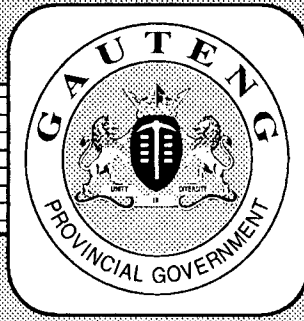


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**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

**Provincial Gazette Extraordinary  
Buitengewone Provinsiale Koerant**

Selling price • Verkoopprys: **R2,50**  
Other countries • Buitelands: **R3,25**

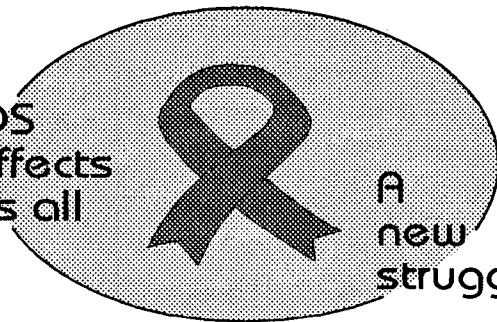
**Vol. 9**

**PRETORIA, 4 SEPTEMBER 2003**

**No. 362**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 1718

#### KUNGWINI LOCAL MUNICIPALITY

#### PERI URBAN AMENDMENT SCHEME 385

The Kungwini Local Municipality hereby in terms of the Provisions of section 125(1) (a) of the Town-planning and Townships Ordinance, No 15 of 1986, declares that it has adopted an amendment scheme being an amendment of the Peri Urban Town-planning Scheme, 1975, comprising the same land as including in the township of Willow Acres Extension 4.

Map 3, the annexures and the relevant scheme clauses of the amendment scheme are filed with:

Muniforum I  
PO Box 40  
BRONKHORSTSPRUIT  
1020  
NOTICE NO:

T N MASINA  
Acting MUNICIPAL MANAGER  
  
35/2003

This amendment is known as the Peri Urban Amendment Scheme 385, and will come into operation on the date of publication of this declaration.

### PLAASLIKE BESTUURSKENNISGEWING 1718

#### KUNGWINI PLAASLIKE MUNISIPALITEIT

#### BUITESTEDELIKEGEBIEDE WYSIGINGSKEMA 385

Die Kungwini Plaaslike Munisipaliteit verklaar hierby ingevolge die bepalinge van artikel 125(1)(a) van die Ordonansie op Dorpsbeplanning en Dorpe No 15 van 1986, dat hy 'n wysigingskema, synde 'n wysiging van die Buitestedelikegebiede Dorpsbeplanningskema, 1975, wat uit dieselfde grond as dorp Willow Acres Uitbreiding 4 bestaan, aangeneem het.

Kaart 3, die aanhangsels daartoe en die relevante skemaklousules van die wysigingskema word in bewaring gehou deur:

**Muniforum I  
Posbus 40  
BRONKHORSTSPRUIT  
1020  
KENNISGEWING NR:**

**T N MASINA  
WAARNEMENDE MUNISIPALE BESTUURDER**

**35/2003**

Hierdie wysiging staan bekend as Buitestedelikegebiede Wysigingskema 385 en tree in werking op datum van publikasie van hierdie verklaring.

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**LOCAL AUTHORITY NOTICE 1719**

**KUNGWINI LOCAL MUNICIPALITY**

**DECLARATION AS APPROVED TOWNSHIP**

In terms of the provisions of section 103 of the Town-planning –and Townships Ordinance, 1986 (Ordinance 15 of 1986) the Kungwini Local Municipality hereby declares the Township Willow Acres Extension 4, to be an approved township, subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY PLACEBO INVESTMENTS AND TRADING 105 PTY LTD (HEREINAFTER REFERRED TO AS APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER IV OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON THE REMAINDER OF PORTION 91 OF THE FARM ZWARTKOPPIES 364 JR HAS BEEN GRANTED.**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP**

**(1) Mineral Rights**

All rights to minerals shall be reserved to the applicant.

