

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE  
GAUTENG***

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

**Vol. 14**

**PRETORIA, 25 JANUARY 2008  
JANUARIE**

**No. 21**

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# GENERAL NOTICES

## NOTICE 275 OF 2008

### DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) the Kungwini Local Council hereby declares Tijger Vallei Extension 17 Township to be an approved township subject to the conditions set out in the Schedule hereto:

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY TIJGER VALLEI 2 PROPERTIES (PTY) LTD UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 166 (A PORTION OF PORTION 150) OF THE FARM ZWARTKOPPIES 364 JR PROVINCE OF GAUTENG HAS BEEN GRANTED.**

#### 1. CONDITIONS OF ESTABLISHMENT

##### (1) Name

The name of the township shall be Tijger Vallei Extension 17

##### (2) Design

The township shall consist of erven and streets as indicated on General Plan No 8993/2007

##### (3) Disposal of Existing Conditions of Title

3.1 All erven shall be made subject to existing conditions and servitudes if any, excluding the following servitudes in Certificate of Consolidated Title T 161319/2006 in respect of former portion 19 of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.

A. THE FORMER PORTION 148 (A PORTION OF PORTION 19) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure ABCDEFGHefghjklVWXYZ A1B1C1D1E1F1G1H1A on consolidation diagram SG No 9739/2006) IS SUBJECT TO THE FOLLOWING CONDITIONS:

1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.

2. Entitled to the following conditions

(i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

(ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars

River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
  - (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
  - (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
  - (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-
 

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-

- (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
  - (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
9. The property is subject to:-
  - (a) By virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.
10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12<sup>th</sup> June 1991 with the option to renew.
- B. THE FORMER PORTION 149 (A PORTION OF PORTION 17) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure eJKLMNPQRSTUlkjhgf on consolidation diagram SG No 9739/2006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
  1. SUBJECT to the reservation of all the MINERAL RIGHTS in favour of CHARLES BOBBARD STRUBEN MALLESON (Born 13<sup>th</sup> March, 1902) for which said Rights to Minerals Certificate of Mineral Rights No. 635/1965 RM was issued on 21<sup>st</sup> October, 1965.
  2. SUBJECT to a Servitude of Right of Way and the right to conduct and lay underground pipe lines from a proposed dam site situated to the South of the property hereby transferred along a route to be agreed upon, in favour of the Remaining Extent of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 451,9149 hectares, held by the said CHARLES BOBBARD STRUBEN MALLESON under Deed of Transfer No. 6636/1954 dated 20<sup>th</sup> March, 1954.
  3. The South Western portion of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, (Portion 17 whereof is hereby transferred) is subject to the following conditions:
    - (a) The terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August, 1925, marked A.
  4. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., Transvaal, measuring as such 581.8222 hectares, (Portion 17 of which is hereby transferred) is entitled to the following conditions:
    - (a) The owner of the property hereby transferred and of the three further properties transferred under Deed of Transfer 6636/54 dated 20<sup>th</sup> March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., Transvaal, measuring 12,4311 hectares; (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares shall have the sole control of the water belonging to the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 1401,1207 hectares, and to the three further properties aforesaid, transferred under Deed of Transfer 6636/54 dated 20<sup>th</sup> March 1954, and he shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive; during the remainder of each year he shall allow the full stream of water to which he is entitled under the Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345,4508 hectares, from Saturday 6 p.m. to Monday 6 a.m. in each week, i.e. a period of 36 hours per week. He shall however, allow all surplus water during the year to pass down a furrow to the said Portion A

of the South Western Portion, and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred, and the owner of the three further properties aforesaid, held under Deed of Transfer 6636/1954 dated 20<sup>th</sup> of March 1954, undertakes during the abovementioned 36 hour period that the valve shall remain open sufficiently to allow the full stream of water as provided above, to pass. This shall not apply, however, when the river is in flood.

- (b) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situated on the Remaining Extent of the said farm ZWARTKOPPIES 364, aforesaid, and built to give effect to the Order of the Water Court referred to in Clause A(a) hereof, to the sluice gate and thence from the deviation of the said furrow to the same on the said Portion A of the South Western Portion. The owner of the property hereby transferred is responsible for the repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

- 5. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is:

SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/1949-S.

- 6. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is entitled together with the three other properties transferred under Deed of Transfer 6636/1954, dated the 20<sup>th</sup> of March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares, (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares, to a cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion of ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, held under Deed of Transfer 13696/37 as will more fully appear from Notarial Deed 1000/1954 dated 28<sup>th</sup> October 1954.
- 7. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 496,1690 hectares (of which the property hereby transferred forms a portion) is

SUBJECT to Notarial Deed 351/1956 S, whereby the remainder is:

- (a) Entitled to a servitude of right of way 15,74 metres wide marked F E G H F on diagram 4638/55 thereto annexed over the remainder of TWEEFONTEIN 372, Registration Division J.R., district Pretoria (former 423) measuring 458,7720 hectares, held under Deed of Transfer 10975/19;
- (b) Subject to a servitude right of way in favour of the remainder of TWEEFONTEIN 372, aforesaid, making use of existing farm roads. As will more fully appear on reference to the said Notarial Deed.



8. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 473,3282 hectares (of which the property hereby transferred forms part) is:
  - (a) Entitled to a servitude 15,74 metres wide indicate by the figure A H F G A on diagram S.G. No. A 2481/56 annexed to Deed of Transfer 20591/1956 dated 31<sup>st</sup> August, 1956, over Portion 15 of the farm ZWARTKOPPIES 364, aforesaid, measuring 22,8408 hectares, and held under Deed of Transfer 20691/1956.
  - (b) Entitled to the condition that the owners of Portion 14 (a Portion of the South Western Portion) of the farm ZWARTKOPPIES 364, aforesaid, held under Deed of Transfer 13545/1958 may not sell sand off the said Portion 14 of the said farm, for a period of ten (10) years as from the 4th of July, 1955.

The following servitudes are only applicable to specific erven and roads in the township.

Erven 141 and 142 are subject to the following servitude.

The property hereby transferred is subject to a servitude in perpetuity for public purposes, 6 metres wide, in favour of the City Council of Pretoria, the south western boundary of which servitude is indicated by the letters A B and B C, the north western boundary by the letters C D, D E, E F, and F G., the south western boundary as indicated by the letters G H, H J and J K, the western boundary as indicated by the letters K L and the south western boundary as indicated by the letters L M on Diagram L.G. No A 4097/93 attached to Deed of Cession K5347/94.

**(4) Demolition of Buildings and Structures**

The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.

**(5) Removal of Litter**

The township owner shall at its own expense cause all litter within the township area to be removed to the satisfaction of the local authority, when required by the local authority to do so.

**(6) Formation and duties of Section 21 Company**

- (a) The applicant shall properly and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first erf (which Association shall not be de-registered without the consent of the Council)
- (b) The access erven (Erven 141 and 142) and Private Open Space (Erven 143 to 145) shall be registered in the name of the Residents Association and said road portion may not be sold or in any way disposed of without prior written consent of the Council.
- (c) Each and every owner of Erven 105 to 140 shall become a member of the Residents Association upon transfer of the erf.
- (d) The Residents Association shall have full legal power to levy from each and every member the cost incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (e) The council shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system and/or any essential services with the exception of the sewerage system.
- (f) A servitude for municipal purposes shall be registered by way of a separate Notarial Deed over Erven 141 and 142 in favour of and to the satisfaction of the Council, if so required by the Council.
- (g) The Council shall have unrestricted access to Erven 141 and 142 at all times.

- (h) Access from erven 105 to 145 to a public road shall be across Erf 104 Tijger Vallei Extension 9.

## 2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as indicated imposed in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

### (1) All Erven

- (i) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries 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 local authority: Provided that the local authority may dispense with any such servitude.
- (ii) No building or other structure 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.
- (iii) The local authority shall be entitled to deposit temporarily 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 during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.

### (2) Registration of new servitudes

- 2.1 The whole of Even 141 and 142 is subject to a servitude for municipal, telecommunication and right of way purposes.
- 2.2 Erven 108, 117, 119, and 139 are subject to 3,00 metre wide sewer servitude for municipal purposes as indicated.
- 2.3 The whole of Erven 141 and 142 are subject to a servitude for electrical purposes in favour of the local authority.
- 2.4 Erf 133 is subject to 3,00 metre wide servitude for pipelines and boreholes as indicated on the General Plan.
- 2.5 Erven 141 to 145 are subject to a servitude for pipelines and boreholes as indicated on the General Plan.
- 2.6 Erven 144 and 145 are subject to a servitude for municipal purposes.



## KENNISGEWING 275 VAN 2008

### VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, (Ordonnansie 15 van 1986) verklaar Kungwini Plaaslike Raad hierby die Dorp Tijger Vallei Uitbreiding 17 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR TIJGER VALLEI 2 PROPERTIES (PTY) LTD INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 166 ('N GEDEELTE VAN GEDEELTE 150) VAN DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.

#### 1. STIGTINGSVOORWAARDES

- (1) **Naam**  
Die naam van die dorp is Tijger Vallei Uitbreiding 17.
- (2) **Ontwerp**  
Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 8993/2007.
- (3) **Beskikking oor bestaande Titellovoorwaardes**  
Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute as daar is maar uitgesonderd die volgende servitute in Sertifikaat van Gekonsolideerde Titel T161319/2006 met betrekking tot die voormalige Gedeelte 19 van die plaas Zwartkoppies 364 JR wat nie aan die erwe in die dorp oorgedra moet word nie:
  - A. THE FORMER PORTION 148 (A PORTION OF PORTION 19) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure ABCDEFGHefghjkiVWXYZ A1B1C1D1E1F1G1H1A on consolidation diagram SG No 9739/2006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
    1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.
    2. Entitled to the following conditions
      - (iii) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.
      - (iv) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars

River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
  - (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
  - (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
  - (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-
 

