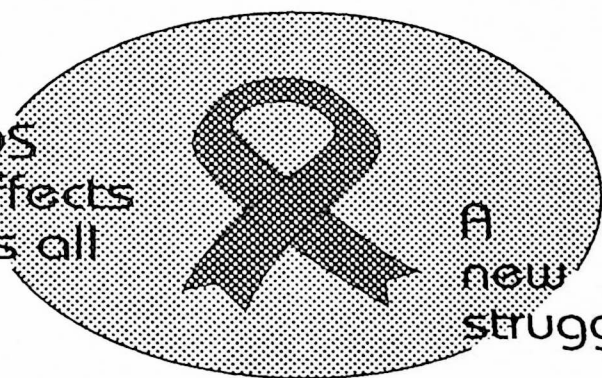
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LOCAL AUTHORITY NOTICE

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CITY OF TSHWANE METROPOLITAN MUNICIPALITY

PRETORIA AMENDMENT SCHEME 9626P

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 Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Montana Tuine Extension 50, being an amendment of the Pretoria Town-planning Scheme, 1974.

Map 3 and the scheme clauses of this amendment scheme are filed with the Acting General Manager: Legal Services, and are open to inspection during normal office hours.

This amendment is known as Pretoria Amendment Scheme 9626P.

(13/2/Montana Tuine x50 (9626))
 ___ March 2006

Acting General Manager: Legal Services
 (Notice No 497/2006)

PLAASLIKE BESTUURSKENNISGEWING 600

STAD TSHWANE METROPOLITAANSE MUNISIPALITEIT

PRETORIA WYSIGINGSKEMA 9626P

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 Metropolitaanse Munisipaliteit 'n wysigingskema met betrekking tot die grond in die dorp Montana Tuine Uitbreiding 50, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Waarnemende Hoofbestuurder: Regsdienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9626P.

(13/2/Montana Tuine x50 (9626))
 ___ Maart 2006

Waarnemende Hoofbestuurder: Regsdienste
 (Kennisgewing No 497/2006)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

DECLARATION OF MONTANA TUINE EXTENSION 50 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 Metropolitan Municipality hereby declares the Township of Montana Tuine Extension 50 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Tuine x50)

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY WILCOPROP 202 (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 308 (A PORTION OF PORTION 44) 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 Tuine Extension 50.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 9463/2005.

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 excluding –

1.3.1 the following conditions and servitudes which only affects erven and streets in the township;

- (a) The following servitude affects Erven 1635, 1636 and streets in the township:

"Die eiendom hiermee getranspoteer as Gedeelte van voorge-melde Resterende Gedeelte van Gedeelte 44 van die plaas HARTE-BEESTFONTEIN 324, Registrasie Afdeling J R, Provinsie Gauteng, groot 353,0689 hektaar is onderhewing aan 'n rioolpylyn servituut 4 meter wyd ten gunste van die lyn c f op aangehegte Kaart S.G. A2076/1985 soos meer volledig sal blyk uit Notarise Akte K3483/1986S."

- (b) The following servitude affects Erf 1636 in the township:

"A sewerage servitude 2 (two) metres wide, the centre line of which servitude is depicted by the line a b on the attached diagram S.G. No 6836/1998."

- (c) The following servitude affects Erf 1636, and streets in the township:

"Subject to a servitude for sewerage purposes 3 (three) metres wide, the centre line of which servitude is indicated by the lines M c and d e on the attached diagram 6640/2001 in favour of the City Council of Pretoria as will more fully appear from Notarial Deed of Servitude R6297/99 with diagram S.G. 6885/1999 attached."