**(2) General**

- (a) The applicant shall satisfy the Director that –
- (i) the relevant amendment scheme is in order and can be published simultaneously with the declaration of the township as an approved township;
  - (ii) the 1:100 year floodlines have been shown on the layout plan and certified by a competent engineer.
- (b) The applicant shall comply with the provisions of Section 72, 75 and 76 of the Town Planning and Townships Ordinance, 1986.

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

The name of the township shall be Willow Acres Extension 4.

**(2) Design**

The township shall consist of erven and streets as indicated on General Plan SG 2459/2002.

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

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of rights to minerals, but excluding the following servitudes in Deed of Transfer T 160117/2002:

3.1 The following servitudes shall not be passed on to the erven in the township.

3.1.1 "The provisions of Notarial Deed No 336/1925S, dated 5<sup>th</sup> May, 1925, whereby GRIFFITHS & ROKES LIMITED,

their successors in Title or Assigns as Owners of portion "D" of the farm "The Willows No 23, situate in the district of Pretoria, in extent 214,1330 hectares, was granted the right to conduct water to which the said portion of the farm "The Willows" may entitled, from the Pienaar's River to the said Portion D of "The Willows" by means of water-furrow over certain South Western portion of the freehold farm Zwartkoppies No 364, situate in the district of Pretoria; measuring 1401,1207 hectares, of which the property hereby transferred forms a portion"

- 3.1.2 By Notarial Deed No. 1223/1956S, registered on the 20<sup>th</sup> day of November 1956, the right has been granted to the ELECTRICITY SUPPLY COMMISSION to convey electricity over the property, hereby conveyed together with ancillary rights, and subject to the conditions, as will more fully appear on reference to the said Notarial Deed and Diagram annexed thereto"
- 3.1.3 Resterende gedeelte van Gedeelte 6 ('n gedeelte van gedeelte 1) van die Plaas Zwartkoppies 364 Registrasie Afdeling JR Provinsie Gauteng ('n gedeelte waarvan hiermee getranspoteer word) is onderhewig aan 'n Serwituut van Deurgangsreg ten gunste van die STADSRAAD VAN PRETORIA, vir die geleiding van Elektrisiteit deur middel van lugdrade en ondergrondse kables, soos meer ten volle sal blyk uit Notariële Akte Nr 1090/1961S, geregistreer op die 7de dag van September, 1961"
- 3.1.4 "Certain South Western Portion of the freehold farm "Zwartkoppies No 364, situate in the district of Pretoria; measuring 1401,1207 hectares (of which the property hereby transferred forms a portion), together with

- (i) Certain Portion of a portion of the farm Zwartkoppies No 364 aforesaid, measuring 12,4311 hectares
- (ii) Certain portion of the farm Zwartkoppies aforesaid, measuring 281,4593 hectares; and
- (iii) Certain remaining extent of a portion of the farm Zwartkoppies aforesaid, measuring as such 269,7220 hectares, which properties are more fully described in Deed of Transfer No 7908/1925 dated 15<sup>th</sup> August 1925, are subject and entitled to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to the aforesaid Deed of Transfer”

3.1.5 “The owner of the remaining extent of the south Western Portion of the farm Zwartkoppies No 364, aforesaid, measuring as such 581,8222 hectares (a portion of which is hereby transferred) and three further properties set out in Clause 1 hereof shall have the sole control of the water belonging to the said South Western portion of the farm Zwartkoppies No 364, aforesaid, measuring 1401,1207 hectares, and three further portions set out in clause 1 hereof, 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 the Owner shall allow the full stream of water to which he is entitled under the Order of the Water Court, to pass to the property hereby transferred from Saturday 6pm to Monday 6 am in each week i.e. a period of 36 hours per week. The Owner however, shall allow all surplus water during the year to pass down the furrow to the property hereby transferred and shall not at any time return it to the river.