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-

- (c) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
- (d) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
- 9. The property is subject to:-
  - (a) By virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.
- 10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12<sup>th</sup> June 1991 with the option to renew.
- B. THE FORMER PORTION 149 (A PORTION OF PORTION 17) OF THE FARM ZWARTKOPPIES NO 364 (indicated by the figure eJKLMNPQRSTUikjhgf on consolidation diagram SG No 9739/2006) IS SUBJECT TO THE FOLLOWING CONDITIONS:
  - 1. SUBJECT to the reservation of all the MINERAL RIGHTS in favour of CHARLES BOBBARD STRUBEN MALLESON (Born 13<sup>th</sup> March, 1902) for which said Rights to Minerals Certificate of Mineral Rights No. 635/1965 RM was issued on 21<sup>st</sup> October, 1965.
  - 2. SUBJECT to a Servitude of Right of Way and the right to conduct and lay underground pipe lines from a proposed dam site situated to the South of the property hereby transferred along a route to be agreed upon, in favour of the Remaining Extent of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 451,9149 hectares, held by the said CHARLES BOBBARD STRUBEN MALLESON under Deed of Transfer No. 6636/1954 dated 20<sup>th</sup> March, 1954.
  - 3. The South Western portion of the said farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, (Portion 17 whereof is hereby transferred) is subject to the following conditions:
    - (a) The terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August, 1925, marked A.
  - 4. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., Transvaal, measuring as such 581.8222 hectares, (Portion 17 of which is hereby transferred) is entitled to the following conditions:
    - (a) The owner of the property hereby transferred and of the three further properties transferred under Deed of Transfer 6636/54 dated 20<sup>th</sup> March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., Transvaal, measuring 12,4311 hectares; (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares shall have the sole control of the water belonging to the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 1401,1207 hectares, and to the three further properties aforesaid, transferred under Deed of Transfer 6636/54 dated 20<sup>th</sup> March 1954, and he shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive; during the remainder of each year he shall allow the full stream of water to which he is entitled under the Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345,4508 hectares, from Saturday 6 p.m. to Monday 6 a.m. in each week, i.e. a period of 36 hours per week. He shall however, allow all surplus water during the year to pass down a furrow to the said Portion A

of the South Western Portion, and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred, and the owner of the three further properties aforesaid, held under Deed of Transfer 6636/1954 dated 20<sup>th</sup> of March 1954, undertakes during the abovementioned 36 hour period that the valve shall remain open sufficiently to allow the full stream of water as provided above, to pass. This shall not apply, however, when the river is in flood.

- (b) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situated on the Remaining Extent of the said farm ZWARTKOPPIES 364, aforesaid, and built to give effect to the Order of the Water Court referred to in Clause A(a) hereof, to the sluice gate and thence from the deviation of the said furrow to the same on the said Portion A of the South Western Portion. The owner of the property hereby transferred is responsible for the repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

5. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is:

SUBJECT to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/1949-S.

6. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, measuring 581,8222 hectares (a portion whereof is hereby being transferred) is entitled together with the three other properties transferred under Deed of Transfer 6636/1954, dated the 20<sup>th</sup> of March 1954, namely: (a) Portion of a Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares, (b) Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 281,4593 hectares; and (c) The Remaining Extent of a portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 269,0281 hectares, to a cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion of ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, held under Deed of Transfer 13696/37 as will more fully appear from Notarial Deed 1000/1954 dated 28<sup>th</sup> October 1954.

7. The former Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring 496,1690 hectares (of which the property hereby transferred forms a portion) is

SUBJECT to Notarial Deed 351/1956 S, whereby the remainder is:

- (c) Entitled to a servitude of right of way 15,74 metres wide marked F E G H F on diagram 4638/55 thereto annexed over the remainder of TWEEFONTEIN 372, Registration Division J.R., district Pretoria (former 423) measuring 458,7720 hectares, held under Deed of Transfer 10975/19;
- (d) Subject to a servitude right of way in favour of the remainder of TWEEFONTEIN 372, aforesaid, making use of existing farm roads. As will more fully appear on reference to the said Notarial Deed.

8. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES 364, Registration Division J.R., district Pretoria, measuring as such 473,3282 hectares (of which the property hereby transferred forms part) is:
  - (a) Entitled to a servitude 15,74 metres wide indicate by the figure A H F G A on diagram S.G. No. A 2481/56 annexed to Deed of Transfer 20591/1956 dated 31<sup>st</sup> August, 1956, over Portion 15 of the farm ZWARTKOPPIES 364, aforesaid, measuring 22,8408 hectares, and held under Deed of Transfer 20691/1956.
  - (b) Entitled to the condition that the owners of Portion 14 (a Portion of the South Western Portion) of the farm ZWARTKOPPIES 364, aforesaid, held under Deed of Transfer 13545/1958 may not sell sand off the said Portion 14 of the said farm, for a period of ten (10) years as from the 4th of July, 1955.

The following servitudes are only applicable to specific erven and roads in the township.

Erven 141 and 142 are subject to the following servitude.

The property hereby transferred is subject to a servitude in perpetuity for public purposes, 6 metres wide, in favour of the City Council of Pretoria, the south western boundary of which servitude is indicated by the letters A B and B C, the north western boundary by the letters C D, D E, E F, and F G, the south western boundary as indicated by the letters G H, H J and J K, the western boundary as indicated by the letters K L and the south western boundary as indicated by the letters L M on Diagram L.G. No A 4097/93 attached to Deed of Cession K5347/94.

