

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

# Provincial Gazette Provinsiale Koerant

**EXTRAORDINARY • BUITENGEWOON**

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

Vol. 23

**PRETORIA**  
21 FEBRUARY 2017  
21 FEBRUARIE 2017

**No. 41**

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ISSN 1682-4525



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**PROCLAMATION • PROKLAMASIE****PROCLAMATION 23 OF 2017****CITY OF TSHWANE****PERI-URBAN AREAS AMENDMENT SCHEME 698PU**

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 City of Tshwane has approved an amendment scheme with regard to the land in the township of Tjigervallei Extension 104, 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 Strategic Executive Director: Group Legal Services, and are open to inspection during normal office hours.

This amendment is known as Peri-Urban Amendment Scheme 698PU.

(13/2/Tjigervallei x104 (698PU))  
21 FEBRUARY 2017

**GROUP LEGAL AND SECRETARIAT SERVICES**  
(Notice 215/2017)

**STAD TSHWANE****PERI-URBAN AREAS WYSIGINGSKEMA 698PU**

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 Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Tjigervallei Uitbreiding 104, 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 698PU.

(13/2/Tjigervallei x104 (698PU))  
21 FEBRUARIE 2017

**GROEP REGS- EN SEKRETARIAAT DIENSTE**  
(Kennisgewing 215/2017)

**CITY OF TSHWANE****DECLARATION OF TIJGERVALLEI EXTENSION 104 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 104 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Tjigervallei x104 (698PU))

## SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY OUKRAAL DEVELOPMENTS (PTY) LTD, UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 271 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 104.

## 1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan Number 4628/2015.

## 1.3 ENDOWMENT

Payable to the City of Tshwane.

The township owner shall pay or provide in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment to the local authority in lieu of or for the provision of land for a park (public open space) equal to **3 900m<sup>2</sup>**.

## 1.4 ACCESS

No ingress to- or egress from Ridge Road to- and from the township, along Ridge Road on proclamation vested as will more fully appear on General Plan 4628/2015.

## 1.5 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.

## 1.6 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane, when required to do so by the Municipality.

## 1.7 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

## 1.8 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.

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

Erf 1039 (private park) 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 1038 in favour of the Municipality and all the erven in the township.

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

1.10 DISPOSAL OF EXISTING CONDITIONS OF TITLE

1.10.1 All erven shall be made subject to existing conditions and servitudes, including the following which affect all the erven in the township:

A. The within mentioned property is-

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 1925, 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 JR, 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, JR 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 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.

- (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 100/54 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 JR, measuring 926,7711 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, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39 on Diagram S.G. No 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 Right-of-Way granted to NICOLAAS JACOBUS JOUBERT as owner of Portion B of the South Western Portion of the said farm, measuring 473,8478 hectares, held under Deed of Transfer No 5612/1929 dated the 23<sup>rd</sup> July 1929.
- C. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES NO 364, Registration Division JR 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 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, JR 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.

- D. The Remaining Extent of the South Western Portion of the farm ZWARTKOPPIES No 364, Registration Division JR, 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 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, JR measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
- E. 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 on Diagram SG 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.
- F. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division JR, 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 of the farm Zwartkoppies, 364 JR 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 of the farm Zwartkoppies, 364 JR, 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.
- 1.10.2 Excluding the following condition which does not affect the erven in the township due to its locality:
- A. The former Remaining Extent of Portion 19 of the Farm Zwartkoppies No 364, JR, measuring 639,3727 hectares, of which the portion indicated by the figure A B C a on diagram SG No 4626/2015 forms a portion, is subject to the following:
- By virtue of Notarial Deed of Servitude No K1303/2011S the property is subject to a perpetual servitude in favour of Eskom for the transmission of electricity 55 (Fifty-Five) metres wide, indicated by the line ab on diagram SG No 9502/2007, as will more fully appear from the said deed, which servitude affects the within mentioned property only insofar as ancillary rights are concerned.

