

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

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## LOCAL AUTHORITY NOTICE

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### LOCAL AUTHORITY NOTICE 1401

#### CITY OF TSHWANE

#### PERI-URBAN AMENDMENT SCHEME 65PU

It is hereby notified in terms of the provisions of Section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the Kungwini Local Council has approved an amendment scheme with regard to the land in the township of Tjigervallei Extension 40, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

Map 3 and the scheme clauses of this amendment scheme are filed with the Chief Legal Counsel, and are open to inspection during normal office hours.

This amendment is known as Peri-Urban Amendment Scheme 65PU.

(13/2/Tjigervallei x40 (65PU))  
\_\_ September 2013

**Chief Legal Counsel**  
(Notice No 575/2013)

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### PLAASLIKE BESTUURSKENNISGEWING 1401

#### STAD TSHWANE

#### PERI-URBAN WYSIGINGSKEMA 65PU

Hierby word ingevolge die bepalings van Artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Kungwini Plaaslike Raad 'n wysigingskema met betrekking tot die grond in die dorp Tjigervallei Uitbreiding 40, synde 'n wysiging van die Peri-Urban dorpsbeplanningskema, 1975, goedgekeur het.

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

Hierdie wysiging staan bekend as Peri-Urban wysigingskema 65PU.

(13/2/Tjigervallei x40 (65PU))  
\_\_ September 2013

**Hoofregsadviseur**  
(Kennisgewing No 575/2013)

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#### CITY OF TSHWANE

### DECLARATION OF TIJGERVALLEI EXTENSION 40 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Kungwini Local Council hereby declares the township of Tjigervallei Extension 40 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Tjigervallei x40 (65PU))

#### SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY OUKRAAL DEVELOPMENTS (PTY) LTD UNDER THE PROVISIONS OF CHAPTER IV OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 182 (A PORTION OF PORTION 174) OF THE FARM ZWARTKOPPIES 364JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

##### 1.1 NAME

The name of the township shall be Tjigervallei Extension 40.

##### 1.2 DESIGN

The township shall consist of erven and streets as indicated on General Plan SG No 13831/2007.

## 1.3 ENDOWMENT

Payable to the City of Tshwane Metropolitan Municipality.

The township owner shall pay in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-Planning and Townships Regulations, to the City of Tshwane Metropolitan Municipality as endowment for a public open space an amount for an area of **4 984m<sup>2</sup>**. The amount of this area shall be used by the City of Tshwane Metropolitan Municipality for the acquisition of land for park and/or public open space purposes.

The said endowment shall be payable in accordance with the provisions of Section 81 read with Section 82 of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

## 1.4 DISPOSAL OF EXISTING CONDITIONS OF TITLE

1.4.1 All erven shall be made subject to existing conditions and servitudes, excluding the following which do affect the township but shall not be made applicable to the individual erven in the township:

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. 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, JR 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 pm. to Monday 6 am. 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, JR 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, JR.

7. (i) Entitled to a servitude of right of way 15.74 metres wide over the remainder of the farm TWEEFFONTEIN 371, JR 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, JR.
  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, JR 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, JR 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.

1.4.2 And including the following conditions which affect all the erven in the township:

11. By virtue of Notarial Tie Agreement No K 8453/2008S, as amended by Notarial Tie Agreement No K (about to be registered), the within-mentioned property is notarially tied with Erf 777, Erf 778 and Erf 779 Tjigervallei Extension 39 and The Remaining Extent of Portion 174 of the Farm Zwartkoppies No 364, JR, for the purpose of the conveyance of municipal and engineering services, electricity, the reciprocal discharge and receipt of storm water and reciprocal rights of access, as will more fully appear from the said notarial deeds.
12. By virtue of Notarial Deed of Servitude No K (about to be registered) the withinmentioned property is entitled to a perpetual servitude of right of way for the conveyance of municipal services and access purposes respectively over The Remaining Extent of Portion 174 of the Farm Zwartkoppies No 364, JR, as will more fully appear from the said notarial deed and SG diagram 2504/2013.
13. By virtue of Notarial Deed of Servitude No K (about to be registered) the withinmentioned property is entitled to a perpetual servitude of right of way for the conveyance of municipal services and access purposes respectively over Erf 788 Tjiger Vallei Extension 39 Township, as will more fully appear from the said notarial deed and General Plan 13830/2007.

