

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 3396

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 Tjiger Vallei Extension 39 Township to be an approved township subject to the conditions set out in the Schedule hereto:

CONDITIONS UNDER WHICH THE APPLICATION MADE BY OUKRAAL DEVELOPMENTS (PROPRIETARY) LIMITED UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 181 (A PORTION OF PORTION 174) 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 Tjiger Vallei Extension 39.

(2) **Design**

The township shall consist of erven and streets as indicated on General Plan No 13830/2007

(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 which shall not be passed onto the erven in the township:

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 No. 7908/1925 dated 25th August 1925, marked A.
2. The owner of the property hereby transferred and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division JR., shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies no. 36, J.R. aforesaid 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 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 p.m. to Monday 6 a.m. in each week, i.e. For 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 hour period that the valve 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.
3. The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow 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 Condition 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 here by 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.

4. SUBJECT to the terms of the Water Court date at Pretoria on the 27th June, 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/49-S.
 5. Subject to the terms of Notarial Deed 100/1954S, 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.
 6. Subject to the Right-of-Way granted to NICOLAAS JACOBUS JOUBERT as owner of Portion B of the South Western Portion of the said farm Zwartkoppies No 364, J.R.
 7. (i) Entitled to a servitude of right of way 15.74 metres wide over the remainder of the farm TWEEFFONTEIN 371, J.R. measuring 458,7720 hectares;
 - (ii) Subject to a servitude of right of way in favour of the remainder of the farm TWEEFFONTEIN 371, J.R. aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S

 8. Entitled to a servitude of right of way, 15.74 metres wide over Portion 15 of the farm Zwartkoppies 364, J.R.
 9. 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.
 10. (i) Subject to a right of way in favour of Portion 20 of the farm Zwartkoppies 364, J.R. along a route to be agreed upon.
 - (ii) Entitled to a servitude of drainage furrow over Portion 21 of the farm Zwartkoppies 364, J.R. along a route to be agreed upon.
- (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) **Notarially tie of erven**
The township owner shall at its own expense have Erven 777 to 779 Tijger Vallei x 39 and Portion 182 of the farm Zwartkoppies No 364 JR notarially tied.
- (7) **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 778) 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 777 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 778 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 778 at all times.
- (h) Access from Erven 777 to 779 to a public road shall be across Erf 789 in Tijger Vallei Extension 37.

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 Erf 778 is subject to a servitude for municipal, telecommunication and right of way purposes.
- 2.2 The whole of Erf 778 is subject to a servitude for electrical purposes in favour of the local authority.

PLAASLIKE BESTUURSKENNISGEWING 3396

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 39 tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande Bylae.

VOORWAARDES WAARONDER DIE AANSOEK GEDOEN DEUR OUKRAAL DEVELOPMENTS (PROPRIETARY) LIMITED INGEVOLGDE DIE BEPALINGS VAN DIE ORDONNANSIE OP DORPS-BEPLANNING EN DORPE 1986 OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 181 ('N GEDEELTE VAN GEDEELTE 174) VAN DIE PLAAS ZWARTKOPPIES 364 JR PROVINSIE GAUTENG TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES

(1) Naam

Die naam van die dorp is Tijger Vallei Uitbreiding 39.

(2) Ontwerp

Die dorp bestaan uit erwe en strate soos aangedui op Algemene Plan LG No 13830/2007.

(3) Beskikking oor bestaande Titelvoorwaardes

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en servitute as daar is, maar uitgesonderd die volgende servitute wat nie aan die erwe in die dorp oorgedra moet word nie:

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 No. 7908/1925 dated 25th August 1925, marked A.
2. 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., shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies no. 36, J.R. aforesaid 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 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 p.m. to Monday 6 a.m. in each week, ie. For 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 to 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 hour period that the valve 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.
3. The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow 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 Condition 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 here by 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.
4. SUBJECT to the terms of the Water Court date at Pretoria on the 27th June, 1949, as will more fully appear from Notarial Deed of Servitude No. 620A/49-S.
5. Subject to the terms of Notarial Deed 100/1954S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division J.R. is entitles 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.
6. Subject to the Right-of-Way granted to NICOLAAS JACOBUS JOUBERT as owner of Portion B of the South Western Portion of the said farm Zwartkoppies No 364, J.R.
7. (i) Entitled to a servitude of right of way 15.74 metres wide over the remainder of the farm TWEEFONTEIN 371, J.R. measuring 458,7720 hectares;
(ii) Subject to a servitude of right of way in favour of the remainder of the farm TWEEFONTEIN 371, J.R. aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S

8. Entitled to a servitude of right of way, 15.74 metres wide over Portion 15 of the farm Zwartkoppies 364, J.R.
9. 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.
10. (i) Subject to a right of way in favour of Portion 20 of the farm Zwartkoppies 364, J.R. along a route to be agreed upon.
- (ii) Entitled to a servitude of drainage furrow over Portion 21 of the farm Zwartkoppies 364, J.R. along a route to be agreed upon.

(4) Sloping van Geboue en Strukture

Die dorpselenaar 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 Dorpselenaar 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 778) 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 777 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 hê tot regshulp ter vernagting 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 Notariële Akte oor Erf 778 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 778 ten alle tye.
- (h) Toegang van Erf 777 tot 779 tot 'n openbare pad sal oor die toegangserf Erf 789 in Tijger Vallei Uitbreiding 37 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 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 rioolhoofpyleidings 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 rioolhoofpyleidings en ander werke veroorsaak word.

(2) Registrasie van nuwe servitute

- 2.1 Erf 778 in geheel is onderworpe aan 'n servituut vir munisipale, telekommunikasie en reg van weg doeleindes.
 - 2.2 Erf 778 in geheel is onderworpe aan 'n servituut vir elektriese doeleindes ten gunste van die plaaslike owerheid.
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LOCAL AUTHORITY NOTICE 3397

KUNGWINI LOCAL COUNCIL AMENDMENT SCHEME 459

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 39**

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 459

Chief Town Planner: Kungwini Local Council
Notice No.

PLAASLIKE BESTUURSKENNISGEWING 3397

KUNGWINI PLAASLIKE RAAD WYSIGINGSKEMA 459

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 39** 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 459

Hoof Stadsbeplanner: Kungwini Plaaslike Raad
Notice No.