**(4) Sloping van Geboue en Strukture**

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulyn reserwes, kantruimtes of oor gemeenskaplike grense geleë is laat sloop tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(5) Verwydering van Rommel**

Die Dorpseienaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(6) Vestiging en pligte van Artikel 21 Maatskappy of soortgelyke Regsenteit**

- (a) Die aansoeker sal deeglik en wetlik 'n Huiseienaarsvereniging tot die bevrediging van die Raad tot stand bring voor die verkoop van die eerste erf (welke Vereniging nie gederegistreer sal word sonder die toestemming van die Raad nie)
- (b) Die toegangserwe (Erwe 141 en 142) en Privaat Oopruimte (Erwe 143 tot 145) sal geregistreer word in die naam van die Huiseienaarsvereniging en genoemde padgedeelte mag nie verkoop of op enige vvreem word sonder die vooraf geskrewe toestemming van die Raad nie.
- (c) Iedere en elke eienaar van Erwe 105 tot 140 sal 'n lid van die Huiseienaarsvereniging word met oordrag van die erf.
- (d) Die Huiseienaarsvereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang he tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.
- (e) Die Raad sal nie verantwoordelik wees vir die wanfunksionering van die oppervlakte van die toegangspad en/of die stormwaterdreinerings sisteem en/of enige noodsaaklike dienste met die uitsondering van die riool sisteem nie.
- (f) 'n Serwituut vir munisipale doeleindes sal geregistreer word by wyse van 'n aparte Notariele Akte oor Erwe 141 en 142 ten gunste van en tot die bevrediging van die Raad, indien so vereis word deur die Raad.



- (g) Die Raad sal vrye toegang hê tot Erwe 141 en 142 ten alle tye.
- (h) Toegang van Erwe 105 tot 145 tot 'n openbare pad sal oor die toegangserf Erf 104 in die dorp Tijger Vallei Uitbreiding 9 wees.

## 2. TITELVOORWAARDES

Die erwe hieronder genoem is onderworpe aan die voorwaardes soos aangedui ingevolge die bepaling van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

### (1) Alle Erwe

- (i) Die erf is onderworpe aan 'n servituut, 2m breed, vir riolerings- en ander munisipale doeleindes ten gunste van die Plaaslike Bestuur langs enige twee grense uitgesonderd 'n straatgrens en in die geval van 'n pypsteel erf, 'n addisionele servituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur : met dien verstande dat die plaaslike bestuur van enige sodanige servituut mag afsien.
- (ii) Geen gebou of ander struktuur mag binne die voorgenoemde servituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige servituut of binne 'n afstand van 2m daarvan geplant word nie.
- (iii) Die plaaslike bestuur is geregtig op enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeë dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde servituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

### (2) Registrasie van nuwe servitute

- 2.1 Erwe 141 en 142 in geheel is onderworpe aan 'n servituut vir munisipale, telekommunikasie en reg van weg doeleindes
- 2.2 Erwe 108, 117, 119 en 139 is onderworpe aan 'n 3,00 meter riool servituut vir munisipale doeleindes soos aangetoon.
- 2.3 Erwe 141 en 142 in geheel is onderworpe aan 'n servituut vir elektriese doeleindes ten gunste van die Stadsraad.
- 2.4 Erf 133 is onderworpe aan 'n 3,00 meter servituut vir pypleiding en boorgate soos aangetoon op die Algemene Plan.
- 2.5 Erwe 141 tot 145 is onderworpe aan 'n servituut vir pypleiding en boorgate soos aangetoon op die Algemene Plan
- 2.6 Erwe 144 en 145 is onderworpe aan 'n servituut vir munisipale doeleindes.



## **NOTICE 276 OF 2008**

### **KUNGWINI LOCAL COUNCIL AMENDMENT SCHEME**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Peri-Urban Areas Town-planning Scheme 1975, comprising the same land, as included in the Township of **TIJGER VALLEI EXTENSION 17**

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Chief Town Planner: Kungwini Local Council and are open for inspection at all reasonable times.

The amendment scheme is known as Peri-Urban Areas Amendment Scheme

**Chief Town Planner: Kungwini Local Council**  
Notice No.

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## **KENNISGEWING 276 VAN 2008**

### **KUNGWINI PLAASLIKE RAAD WYSIGINGSKEMA**

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Buitestedelike Gebiede Dorpsbeplanningskema, 1975, wat uit dieselfde grond as die dorp **TIJGER VALLEI UITBREIDING 17** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Hoof Stadsbeplanner, Kungwini Plaaslike Raad en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema

**Hoof Stadsbeplanner: Kungwini Plaaslike Raad**  
Notice No.

**NOTICE 277 OF 2008****DECLARATION AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) the Kungwini Local Council hereby declares Tijger Vallei Extension 26 Township to be an approved township subject to the conditions set out in the Schedule hereto:

CONDITIONS UNDER WHICH THE APPLICATION MADE BY HAZELDEAN RETREAT (PTY) LTD, HARIVA TRUST AND INTERCARE INFINITY PROPERTY TRUST UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 163 ( A PORTION OF PORTION 152) OF THE FARM ZWARTKOPPIES 364 JR PROVINCE OF GAUTENG HAS BEEN GRANTED.

**1. CONDITIONS OF ESTABLISHMENT****(1) Name**

The name of the township shall be Tijger Vallei Extension 26.

**(2) Design**

The township shall consist of erven and streets as indicated on General Plan No 1992/2007

**(3) Disposal of Existing Conditions of Title**

- 3.1 All erven shall be made subject to existing conditions and servitudes if any, excluding the following servitudes in Deed of Transfer T104880/2007 in respect of former portion 19 of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.

**A.**

1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.

2. Entitled to the following conditions

- (i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.
- (ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in

Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
- B. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
  - (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
  - (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads; as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.
- C. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
  - (i) Entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
- D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
- E. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-
  - (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

F. The property is subject to:-

- (a) By virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.

G. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12th June 1991 with the option to renew.

**(4) Demolition of Buildings and Structures**

The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.

