

No. 17, 1820.]

**ACT**

To ratify and confirm a certain agreement providing for the exchange of certain Crown Land in the divisions of Caledon and Stellenbosch for certain lands in the divisions of the Paarl and the Cape and providing for the exercise by the Council of the City of Cape Town of certain powers over other Crown Land in the division of Caledon at present set apart as a forest reserve in order to protect the water supply of the Steenbras River catchment area and over certain land in the division of Stellenbosch.

**BE IT ENACTED** by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

1. The agreement entered into between the Minister of Lands, as representing the Union Government, and the Mayor and Town Clerk of Cape Town, as representing the Council of the City of Cape Town, on the seventh and sixteenth days of June, 1919, respectively, a copy of which agreement is set out in the Schedule to this Act, is hereby ratified and confirmed; and all necessary powers and authority are hereby conferred upon the Governor-General and upon the said Council respectively for giving full and complete effect to the terms of the said agreement, anything to the contrary notwithstanding in any law contained. The original of such agreement, with plans attached, was laid on the Table of the House of Assembly on the nineteenth day of May, 1920.

2. This Act may be cited for all purposes as the Cape Town Water Supply (Steenbras) Land Act, 1920.

**Schedule.**

COPY OF AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE COUNCIL OF THE CITY OF CAPE TOWN.

*Executed on the seventh and the sixteenth days of June, 1919.*

MEMORANDUM OF AGREEMENT made between the Honourable Colonel HENDRIK MENTZ in his capacity, as Minister of Lands of the Union of South Africa (hereinafter called the "Minister") of the one part, and the COUNCIL OF THE CITY OF CAPE TOWN (hereinafter called the "Corporation") of the other part.

WHEREAS the Corporation have acquired certain lands and water rights in the Steenbras Valley for the purpose of undertaking a scheme for the supply of water to the City of Cape Town.

AND WHEREAS the Corporation have made application to the Minister of Lands as representing the Union of South Africa for a grant of two pieces of Crown Land forming part of the Catchment Area of the Steenbras River and adjoining the lands already acquired by the Corporation, and also for a grant of a third piece of Crown Land on the northern side of the Hottentots Holland Mountains which is required for tunnels, tunnel approaches, pipe line, break pressure tank, filters, spoil heaps, and other purposes connected therewith, and also for the future development of an electrical power scheme;

AND WHEREAS the Minister has consented to grant such lands subject to certain terms and conditions hereinafter set forth.

NOW THEREFORE THESE PRESENTS WITNESS that it has been mutually agreed by and between the parties hereto as follows:—

1. For the consideration hereinafter mentioned the Minister on behalf of the Union Government agrees, subject to the sanction of Parliament, to grant to the Corporation:—

- (a) Certain two pieces of Crown Land, shown in green on the attached plan marked A, in extent 3,338 morgen or thereabouts situate in the Caledon division being the Crown Land within the catchment area of the Steenbras River and adjoining the farm

"Steenbras River" on its North, West and South sides (but not including any portion of the Elgin Demarcated Forest) and defined on the ground by beacons erected by Surveyor J. T. Mossop.

- (b) Certain piece of Crown Land, shown in purple on the attached plan marked A, situate in the division of Stellenbosch, on the Northern slopes of the Hottentots Holland Mountains in extent about 120 morgen at the tunnel at present under construction and as pointed out to the Town Clerk and the Municipal Resident Engineer by Mr. M. C. Vos in the early part of the year 1918.
- (c) The following rights over the piece of Crown Land shown in yellow on the attached plan marked A, in the Stellenbosch division, lying between Gordon's Bay and the mouth of the Steenbras River, namely:—
- (i) Access from Kogel Baai farm to Gordon's Bay.
  - (ii) The right to put down pipe lines.
  - (iii) The right to erect power houses and transmission lines.