At no time shall the Transferee be permitted to interfere with the valve in the divisor dam, and the said Owner undertakes 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"

- 3.1.6 The Transferee is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaar's River, situate on the remaining extent of the said farm Zwartkoppies No 364, aforesaid, and built to give effect to the Order of the Water Court referred to in Clause 1 (iii) hereof, to the sluice gate and thence from the deviation of the said furrow to the dam on the property hereby transferred. The owner is responsible for the repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow herein before referred to"
- 3.1.7 "The South Western Portion of the Farm, Zwartkoppies No 364, situate in the district of Pretoria, including the property hereby transferred is subject to the right of way granted to Nicolaas Jacobus Joubert, under Deed of Transfer No 8812/1929, dated the 23rd July 1929".
- 3.1.8 "The former Remaining Extent of Portion 6, (a Portion of Portion 1) of the Farm Zwartkoppies 364 JR (a portion of which is hereby transferred) is subject to a Cession of all rights to water as well as ancillary rights hereto in favour of:
- (a) The Remaining Extent of the South Western Portion of the said farm Zwartkoppies; measuring as such 581,1207 hectares.
  - (b) Certain Portion of Portion of the said farm Zwartkoppies, measuring 12,4311 hectares,



- (c) Certain Portion of the said farm Zwartkoppies, measuring 281,4593 hectares, and
- (d) The Remaining Extent of certain portion of the said farm Zwartkoppies; measuring as such 269,7220 hectares.

All held under deed of Transfer No 6636/1954S, dated the 20<sup>th</sup> day of March 1954 as will more fully appear from Notarial Deed of Cession No 1000/1954S dated 28<sup>th</sup> day of October 1954.

- 3.1.9 Die Resterende Gedeelte van Gedeelte 6 ('n Gedeelte van Gedeelte 1) van die plaas Zwartkoppies 364 JR, Provinsie Gauteng ('n Gedeelte waarvan hiermee getranspoteer word) is onderhewig aan die terme van 'n bevel van die Waterhof, gedateer die 27ste dag van Junie 1949, soos meer ten volle sal blyk uit bevel geliasseer onder 620A/49S
- 3.1.10 Kragtens Notariële Akte K 699/93 S is die reg aan ESKOM verleen om elektrisiteit oor die Resterende Gedeelte van Gedeelte 6 ('n gedeelte van Gedeelte 1) van die plaas ZWARTKOPPIES 364, Registrasie Afdeling JR, Provinsie Gauteng ('n gedeelte waarvan hiermee getranspoteer word) te vervoer, tesame met bykomende regte en onderworpe aan voorwaardes, en soos meer volledig sal blyk uit gesegde akte en kaart.
- 3.1.11 Kragtens Notariële Akte van Kansellasië No K 6631/93S gedateer 8 September 1993 word Notariële Akte van Serwituut No K 1223/56 S soos vermeld in voorwaardes 6.C gedeeltelik gekanselleer, soos aangedui deur lyn AB a op Kaart LG No A 3090/92 daarby aangeheg en verder meer volledig sal blyk uit gemelde Notariële Akte van kansellasië.

3.1.12 Kragtens Notariële Akte K658/95S gedateer 23 Januarie 1995 is die Resterende Gedeelte van Gedeelte 6, ('n Gedeelte van Gedeelte 1) van die plaas Zwartkoppies 364. Registrasie afdeling JR, Provinsie Gauteng, ('n Gedeelte waarvan hiermee getranspoteer word) onderhewig aan 'n ewigdurende reg om water te neem en te voer oor en deur, deur middel van pyplydings, binne stroke grond 3636 vierkante meter en 1695 vierkante meter groot soos aangedui op die figure ABCDa Mid River bEFGH op Serwituutkaart No A 73/1993 en figuur fghj op Kaart 3594/1997 met bykomende regte ten gunste van RANDWATER soos meer volledig sal blyk uit gemelde Notariële Akte.

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

3.2.1 Erf 197

Onderworpe aan die volgende voorwaarde opgelê by onderverdeling en afdwingbaar deur die Suid Afrikaanse Padraad,

Met die uitsondering van bestaande bouwerk mag geen bouwerk of enigiets anders hoegenaamd sonder die skriftelike goedkeuring van die Suid Afrikaanse Padraad binne 'n afstand van 20 (twintig) meter gemeet vanaf die nasionale padreserwe grens opgerig word nie. Indien die grond of enige ander grond gekonsolideer word, gaan bovermelde voorwarde oor op die gekonsolideerde titel van die grond.