1.3.2 Which do not affect the township:

- (a) Die Resterende Gedeelte van Gedeelte 44 van die plaas HARTEBEESTFONTEIN 324, Registrasie Afdeling JR, Provinsie Gauteng, groot 311,7524 hektaar ('n gedeelte waarvan hiermee getranspoteer word) is:

(i) Onderhewing aan 'n servituut van reg-van weg, 5 meter wyd vir die le van riool- en stormwaterpype, ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABC op LG kaart nr A11013/94 soos meer volledig sal blyk uit Notariele Akte nr K4935/1995S.

(ii) Onderhewing aan 'n servituut van reg-van weg, 5 meter wyd vir die le van riool- en stormwaterpype, ten gunste van die Stadsraad van Pretoria, die middellyn waarvan aangedui word deur die lyn ABCD op LG kaart nr A4441/94 soos meer volledig sal blyk uit Notariele Akte nr K4936/1995S.

- (b) And further subject to a servitude for electrical purposes by Notarial Deed of Servitude K6296/1999 S as indicated on LG 8824/98.
- (c) And further subject to a servitude for electrical purposes by Notarial Deed of Servitude K6296/1999 S as indicated on LG 6837/98.
- (d) And further subject to servitude for road purposes by Notarial Deed of Servitude K6296/1999 S as indicated on LG 6838/98.
- (e) And further subject to servitude (K3261/2000 S) for right-of-way and for municipal purposes with ancillary rights in favour of Tshwane Municipality as shown on S.G. 6839/1998.
- (f) And further subject to a servitude for right-of-way as indicated on S.G. 1632/2000 (Notarial Deed 5897/2000S).

- (g) And further subject to a servitude for right-of-way as indicated on S.G. 1638/1998 (Notarial Deed 5897/2000 S).
- (h) And further subject to a servitude for right-of-way as indicated on S.G. 5933/1998 (Notarial Deed 5897/2000 S).
- (i) And further subject to a servitude for storm water drainage as indicated on S.G. 5934/1998 (Notarial Deed 5897/2000 S).
- (j) And further subject to a servitude for general municipal purposes in favour of the City Council of Pretoria as indicated on SG 6522/2000 (Notarial Deed K513/2001 S).
- (k) And further subject to a servitude for sewerage and storm water pipes in favour of the City Council of Pretoria as indicated on S.G. A4442/94 (Notarial Deed K4937/1995 S).
- (l) And further subject to a sewer servitude as shown on S.G. 6256/1995 (Notarial Deed K2479/1996 S).
- (m) And further subject to a servitude for right-of-way as indicated on diagram S.G. 1633/2000.
- (n) A stormwater servitude in favour of the City of Tshwane Metropolitan Municipality, 4 meters wide together with ancillary rights along the entire northern boundary as will more fully appear from Notarial Deed No K 5416/2002.
- (o) Gedeelte 'B' van die plaas Hartebeestfontein 592, (waarvan die gedeelte getransporteer, 'n gedeelte uitmaak) is spesiaal onderhewig aan die volgende kondisies:

"Het gedeelte hieronder gehouden is onderworpen aan een servituut ten gunste van de eigenaar van gedeelte 12 ('n gedeelte van Gedeelte 'E') zoals gehouden onder Akte van Transport No. T.24560/1942, gergistreerd op de 7de Oktober 1942 om water te leiden door een voor voerende van de fontein naar de 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 de voor en van daar in een noordwestelike richting naar de naaste redelike bereikbaar plaats op de lyn van gedeelte 12.

De eigenaar van gedeelte 12 zal gerechtigd zyn tot volle, vrye en ongehinderde vloei van het water komende uit voorzegde fontein, die op die kaart van dit gedeelte 'B' gemerkt is, door zulk watervoor gedurende twee achtereenvolgende dagen uit elke 8 dagen, en zy 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, repareren en schoon te maken met het recht aan hun om de nodige grond en klippen te nemen voor zulke reparatie en onderhoud en om het water naar hun eigendom te voeren. Zy zullen echter verplicht zyn 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 dat enige iets gedaan of nagelaten wordt die de mogelijkheid geeft de gezegde dam te benadelen of te beschadigen en in het gebruik van hun rechten zullen zy behoorlik zorg dragen dat geen schade veroorzaakt wordt aan hekken, omheinigen gebouwen of landen van het gedeelte hierboven vermeld en zullen zy niet gerechtigd zyn om obstructies of veranderingen te maken op gezegde watervoor.

