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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 2645

#### KUNGWINI LOCAL MUNICIPALITY AMENDED DECLARATION OF COUNTRY VIEW ESTATE EXTENSION 1

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Kungwini Local Municipality hereby declares Country View Estate Extension 1 township to be an approved township subject to the conditions set out in the Annexure hereto.

#### ANNEXURE

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY POWER CEST LA VIE (PTY) LTD (HEREAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNERS) UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 752 (A PORTION OF PORTION 750) OF THE FARM RIETFONTEIN, 375-JR, HAS BEEN GRANTED**

#### 1. CONDITIONS OF ESTABLISHMENT

**(1) NAME**

The name of the township shall be Country View Estate Extension 1.

**(2) DESIGN**

The township shall consist of erven as indicated on General Plan S.G. No. 6301/2005.

**(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 / conditions which do not affect the erven in the township:

- a) Deed of Transfer No T036188/05: Condition C.
- b) Deed of Transfer No T036186/05: Conditions 1.C, D and E as well as Conditions 2. C and D.

**(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 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) REMOVAL OR REPLACEMENT OF MUNICIPAL AND TELKOM SERVICES**

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal and Telkom services, the cost thereof shall be borne by the township owners.

**(7) REMOVAL OR REPLACEMENT OF ESKOM POWER LINES**

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing Eskom power lines, the cost thereof shall be borne by the township owners.

**(8) OWNERSHIP****(a) Association and Statutes**

The developer must register a section 21 company (homeowners' association) in terms of provision of the Companies Act, 1973 (Act 61 of 1973), as provided for in clause 1(2)(a)(vi) above. A copy of the registered Deed of Association (CM4) and the Company Statutes must be submitted to the Kungwini Local Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity and the road and storm water sewers), and shall have full responsibility for the functioning and proper maintenance of Erven 1, 44 and 48. The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

Each and every owner of Erven 2, 3, 5 – 43, 45 - 47 and erf 49 shall become a member of the property owners association upon transfer of the erf.

The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.

All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association.

Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the association.

**(b) Provisions of engineering drawings**

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

**(c) Provision of a certificate by a professional engineer**

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

**(9) COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE**

The township owner shall at his own expense comply with all the conditions imposed by or which the Gauteng Department of Agriculture, Conservation and Environment has granted the applicant authorization in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

**(10) ERVEN SUBJECT TO SPECIAL CONDITIONS**

Erven 93 to 97 shall be transferred at the cost of the township owner to a Company registered in terms of Section 21 of the Companies Act, 1973.

**2. CONDITIONS OF TITLE**

The erven mentioned hereunder shall be subject to the following servitudes / conditions imposed by the Local Authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**(1) ALL ERVEN WITH THE EXCEPTION OF ERVEN 93 TO 97**

- (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 larger-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.
- (d) The owner of the erf or any subdivisions thereof shall automatically be and shall remain a Member of the Section 21 company and shall not be entitled to transfer the erf except with a clearance certificate from said company to the effect that the Articles of Association of the company have been complied with.
- (e) The erf shall not be transferred to any person who has not bound himself/herself to be a Member of the Section 21 company, to the satisfaction of the company.

**(2) ERVEN 93-95**

The erf is entirely subject to a servitude of right of way, general municipal, electrical and telecommunication services as well as emergency vehicles in favour of Erven 50 to 92.

**(3) ERF 50**

The erf is subject to a 3m wide sewer servitude in favour of the Section 21 company as shown on the general plan.

**(4) ERF 50**

The erf is subject to a 4m wide services servitude in favour of the Section 21 company as shown on the general plan.

**(5) ERF 50**

The erf is subject to a servitude area for municipal services in favour of the Section 21 company, as shown on the general plan.

**(6) ERVEN 96 AND 97**

The erven are subject to a general servitude for municipal, electrical and telecommunication services in favour of Erven 50 to 92.

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**PERI-URBAN AMENDMENT SCHEME 462**

It is hereby notified in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that Kungwini Local Municipality has approved an amendment scheme with regard to the land in the township Country View Estate Extension 1, being an amendment of the Peri-Urban Town Planning Scheme, 1975.

Map 3, Annexures and scheme clauses of the amendment scheme are filed with the Town Secretary at Kungwini Local Municipality, PO Box 40, Bronkhorstspuit, 1020 and are open to inspection during normal office hours.

This amendment is known as the Peri-Urban Amendment Scheme 462 and will be effective retroactively as from 25 January 2007.

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**LOCAL AUTHORITY NOTICE 2646****KUNGWINI LOCAL MUNICIPALITY  
AMENDED DECLARATION OF COUNTRY VIEW ESTATE**

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Kungwini Local Municipality hereby declares Country View Estate township to be an approved township subject to the conditions set out in the Annexure hereto.

