

***THE PROVINCE OF  
GAUTENG***

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# LOCAL AUTHORITY NOTICE

## LOCAL AUTHORITY NOTICE 1244

CITY OF TSHWANE

### PRETORIA AMENDMENT SCHEME 9712P

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 Park Extension 114, being an amendment of the Pretoria Town-planning Scheme, 1974.

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

This amendment is known as Pretoria Amendment Scheme 9712P.

(13/2/Montana Park x114 (9712P))  
 \_\_\_ May 2008

Executive Director: Legal Services  
 (Notice No 555/2008)

## PLAASLIKE BESTUURSKENNISGEWING 1244

STAD TSHWANE

### PRETORIA WYSIGINGSKEMA 9712P

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 'n wysigingskema met betrekking tot die grond in die dorp Montana Park Uitbreiding 114, synde 'n wysiging van die Pretoria-dorpsbeplanningskema, 1974, goedgekeur het.

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

Hierdie wysiging staan bekend as Pretoria-wysigingskema 9712P.

(13/2/Montana Park x114 (9712P))  
 \_\_\_ Mei 2008

Uitvoerende Direkteur: Regsdienste  
 (Kennisgewing No 555/2008)

CITY OF TSHWANE

### DECLARATION OF MONTANA PARK EXTENSION 114 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 Park Extension 114 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Montana Park x114 (9712P))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY M.K. LIAN CHEN CC 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 544 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 Park Extension 114.

## 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 3099/2007.

## 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 servitude which only affects Braam Pretorius Street in the township;

1. Servitude vide K2205/1988S
2. Servitude vide K2387/1988S

## 1.4 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay endowment for an area of **1 368m<sup>2</sup>** in terms of Regulation 44(1) of the Town-planning and Townships Regulations to the Municipality. The amount for this area shall be used by the Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment amount shall be payable in accordance with the provisions of section 81 of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

## 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 road.

## 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 register.

## 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 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.

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

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Agricultural, Conservation and Environment, as well as any other applicable provisions, in terms of the provisions of the Environment Conservation Act, 1989 (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) as the case may be.

## 1.12 THE DEVELOPER'S OBLIGATIONS

### 1.12.1 ASSOCIATION AND STATUTES

The developer must register a Section 21 Company (homeowners' association) in terms of the provisions of the Companies Act, 1973 (Act 61 of 1973). A copy of the registered Deed of Association (CM4) and the Company's Statutes must be submitted to the City of Tshwane Metropolitan Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity, and the road and storm water sewers). The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

### 1.12.2 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

### 1.12.3 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane Metropolitan Municipality must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The Municipality may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the Municipality an undertaking that the developer will complete this service on or before a certain date and must provide the Municipality with a guarantee issued by a recognised financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

### 1.12.4 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and storm water sewers) have been completed. The developer must furnish the Section 21 Company with a maintenance guarantee, issued by a recognised financial institution, in respect of poor workmanship and/or materials with regard to the civil engineering services and the electricity service, which guarantee must be for an amount that is equal to 5% of the contract cost of the civil services and 10% of the contract cost of the electrical services, and proof of this must be submitted to the City of Tshwane Metropolitan Municipality.

### 1.12.5 APPROVAL OF BUILDING PLANS

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Service Delivery Department.

**1.12.6 LAND TO BE TRANSFERRED TO THE SECTION 21 COMPANY (HOMEOWNERS' ASSOCIATION)**

Erf 2852 shall be transferred to the homeowners' association (Section 21 Company), within a period of 6 (six) months after proclamation of the township or prior to the first transfer of the first erf in the township which ever the sooner, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 2852 in favour of all the erven in the township.

**1.12.7 ERVEN 2794 UP TO AND INCLUDING 2851**

Upon transfer, the owner of the erf must automatically become a member of the Section 21 Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

**1.13 RESTRICTION ON THE ALIENATION OF LAND**

Regardless of the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or otherwise dealt with until the Municipality certifies that the developer has complied with the provisions of conditions 1.12.1 and 1.12.7 inclusive above.

**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 ERVEN 2794 UP TO AND INCLUDING 2851**

**2.1.1.1** The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and storm-water) (hereinafter referred to as "the services"), in favour of the City of Tshwane Metropolitan Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2 m 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 m 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 Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

**2.1.2 ERVEN 2794, 2795, 2796, 2798 UP TO AND INCLUDING 2823, 2825, 2826, 2827, 2830, 2833, 2835 UP TO AND INCLUDING 2837, 2838 UP TO AND INCLUDING 2840, 2842, 2847 UP TO AND INCLUDING 2849**

**2.1.2.1** The erf shall be subject to a servitude (2m wide) for municipal services (sewerage) in favour of the City of Tshwane Metropolitan Municipality, as indicated on the general plan.

**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 m therefrom.

2.1.2.3 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 essential, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.

2.1.4 ERF 2852

2.1.4.1 The erf in its entirety shall be subject to a servitude for access and municipal engineering services (Water, Sewerage and Electricity) in favour of the City of Tshwane Metropolitan Municipality.

2.2 CONDITIONS IN FAVOUR OF THE SECTION 21 COMPANY

The following servitudes/conditions in favour of the Section 21 Company must notarially be executed and registered in the Office of the Registrar of Deeds before or simultaneously with the transfer of an erf in the township:

2.2.1 ERVEN 2794 UP TO AND INCLUDING 2851

2.2.1.1 The erven shall be subject to a servitude, 2 m wide, for engineering services (water, sewer, electricity and storm water) (hereinafter referred to as "the services"), in favour of the Section 21 Company, along any two boundaries, except a street boundary and, in the case of a panhandle erf, an additional servitude for services purposes, 2 m wide, over the entrance portion of the erf if and when required by the Section 21 Company: Provided that the Section 21 Company may waive any such servitude.

2.2.1.2 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 m from it.

2.2.1.3 The Section 21 Company 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 Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.2.2 ERF 2813

2.2.2.1 The erf shall be subject to a servitude (3m wide) for municipal services (stormwater) in favour of the Section 21 Company, as indicated on the layout plan.

2.2.2.2 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 m therefrom.

2.2.2.3 The Section 21 Company 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 essential, and furthermore the the Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such main sewer pipelines and other works.

2.2.3 ERVEN 2794, 2795, 2796, 2798 UP TO AND INCLUDING 2823, 2825, 2826, 2827, 2830, 2833, 2835 UP TO AND INCLUDING 2837, 2838 UP TO AND INCLUDING 2840, 2842, 2847 UP TO AND INCLUDING 2849

2.2.3.1 The erf shall be subject to a servitude, 2 m wide, for engineering services (sewerage), in favour of the Section 21 Company, as indicated on the lay-out plan.

2.2.3.2 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 m from it.

2.2.3.3 The Section 21 Company 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 Section 21 Company shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Section 21 Company shall make good any damage caused during the laying, maintenance or removal of such services and other works.

2.2.4 ERF 2852

The erf in it's entirety is subject to a servitude of right of way and engineering services in favour of all the erven in the township.

2.3 ERVEN 2794 UP TO AND INCLUDING 2851

Upon transfer, the owner of each erf must automatically become a member of the Section 21 Company and remain a member until he or she ceases to be the registered owner of that erf, which condition must be included in the title deed of the portion.

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