3.2.2 Erven 197, 196, Fish Eagle Street and Guinea Fowl Street

Die volgende serwitute is onteien en gesedeer aan die Stadsraad van Pretoria K 6632/93S.

'n Serwituut vir Rioolpypleiding 2 meter wyd soos aangedui deur lyn NPQRS op Kaart SG No A 9236/92.

**(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.

**3. 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**

- (a) 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.

- (b) 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.
- (c) 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.

**4. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE TOWN PLANNING SCHEME IN OPERATION.**

**(1) General Conditions (applicable to all erven)**

- (a) Except with the written consent of the local authority, and subject to such conditions as it may impose, neither the owner nor any other person shall –
  - (i) save and except to prepare the erf for building purposes, excavate any material therefrom;
  - (ii) sink any wells or boreholes on the erf or abstract any subterranean water therefrom.
- (b) Where, in the opinion of the local authority, it is impracticable for stormwater to be drained from higher-lying erven direct to a public street, the owner of the lower-lying erf shall be obliged to accept or permit the passage over the erf of such stormwater: Provided that the owners of any higher-lying erven, the stormwater from which is discharged over any lower-lying erf, shall be liable to pay a

proportionate share of the cost of any pipeline or drain which the owner of such lower-lying erf may find necessary to lay or construct for the purpose of conducting the water so discharged over the erf.

- (c) The siting of buildings, including outbuildings, on the erf and entrances to and exits from the erf to a public street system shall be to the satisfaction of the local authority and the Home Owners Association.
- (d) The main building, which shall be a completed building and not one which has been partly erected and is to be completed at a later date, shall be erected simultaneously with, or before, the outbuildings.
- (e) The loading and off-loading of goods shall take place only within the boundaries of the erf to the satisfaction of the local authority, unless the local authority has provided loading facilities in the street reserve.
- (f) No material or goods of any nature whatsoever shall be dumped or placed within the building restriction area along any street, and such area shall be used for no other purpose than the laying of lawns, gardens, parking or access roads: Provided that if it is necessary for a screen wall to be erected on such boundary, this condition may be relaxed by the local authority subject to such conditions as may be determined by it.
- (g) A screen wall or walls shall be erected and maintained to the satisfaction of the local authority and the Home Owners Association as and when required by it.
- (h) If the erf is fenced, such fence and the maintenance thereof shall be to the satisfaction of the local authority.

- (i) The registered owner is responsible for the maintenance of the whole development on the erf. If the local authority is of the opinion that the erf or any portion of the development is not being satisfactorily maintained, the local authority and/or the Home Owners Association shall be entitled to undertake such maintenance at the cost of the registered owner.
- (j) The erf is situated in an area with soil conditions which can affect buildings and structures detrimentally and result in damage. Building plans submitted to the local authority shall indicate measures in accordance with the recommendations contained in the engineering-geological report compiled for the township, to limit possible damage to the buildings and structures as a result of the unfavourable foundation conditions, unless proof is submitted to the local authority that such measures are unnecessary or the same purpose can be achieved in a more effective way.

**(2) Residential 1 (Special Residential)**

- (a) Erven 137 to 195 are subject to the following conditions:
  - (i) The erf and the buildings erected thereon, or to be erected thereon, shall be used solely for the purposes of a dwelling house with a density of "one dwelling per erf" and, with the special consent of the local authority, for places of public worship, social halls, institutions, places of instruction and special uses.
  - (ii) The height of buildings shall not exceed 2 storeys.
  - (iii) The total coverage of all buildings shall not exceed 50% of the area of the erf.
  - (iv) Buildings, including outbuilding, hereafter erected on the erf, shall be located not less than 5m from any street boundary: Provided that the local authority may relax this

restriction or any other building line restriction if such relaxation would in its opinion result in an improvement in the development of the erf.

**(3) Private Open Space (Nature area)**

- (a) Erven 196 to 198

**(4) Erven Subject to Special Conditions**

In addition to relevant conditions set out above, the under-mentioned erven shall be subject to the conditions as indicated:

- (a) Erven 153 to 168 and 190 to 195

The above erven presently affected by the 1:100 year floodline will not be developed until a professional engineer has certified that these stands are no longer affected by the 1:100 year floodline.