**(5) Removal of Litter**

The township owner shall at its own expense cause all litter within the township area to be removed to the satisfaction of the local authority, when required by the local authority to do so.

**(6) Formation and duties of Section 21 Company**

- (a) The applicant shall properly and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first erf (which Association shall not be de-registered without the consent of the Council)
- (b) The access erf (Erf 571) shall be registered in the name of the Residents Association and said road portion may not be sold or in any way disposed of without prior written consent of the Council.
- (c) Each and every owner of Erf 570 shall become a member of the Residents Association upon transfer of the erf.
- (d) The Residents Association shall have full legal power to levy from each and every member the cost incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of a default in payments by any member.
- (e) The council shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system and/or any essential services with the exception of the sewerage system.
- (f) A servitude for municipal purposes shall be registered by way of a separate Notarial Deed over Erf 571 in favour of and to the satisfaction of the Council, if so required by the Council.
- (g) The Council shall have unrestricted access to Erf 571 at all times.
- (h) Access from Erven 570 and 571 to a public road shall be across Erf 681 in Tijger Vallei Extension 33, Erf 380 in Tijger Vallei Extension 10, Erven 238 and 239 in Tijger Vallei Extension 18, Erf 152 in Tijger Vallei Extension 17 and Erf 104 Tijger Vallei Extension 9.

**2. CONDITIONS OF TITLE**

The erven mentioned hereunder shall be subject to the conditions as indicated imposed in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

- (1) All Erven

- (i) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries 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 local authority: Provided that the local authority may dispense with any such servitude.
  - (ii) No building or other structure 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.
  - (iii) The local authority shall be entitled to deposit temporarily 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 during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- (2) Erf 571

The whole of erf is subject to a servitude of right of way for municipal purposes in favour of the local authority as indicated on the General Plan.

## KENNISGEWING 277 VAN 2008

### VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, (Ordonnansie 15 van 1986) verklaar Kungwini Plaaslike Raad hierby die Dorp Tijger Vallei Uitbreiding 26 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

**VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR HAZELDEAN RETREAT (PTY) LTD, HARIVA TRUST AND INTERCARE INFINITY PROPERTY TRUST INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPS-BEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 163 ('N GEDEELTE VAN GEDEELTE 152) VAN DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.**

#### 1. STIGTINGSVOORWAARDES

- (1) **Naam**  
Die naam van die dorp is Tijger Vallei Uitbreiding 26.
- (2) **Ontwerp**  
Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 1992/2007.
- (3) **Beskikking oor bestaande Titellovoorwaardes**  
Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute as daar is maar uitgesonderd die volgende servitute in Titelakte T 104880/2007 met betrekking tot die voormalige Gedeelte 19 van die plaas Zwartkoppies 364 JR wat nie aan die erwe in die dorp oorgedra moet word nie:
  - A.
    - 1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.
    - 2. Entitled to the following conditions
      - (i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R.

aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

- (ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.
- 3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
  - 4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
- B. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
    - (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
    - (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads; as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.
- C. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
    - (i) Entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;



- D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- E. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-

- (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
- (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- F. The property is subject to:-

- (a) By virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.

- G. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12th June 1991 with the option to renew.

**(4) Sloping van Geboue en Strukture**

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulyn reserwes, kantruimtes of oor gemeenskaplike grense geleë is laat sloop tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(5) Verwydering van Rommel**

Die Dorpsieenaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(6) Vestiging en pligte van Artikel 21 Maatskappy of soortgelyke Regsentiteit**

- (a) Die aansoeker sal deeglik en wetlik 'n Huiseienaarsvereniging tot die bevrediging van die Raad tot stand bring voor die verkoop van die eerste erf (welke Vereniging nie gederegistreer sal word sonder die toestemming van die Raad nie)
- (b) Die toegangserf (Erf 571) sal geregistreer word in die naam van die Huiseienaarsvereniging en genoemde padgedeelte mag nie verkoop of op enige vervreem word sonder die vooraf geskrewe toestemming van die Raad nie.
- (c) Iedere en elke eienaar van Erf 570 sal 'n lid van die Huiseienaarsvereniging word met oordrag van die erf.
- (d) Die Huiseienaarsvereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang he tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.

- (e) Die Raad sal nie verantwoordelik wees vir die wanfunksionering van die oppervlakte van die toegangspad en/of die stormwaterdreinerings sisteem en/of enige noodsaaklike dienste met die uitsondering van die riool sisteem nie.
- (f) 'n Servituut vir munisipale doeleindes sal geregistreer word by wyse van 'n aparte Notariale Akte oor Erf 571 ten gunste van en tot die bevrediging van die Raad, indien so vereis word deur die Raad.
- (g) Die Raad sal vrye toegang hê tot Erf 571 ten alle tye.
- (h) Toegang van Erwe 570 en 571 tot 'n openbare pad sal oor die toegangserwe Erf 681 in Tijger Vallei Uitbreiding 33, Erf 380 in Tijger Vallei Uitbreiding 10, Erwe 238 en 239 in Tijger Vallei Uitbreiding 18, Erf 152 in Tijger Vallei Uitbreiding 17 en Erf 104 in Tijger Vallei Uitbreiding 9 wees.