In geval enige veranderingen gemaakt worden voor versterking, behoud of vergroting van gezegde fontein zal de kosten ervan pro rata gedragen worden doot de eigenaren van het gedeelte 'B' hieronder en gedeelte 12 in verhouding tot hun aandeel in het water doch voordat een der eigenaren zulke verbeteringen of vergroting doet, zal hy de andere eigenaren een maand vooruit kennis geven en zulke laatstgenoemde eigenaren kunnen dan besluiten of zy hun deel willen doen, of slechts de dan bestaande water gebruiken, in welk geval de eigenaar die de verbeteringen aanbrengt gerechtigd zal zyn tot alle verdere water door hem alzo veroorzaakt.

De andere eigenaren hetzy van gedeelte 12 of van het gedeelte hieronder gehouden kunnen axhter delen in zulke vermeerderde water zodra zy hun deel van de onkosten betalen.

In geval er geen water in de fontein is en een der eigenaren opent de fontein verder totdat hy water krygt, zal hy gerechtigd zyn ertoe tot de eerste daarop volgende regen".

1.3.2 Which is not in favour of the township:

(a) A right-of-way servitude vide diagram SG 4821/1995

1.4 LAND FOR MUNICIPAL PURPOSES

The following erf shall be transferred to the local authority by and at the expense of the township owner:

Parks (public open space) : Erf 1638.

1.5 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of adjacent roads and he shall receive and dispose of the stormwater running off or being diverted from the roads.

1.6 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.

1.7 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane Metropolitan Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the City of Tshwane Metropolitan Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.8 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 Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

1.9 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.

1.10 RESTRICTION ON THE ALIENATION AND DEVELOPMENT OF ERVEN

The township owner shall not alienate or develop any erven within the township and no transfer of erven shall be permitted until the Municipality is satisfied that all requirements regarding access, roads, road improvements and traffic control measures in and around the proposed development have satisfactorily been complied with

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 township, the cost thereof shall be borne by the township owner.

1.12 GEO-TECHNICAL REPORT

No structures shall be erected on this site prior to the appointment of a professional engineer, who must design, specify and supervise structural measures to be implemented according to the structure type.

1.13 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE, CONSERVATION AND ENVIRONMENT (GDACE)

The conditions imposed in the Record of Decision, issued on 10 June 2003 by the Gauteng Department of Agriculture, Conservation and Environment in terms of section 22 of the Environmental Conservation Act, 1989 (Act 73 of 1989) shall be complied with by the owner of the township at his own expense.

1.14 TRAFFIC IMPACT STUDY

All conditions imposed regarding the construction of roads and the provision of acceptable access to the township as required by the Municipality (General Manager: Service Delivery (Roads and Stormwater Division)) after approval of the traffic impact study shall be complied with by the owner of the township at his own expense.

1.15 NATIONAL HERITAGE RESOURCE ACT

The township owner shall at his own expense comply with the provisions of the National Heritage Resource Act, 25 of 1999 and that any conditions that may affect the township are incorporated in these conditions as amendments to these conditions.

2. CONDITIONS OF TITLE

2.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITIONS AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986):

2.1.1 ALL ERVEN (EXCLUDING ERF 1638)

2.1.1.1 The erven shall be subject to a servitude, 2 metre wide, for municipal services (water, sewerage, electricity and stormwater) (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, 2 metre 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 2 metre from it.

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

2.1.2 ERVEN 1635, 1636, 1637 AND 1638

2.1.2.1 The erven shall be subject to servitudes as shown on the general plan of the township.

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 2 metre there from.