**ANNEXURE**

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY POWER CEST LA VIE (PTY) LTD (HEREAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNERS) UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 751 (A PORTION OF PORTION 750) OF THE FARM RIETFONTEIN, 375-JR, HAS BEEN GRANTED**

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

The name of the township shall be Country View Estate.

**(2) DESIGN**

The township shall consist of erven as indicated on General Plan S.G. No. 5790/2005.

**(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 / conditions which do not affect the erven in the township:

- c) Deed of Transfer No T036187/05: Condition D.
- d) Deed of Transfer No T036188/05: Condition C.
- e) Deed of Transfer No T036186/05: Conditions 1.C, D and E.

**(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 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) REMOVAL OR REPLACEMENT OF MUNICIPAL AND TELKOM SERVICES**

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing municipal and Telkom services, the cost thereof shall be borne by the township owners.

**(7) REMOVAL OR REPLACEMENT OF ESKOM POWER LINES**

If, by reason of the establishment of the township, it should become necessary to remove or replace any existing Eskom power lines, the cost thereof shall be borne by the township owners.

**(8) OWNERSHIP**

**(a) Association and Statutes**

The developer must register a section 21 company (homeowners' association) in terms of provision of the Companies Act, 1973 (Act 61 of 1973), as provided for in clause 1(2)(a)(vi) above. A copy of the registered Deed of Association (CM4) and the Company Statutes must be submitted to the Kungwini Local Municipality.

The Association and Statutes must clearly state that the main objective of the homeowners' association is the maintenance of the internal engineering services of the development (i.e. water, sewerage, electricity and the road and storm water sewers), and shall have full responsibility for the functioning and proper maintenance of Erven 1, 44 and 48. The developer is deemed to be a member of the Section 21 Company, with all the rights and obligations of an ordinary member, until the last erf has been transferred.

Each and every owner of Erven 2, 3, 5 – 43, 45 - 47 and erf 49 shall become a member of the property owners association upon transfer of the erf.

The property owners association shall have the legal power to levy from each and every member the costs incurred in the fulfilment of its functions and shall have legal recourse to recover such fees and costs in the event of a default in payment by any member.

All buildings and structures to be erected shall be made subject to the provisions of the Development and Architectural Guidelines and any and all amendments to the said document as may be affected and approved by the owners association.

Building plans shall only be submitted to the local authority for final approval once the said plans have been evaluated and approved by the Trustees of the association.

**(b) Provisions of engineering drawings**

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

- (c) Provision of a certificate by a professional engineer

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

**(9) COMPLIANCE WITH CONDITIONS IMPOSED BY GDACE**

The township owner shall at his own expense comply with all the conditions imposed by or which the Gauteng Department of Agriculture, Conservation and Environment has granted the applicant authorization in terms of sections 21, 22 and 26 of the Environmental Conservation Act, for the development of this township.

**(10) ERVEN SUBJECT TO SPECIAL CONDITIONS**

Erven 1, 44 and 48 shall be transferred at the cost of the township owner to a Company registered in terms of Section 21 of the Companies Act, 1973.

**2. CONDITIONS OF TITLE**

The erven mentioned hereunder shall be subject to the following servitudes / conditions imposed by the Local Authority in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

**(1) ALL ERVEN WITH THE EXCEPTION OF ERVEN 1, 44 AND 48**

- (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 larger-rooted trees shall be planted within the area of such servitude or within 2m thereof.
- (d) 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.
- (d) The owner of the erf or any subdivisions thereof shall automatically be and shall remain a Member of the Section 21 company and shall not be entitled to transfer the erf except with a clearance certificate from said company to the effect that the Articles of Association of the company have been complied with.
- (e) The erf shall not be transferred to any person who has not bound himself/herself to be a Member of the Section 21 company, to the satisfaction of the company.



**(2) ERF 1**

The erf is entirely subject to a servitude of right of way, general municipal, electrical and telecommunication services as well as emergency vehicles in favour of Erven 2, 3, 5 – 43, 45 - 47 and 49.

**(3) ERF 49**

The erf is subject to a 3m wide sewer servitude in favour of the Section 21 company.

**(4) ERVEN 37, 38, AND 40-43**

The erf is subject to a 1m wide servitude for storm water surface draining in favour of the Section 21 company.

**(5) ERF 48**

The erf is subject to a general servitude for municipal, electrical and telecommunication services in favour of Erven 2, 3, 5 – 43, 45 - 47 and 49.

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**PERI-URBAN AMENDMENT SCHEME 461**

It is hereby notified in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that Kungwini Local Municipality has approved an amendment scheme with regard to the land in the township Country View Estate, being an amendment of the Peri-Urban Town Planning Scheme, 1975.

Map 3, Annexures and scheme clauses of the amendment scheme are filed with the Town Secretary at Kungwini Local Municipality, PO Box 40, Bronkhorstspuit, 1020 and are open to inspection during normal office hours.

This amendment is known as the Peri-Urban Amendment Scheme 461 and will be effective retrospectively as from 25 January 2007.

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