## 2. TITELVOORWAARDES

Die erwe hieronder genoem is onderworpe aan die voorwaardes soos aangedui ingevolge die bepalinge van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

- (1) Alle Erwe
  - (i) Die erf is onderworpe aan 'n servituut, 2m breed, vir riolerings- en ander munisipale doeleindes ten gunste van die Plaaslike Bestuur langs enige twee grense uitgesonderd 'n straatgrens en in die geval van 'n pypsteel erf, 'n addisionele servituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur : met dien verstande dat die plaaslike bestuur van enige sodanige servituut mag afsien.
  - (ii) Geen gebou of ander struktuur mag binne die voorgenoemde servituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige servituut of binne 'n afstand van 2m daarvan geplant word nie.
  - (iii) Die plaaslike bestuur is geregtig op enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeie dunnke noodsaaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde servituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.
- (2) Erf 571

Die erf in geheel is onderworpe aan 'n servituut vir reg van weg vir munisipale doeleindes ten gunste van die stadraad soos aangetoon op die Algemene Plan.

## **NOTICE 278 OF 2008**

### **KUNGWINI LOCAL COUNCIL AMENDMENT SCHEME**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Peri-Urban Areas Town-planning Scheme 1975, comprising the same land, as included in the Township of **TIJGER VALLEI EXTENSION 26**

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Chief Town Planner: Kungwini Local Council and are open for inspection at all reasonable times.

The amendment scheme is known as Peri-Urban Areas Amendment Scheme

**Chief Town Planner: Kungwini Local Council**  
Notice No.

## **KENNISGEWING 276 VAN 2008**

### **KUNGWINI PLAASLIKE RAAD WYSIGINGSKEMA**

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Buitestedelike Gebiede Dorpsbeplanningskema, 1975, wat uit dieselfde grond as die dorp **TIJGER VALLEI UITBREIDING 26** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Hoof Stadsbeplanner, Kungwini Plaaslike Raad en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema

**Hoof Stadsbeplanner: Kungwini Plaaslike Raad**  
Notice No.

**NOTICE 279 OF 2008****DECLARATION AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986, (Ordinance 15 of 1986) the Kungwini Local Council hereby declares Tijger Vallei Extension 18 Township to be an approved township subject to the conditions set out in the Schedule hereto:

CONDITIONS UNDER WHICH THE APPLICATION MADE BY TIJGER VALLEI 2 PROPERTIES (PTY) LTD UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 167 ( A PORTION OF PORTION 150) OF THE FARM ZWARTKOPPIES 364 JR PROVINCE OF GAUTENG HAS BEEN GRANTED.

**1. CONDITIONS OF ESTABLISHMENT****(1) Name**

The name of the township shall be Tijger Vallei Extension 18.

**(2) Design**

The township shall consist of erven and streets as indicated on General Plan No 8994/2007

**(3) Disposal of Existing Conditions of Title**

3.1 All erven shall be made subject to existing conditions and servitudes if any, excluding the following servitudes in Certificate of Consolidated Title T 161319/2006 in respect of former portion 19 of the farm Zwartkoppies No 364 JR which shall not be passed onto the erven in the township.

**A.**

1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.

2. Entitled to the following conditions

(i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

(ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
  - (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
  - (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
  - (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-
  - (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
  - (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer

9. The property is subject to by virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.
  10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12<sup>th</sup> June 1991 with the option to renew.
- (4) **Demolition of Buildings and Structures**  
The township owner shall at its own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when required by the local authority to do so.
- (5) **Removal of Litter**  
The township owner shall at its own expense cause all litter within the township area to be removed to the satisfaction of the local authority, when required by the local authority to do so.
- (6) **Formation and duties of Section 21 Company**
- (a) The applicant shall properly and legally constitute a Residents Association to the satisfaction of the Council before the sale of the first erf (which Association shall not be de-registered without the consent of the Council)
  - (b) The access erven (Erven 193 and 194) and Private Open Space (Erven 195 to 198) shall be registered in the name of the Residents Association and said road portion may not be sold or in any way disposed of without prior written consent of the Council.
  - (c) Each and every owner of Erven 146 to 192 shall become a member of the Residents Association upon transfer of the erf.
  - (d) The Residents Association shall have full legal power to levy from each and every member the cost incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of a default in payments by any member.
  - (e) The council shall not be liable for the malfunction of the surfacing of the access way and/or the storm water drainage system and/or any essential services with the exception of the sewerage system.
  - (f) A servitude for municipal purposes shall be registered by way of a separate Notarial Deed over Erven 193 and 194 in favour of and to the satisfaction of the Council, if so required by the Council.
  - (g) The Council shall have unrestricted access to Erven 193 and 194 at all times.
  - (h) Access from erven 146 to 198 to a public road shall be across Erf 141 Tijger Vallei Extension 17 and Erf 104 Tijger Vallei Extension 9.

## 2. CONDITIONS OF TITLE

The erven mentioned hereunder shall be subject to the conditions as indicated imposed in terms of the provisions of the Town Planning and Townships Ordinance, 1986.

- (1) All Erven
  - (i) The erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries 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 local authority: Provided that the local authority may dispense with any such servitude.
  - (ii) No building or other structure 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.