1.10.3 Excluding the following conditions which affect Ridge Road only:

A. The former Remaining Extent of Portion 174 of the Farm Zwartkoppies No 364, JR, measuring 21,7306 hectares, of which the portion indicated by the figure a C D E F G on consolidation diagram SG No 4626/2015 forms a portion, is subject to the following:

- (i) By virtue of Notarial Deed of Servitude No K 5211/2013 S the within mentioned property is subject to a perpetual servitude of right of way for the conveyance of municipal services and access purposes in favour of the owners and occupiers of Tijger Vallei Extension 39 Township, or any unit in a sectional title scheme that had been established thereon, or any further divided portions of the The Remaining Extent of Portion 174 of the Farm Zwartkoppies No 364, JR, or any unit in a township to be established thereon, or any unit in a sectional title scheme to be established thereon, as indicated on diagram SG No 2504/2013 and which servitude area is now indicated by the figure a b c on diagram SG No 4626/2015, as will more fully appear from the said notarial deed.
- (ii) By virtue of Notarial Deed of Servitude No K 5212/2013 S the within mentioned property is subject to a perpetual servitude of right of way for the conveyance of municipal services, electricity and the reciprocal discharge and receipt of stormwater in favour of the City of Tshwane as indicated on diagram SG No 2504/2013 and which servitude area is now indicated by the figure a b c on diagram SG No 4626/2015, as will more fully appear from the said notarial deed.

B. The former Remaining Extent of Portion 19 of the Farm Zwartkoppies No 364, JR, measuring 531,2500 hectares, of which the portion indicated by the figure A B C a on consolidation diagram SG No 4626/2015 forms a portion, is subject to the following:

By virtue of Notarial Deed of Servitude No K 3121/2014 S the property is subject to:

- (a) a perpetual servitude of right of way in favour of the General Public; and
- (b) a perpetual servitude of right of way for the conveyance of municipal services, electricity and the reciprocal discharge and receipt of storm water in favour of the City of Tshwane;

which servitude measures 1,1804 (One comma One Eight Nought Four) hectares in extent as indicated on diagram SG No 2503/2013 and the relevant portion of which servitude area is now indicated by the figure A B C a on consolidation diagram SG No 4626/2015.

1.11 TOWNSHIP ACCESS TO A PUBLIC ROAD

Erven 1037, 1038 and 1039 are entitled to a servitude of right of way over the following erven (private roads) being Erf 1035 Tijger Vallei Extension 103, Erf 732 Tijger Vallei Extension 61, Erf 697 Tijger Vallei Extension 60, Erf 193 Tijger Vallei Extension 18, Erven 141 and 142 Tijger Vallei Extension 17, Erf 104 Tijger Vallei Extension 9, which servitudes shall be registered prior to or simultaneously with the transfer or registration of the first erf or unit within this township.



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 3.3 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 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 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 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 an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane 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:

- (a) 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,
  - (b) 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.
- 2.3 The servitudes indicated under paragraph 1.11 shall be registered prior to or simultaneously with the transfer or registration of the first Erf within this township.

## 3. CONDITIONS OF TITLE

3.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

3.1.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN CLAUSE 1.3

3.1.1.1 The erf shall be subject to a servitude, 2 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.

3.1.1.2 No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2m from thereof.

3.1.1.3 The City of Tshwane shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

## 3.2 REGISTRATION OF NEW SERVITUDES

- 3.1.2 A part of Erf 1038 is subject to a servitude of right of way 5 metres wide for access purposes in favour of Erf 1039, as indicated on the General Plan.
- 3.1.3 Erf 1039 is entitled to a servitude of right of way 5 metres wide for access purposes over Erf 1038, as indicated on the General Plan.
- 3.1.4 A part of Erf 1038 is subject to a servitude of right of way 5 metres wide for municipal purposes in favour of the City of Tshwane, as indicated on the General Plan.
- 3.1.5 A part of Erf 1038 is subject to a servitude 3x6 metres for electrical sub-station purposes in favour of the City of Tshwane, as indicated on the General Plan.
- 3.1.6 The whole of Erf 1039 is subject to a servitude of right of way for private open space purposes in favour of Erven 1037 and 1038 as indicated on the General Plan.
- 3.1.7 Erven 1037 and 1038 are entitled to a servitude of right of way for private open space purposes over Erf 1039, as indicated on the General Plan.

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,  
for the **Gauteng Provincial Administration**, Johannesburg.

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065