#### 1.5 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development, if applicable, those by which exemption has been granted from compliance with regulations No 1182 and 1183, promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be.

#### 1.6 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNER'S ASSOCIATION)

Erf 781 shall be transferred to the non-profit Company (Homeowner's Association) as the first transfer after proclamation of the township, by and at the expense of the township owner.

A servitude for access and municipal services shall be registered over Erf 781 in favour of the Municipality and all the erven in the township.

The erven may not be transferred by the non-profit Company.

1.7 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.

1.8 REMOVAL OF LITER

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.

1.9 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.10 TOWNSHIP ACCESS TO A PUBLIC ROAD

Erven 780 and 781 are entitled to a servitude of right of way over the following erven (private roads) being Erf 778, TijgerVlei x39, and the Remainder of Portion 174 of the farm Zwartkoppies No 364, JR, along a route to be determined but substantially comprising the access road known as Ridge Road.

1.11 STORM WATER

The reciprocal receipt and discharge of stormwater on and from the township shall be along the roads and roadways constructed in the township.

1.12 DUTIES OF SECTION 21 (NON-PROFIT) COMPANY

- (a) The applicant has constituted a Residents Association to the satisfaction of the Council and shall be known as Oukraal at Hazeldean Homeowners Association Registration Number 2008/020377/08, which shall remain in place and be a condition for the sale of the first erf (which Association shall not be de-registered without the consent of the Council)
- (b) The access erf (Erf 781) shall be registered in the name of the Homeowners' 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 a Unit or Section established on Erf 780 shall become a member of the Homeowners' Association upon transfer of the unit/section or erf.
- (d) The Homeowners' 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 781 in favour of and to the satisfaction of the Council.
- (g) The Council shall have unrestricted access to Erf 781 at all times.
- (h) The Homeowners Association shall be responsible for the internal engineering service of the development to the satisfaction of the local authority, which services includes water, sewerage, electricity and the roads and the storm water sewers.

1.13 NOTARIAL TIE OF ERVEN

The township owner shall at his own expense have Erven 777 to 779, Tjgervallei x39 and Erven 780 and 781, Tjgervallei x40 notariaily tied, for purposes of access and engineering services only.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE READ WITH SECTION 82 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE (15 OF 1986)

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of section 82 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 RESTRICTIONS ON THE ALIENATION OF LAND:

No transfer or registration transaction of any Erf, Portion or Unit shall be done without the consent of the local authority, which consent shall certify that all conditions of establishment, endowments have been paid, engineering contributions or any other obligations in terms of any agreement or imposed on the township owner including those contained under condition 2.3 herein have been complied with.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane Metropolitan Municipality complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design 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.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

The Developer must obtain a way-leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.3.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

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

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Public Works and Infrastructure Development Department.

2.3.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the council has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must submit proof to the Municipality that:

2.3.3.1 the non-profit company has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract.

2.3.3.2 the Municipality has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and / or materials with regard to the sewer and water services, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

### 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.

#### 3.1 ALL ERVEN

3.1.1 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.

3.1.2 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.

3.1.3 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.

#### 3.2 ERF 781

The whole of Erf 781 is subject to a servitude of right of way and municipal purposes in favour of the Local Authority as indicated on the General Plan.

#### 3.3 ERF 781

The whole of the erf is subject to a servitude of right of way and municipal purposes in favour of Erf 780, Tijgervallei Extension 40, as indicated on the General Plan.

#### 3.4 ERF 781

The whole of the erf is subject to a servitude for right of way and municipal purposes in favour of the owners or occupiers of further sub-divided portions of The Remaining of Portion 174 of the Farm Zwartkoppies No 364, JR, or any erf in a township to be established thereon, or any unit in a sectional title scheme to be established thereon, as more fully indicated on the General Plan 13831/2007.

3.5 Servitude in favour of third parties over Erf 781 to be created registered on registration of Erf 781.

The whole of the erf is subject of a servitude for telecommunication purposes in favour of the Hazeldean Owners Association NPC as indicated on the General Plan.

#### 3.6 ERF 780, TIJGERVALLEI EXTENSION 40

The whole erf is entitled to a servitude of right of way and municipal purposes over Erf 781, Tijgervallei Extension 40.