- (iii) The local authority shall be entitled to deposit temporarily 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 during the process of the construction, maintenance or removal of such sewerage mains and other works being made good by the local authority.
- (2) Registration of new servitudes
  - 2.1 Erven 154, 158, 162 and 174 are subject to a 3,00 metre wide sewer servitude.
  - 2.2 The whole of Erven 193 and 194 are subject to a servitude for municipal, telecommunication and right of way purposes
  - 2.3 The whole of Erven 193 and 194 are subject to an electrical servitude in favour of the local authority.
  - 2.4 Erf 161 is subject to a 3,00 metre wide servitude for pipelines and boreholes as indicated on the General Plan.
  - 2.5 Erven 193 to 198 are subject to a servitude for pipelines and boreholes as indicated on the General Plan.
  - 2.6 Erf 195 is subject to a 3,00 metre wide electrical servitude in favour of the local authority
  - 2.7 Erf 155 is subject to a servitude of right of way in favour of the Home Owners Association as indicated on the plan
  - 2.8 Erf 155 is subject to a servitude for municipal and telecommunications purposes
  - 2.9 Erf 159 is subject to a servitude of right of way in favour of the Home Owners Association as indicated on the plan
  - 2.10 Erf 159 is subject to a servitude for municipal and telecommunications purposes
  - 2.11 Erf 163 is subject to a servitude of right of way in favour of the Home Owners Association as indicated on the plan
  - 2.12 Erf 163 is subject to a servitude for pipelines and boreholes as indicated on the General Plan
  - 2.13 Erf 163 is subject to a servitude for municipal and telecommunications purposes
  - 2.14 Erven 174 and 175 are subject to a servitude of right of way in favour of the Home Owners Association as indicated on the plan
  - 2.15 Erven 174 and 175 are subject to a servitude for municipal and telecommunications purposes

## KENNISGEWING 279 VAN 2008

### VERKLARING TOT GOEDGEKEURDE DORP

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe 1986, (Ordonnansie 15 van 1986) verklaar Kungwini Plaaslike Raad hierby die Dorp Tijger Vallei Uitbreiding 18 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR TIJGER VALLEI 2 PROPERTIES (PTY) LTD INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 167 ('N GEDEELTE VAN GEDEELTE 150) VAN DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.

**1. STIGTINGSVOORWAARDES****(1) Naam**

Die naam van die dorp is Tijger Vallei Uitbreiding 18.

**(2) Ontwerp**

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 8994/2007.

**(3) Beskikking oor bestaande Titellovoorwaardes**

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute as daar is maar uitgesonderd die volgende servitute in Sertifikaat van Gekonsolideerde Titel T161319/2006 met betrekking tot die voormalige Gedeelte 19 van die plaas Zwartkoppies 364 JR wat nie aan die erwe in die dorp oorgedra moet word nie:

**A.**

1 Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25<sup>th</sup> August 1926, marked A.

2. Entitled to the following conditions

(iii) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division J.R., district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20<sup>th</sup> March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, J.R. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.

(iv) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, J.R. aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1 hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion. The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27<sup>th</sup> of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.

4. Subject to the terms of Notarial Deed 1000/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.

5. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.P. district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:

- (i) Entitled to a servitude of right of way 15,74 metres wide over the remainder of TWEEFONTEIN 371, J.R. measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
- (ii) Subject to a servitude of right of way in favour of the remainder of TWEEFONTEIN aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S dated the 15<sup>th</sup> May 1956.

- 6. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division J.R., district of Pretoria, measuring, 473, 3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:

- (i) entitled to a servitude of right of way, 15,74 metres wide over portion 15 of the farm Zwartkoppies 364, J.R. measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;

- 7 The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division J.R., district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram S.G. No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, J.R. district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- 8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division J.R., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-

- (c) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- (d) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- 9. The property is subject to by virtue of notarial deed No K 2579/74S the right has been granted to ESCOM to convey electricity over the property hereby transferred, together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.

- 10. SUBJECT to Prospecting Contract K 3004/1992 for 3 years from 12<sup>th</sup> June 1991 with the option to renew.

**(4) Sloping van Geboue en Strukture**

Die dorpseienaar moet op eie koste alle bestaande geboue en strukture wat binne boulyn reserwes, kantruimtes of oor gemeenskaplike grense geleë is laat sloop tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(5) Verwydering van Rommel**

Die Dorpsieenaar moet op eie koste alle rommel binne die dorpsgebied laat verwyder tot bevrediging van die Plaaslike Bestuur wanneer die Plaaslike Bestuur dit vereis.

**(6) Vestiging en pligte van Artikel 21 Maatskappy of soortgelyke Regsentiteit**

- (a) Die aansoeker sal deeglik en wetlik 'n Huiseienaarsvereniging tot die bevrediging van die Raad tot stand bring voor die verkoop van die eerste erf (welke Vereniging nie gederegistreer sal word sonder die toestemming van die Raad nie)
- (b) Die toegangserwe (Erwe 193 en 194) en Privaat Oopruimte (Erwe 195 tot 198) sal geregistreer word in die naam van die Huiseienaarsvereniging en genoemde padgedeelte mag nie verkoop of op enige vervoer word sonder die vooraf geskrewe toestemming van die Raad nie.
- (c) Iedere en elke eienaar van Erwe 146 tot 192 sal 'n lid van die Huiseienaarsvereniging word met oordrag van die erf.
- (d) Die Huiseienaarsvereniging sal die wettige reg hê om die kostes aangegaan ter vervulling van sy doel van ieder en elke lid te hef en sal toegang he tot regshulp ter verhaling van sodanige fooi in die geval van die wanbetaling deur enige lid.
- (e) Die Raad sal nie verantwoordelik wees vir die wanfunksionering van die oppervlakte van die toegangspad en/of die stormwaterdreinerings sisteem en/of enige noodsaaklike dienste met die uitsondering van die riool sisteem nie.
- (f) 'n Serwituut vir munisipale doeleindes sal geregistreer word by wyse van 'n aparte Notariele Akte oor Erwe 193 en 194 ten gunste van en tot die bevrediging van die Raad, indien so vereis word deur die Raad.
- (g) Die Raad sal vrye toegang hê tot Erwe 193 en 194 ten alle tye.
- (h) Toegang van Erwe 146 tot 198 tot 'n openbare pad sal oor die toegangserf Erf 141 Tijger Vallei Uitbreiding 17 en Erf 104 in die dorp Tijger Vallei Uitbreiding 9 wees.

**2. TITELVOORWAARDES**

Die erwe hieronder genoem is onderworpe aan die voorwaardes soos aangedui ingevolge die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986.

- (1) Alle Erwe
  - (i) Die erf is onderworpe aan 'n serwituut, 2m breed, vir riolerings- en ander munisipale doeleindes ten gunste van die Plaaslike Bestuur langs enige twee grense uitgesonderd 'n straatgrens en in die geval van 'n pypsteel erf, 'n addisionele serwituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.
  - (ii) Geen gebou of ander struktuur mag binne die voorgenoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2m daarvan geplant word nie.
  - (iii) Die plaaslike bestuur is geregtig op enige materiaal wat deur hom uitgegrawe word tydens die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke wat hy volgens goeie praktyk noodsaaklik ag, tydelik te plaas op die grond wat aan die voorgenoemde serwituut grens en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voornoemde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwyderings van sodanige rioolhoofpypleidings en ander werke veroorsaak word.
- (2) Registrasie van nuwe serwitute
  - 2.1 Erwe 154, 158, 162 en 174 is onderworpe aan 'n 3,00 meter riool serwituut vir munisipale doeleindes
  - 2.2 Erwe 193 en 194 in geheel is onderworpe aan 'n serwituut vir munisipale, telekommunikasie en reg van weg doeleindes.

- 2.3 Erwe 193 en 194 in geheel is onderworpe aan 'n servituut vir elektriese doeleindes ten gunste van die Stadsraad.
- 2.4 Erf 161 is onderworpe aan 'n 3,00 meter servituut vir pypeleiding en boorgate soos aangetoon op die Algemene Plan.
- 2.5 Erwe 193 en 194 is onderworpe aan 'n servituut vir pypeleiding en boorgate soos aangetoon op die Algemene Plan
- 2.6 Erf 195 is onderworpe aan 'n 3,00 meter elektriese servituut ten gunste van die Stadsraad.
- 2.7 Erf 155 is onderworpe aan reg van weg servituut ten gunste van die Huiseienaarsvereniging soos aangetoon op die plan.
- 2.8 Erf 155 is onderworpe aan 'n servituut vir munisipale en telekommunikasie doeleindes
- 2.9 Erf 159 is onderworpe aan reg van weg servituut ten gunste van die Huiseienaarsvereniging soos aangetoon op die plan.
- 2.10 Erf 159 is onderworpe aan 'n servituut vir munisipale en telekommunikasie doeleindes
- 2.11 Erf 163 is onderworpe aan reg van weg servituut ten gunste van die Huiseienaarsvereniging soos aangetoon op die plan.
- 2.12 Erf 163 is onderworpe aan 'n servituut vir pypeleiding en boorgate soos aangetoon op die Algemene Plan
- 2.13 Erf 163 is onderworpe aan 'n servituut vir munisipale en telekommunikasie doeleindes
- 2.14 Erwe 174 en 175 is onderworpe aan reg van weg servituut ten gunste van die Huiseienaarsvereniging soos aangetoon op die plan.
- 2.15 Erwe 174 en 175 is onderworpe aan 'n servituut vir munisipale en telekommunikasie doeleindes

**KENNISGEWING 280 VAN 2008****KUNGWINI LOCAL COUNCIL  
AMENDMENT SCHEME**

The Council hereby in terms of provisions of Section 125 of the Town-planning and Townships Ordinance, 1986, declares that it has approved the amendment scheme, being an amendment of the Peri-Urban Areas Town-planning Scheme 1975, comprising the same land, as included in the Township of **TIJGER VALLEI EXTENSION 18**

Map 3, Annexure and scheme clauses of the amendment scheme are filed with the Chief Town Planner: Kungwini Local Council and are open for inspection at all reasonable times.

The amendment scheme is known as Peri-Urban Areas Amendment Scheme

**Chief Town Planner: Kungwini Local Council**

Notice No.

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**KENNISGEWING 280 VAN 2008****KUNGWINI PLAASLIKE RAAD  
WYSIGINGSKEMA**

Die Stadsraad verklaar hierby ingevolge die bepalings van artikel 125 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysigingskema synde 'n wysiging van Buitestedelike Gebiede Dorpsbeplanningskema, 1975, wat uit dieselfde grond as die dorp **TIJGER VALLEI UITBREIDING 18** bestaan, goedgekeur het.

Kaart 3, Bylae en die skemaklousules van die wysigingskema word in bewaring gehou deur die Hoof Stadsbeplanner, Kungwini Plaaslike Raad en is beskikbaar vir inspeksie te alle redelike tye.

Hierdie wysiging staan bekend as Buitestedelike Gebiede Wysigingskema

**Hoof Stadsbeplanner: Kungwini Plaaslike Raad**

Notice No.

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