It is agreed that the following regulations shall apply to the Forest Reserve, shown in brown on the attached plan marked A, in the Catchment Area of the Steenbras River:—

- (1) No person shall be allowed permanently to reside within the limits of the Forest Reserve in the Catchment Area, except the occupants of a ganger's cottage, to be erected on a site on the North face of the Hottentots Holland range of mountains, to be agreed upon between the Railway Administration of the Union Government and the Corporation. In the event of any person being required at any time temporarily to reside within such limits, the Government shall give notice to the Council and shall require such person to observe any sanitary regulations the Council may see fit to impose to ensure the purity of the water supply.
- (2) All sanitary conveniences which may be required shall be provided and maintained by the Council.
- (3) No filth or manure shall be deposited on Forest land in the Catchment Area.
- (4) No horses, cattle, sheep or other animals shall be allowed on Forest land in the Catchment Area except such as are required in connection with forest or railway operations and work incidental thereto, but the Government takes no responsibility in regard to animals straying on the area from outside.
- (5) The Government agrees not to permit any person to bathe or wash in the streams within the Forest land in the Catchment Area.
- (6) The Government agrees not to interfere with the flow of water in any streams or water-courses, while reserving to itself the right to use as much water as it requires in connection with Forest and Railway operations within such area.
- (7) The authorized servants of the Council shall at any time be permitted to enter the Forest land within the Catchment Area with a view to controlling the sanitation of the same. The Council shall keep the Railway Administration and Forest Department informed from time to time of the names of persons authorized by them to enter on the Forest land in the Catchment Area and shall be responsible that they duly observe the Forest Act and Regulations and Amendments thereof as far as they apply.
- (8) No conditions that may be imposed under the above terms of agreement shall be of such a nature as to prevent the Railway Administration and Forest Department having full use of the forests on the land under its control on the Catchment Area or of extending such forests or of working and managing them to the best advantage.

2. In exchange for the foregoing the Corporation agree to transfer to the Union Government the following farms belonging to them in the Berg River Hoek Valley, viz.:—

"Driefontein." 1. Certain piece of perpetual quitrent land situate in the Division of the Paarl on the Berg River Hoek. Reg. Folio 539. Measuring 81 morgen 168 square roods.

Certain piece of land called "Driefontein," comprising certain piece of perpetual quitrent land, situate on the Berg River Hoek in the Division of the Paarl. Reg. Folio 12. Measuring 26 morgen 289 square roods.

Certain piece of freehold land situate as last above. Measuring 5 morgen. All as per Transfer No. 11,500, made by Johannes Philippus le Roux in favour of the Town Council of the City of Cape Town, on the 11th August, 1903.

"Schuifram" 2. One-half part or share of and in certain piece of perpetual quitrent land, situate in the division of the Paarl, to the North-west of the Middenberg. Reg. Folio 13. Measuring 8 morgen 430 square roods, as contained in above Transfer No. 11,500 made in favour of the Council.

"Berg Rivier's Hoek." 3. Certain  $6\frac{1}{2}$  shares out of 8 shares of and in the perpetual quitrent place called "Berg Rivier's Hoek," situate in the division of the Paarl at the French Hoek. Reg.

Folio 740. Measuring 478 morgen 211 square roods, as per the following Transfers made in favour of the Council of the City of Cape Town :

Date of Transfer.	Transfer Number.		
11/ 8/03	11,500	Three-sixteenth shares	(1½).
29/ 8/03	12,661	One-fourth share	(2)
25/ 1/04	965	One-thirty-second share	(¼).
2/ 2/04	1,237	One-eighth share	(1).
4/ 2/04	1,305	One-sixteenth share	(½).
14/ 6/04	6,536	One-sixteenth share	(½).
14/12/04	13,622	One-sixteenth share	(½).

Subject, however, to the Corporation retaining all necessary means of access to and over the said lands for the purposes of a pipe line or lines, constructing, using or maintaining conduits, and making investigations in connection with the measurement of rainfall and stream flow.

3. The Corporation also agree to relinquish all claim which they have or may have to be paid compensation for a portion of land shown in pink border on the attached plan marked B, which formerly formed part of the Green Point Common and which was the subject of an action tried in the Supreme Court in February, 1906, wherein the Cape Town Council was plaintiff and the Colonial Government and the Table Bay Harbour Board were defendants, and the Corporation further agree that they will do all things that may be necessary to vest the legal title to the said land in the Union Government at the expense of the Union Government.

4. It is further agreed that the Corporation may immediately take possession of the Crown Lands at Steenbras and make such improvements thereon as may to them appear necessary.

IN WITNESS WHEREOF the Honourable Colonel HENDRIK MENTZ has hereunto set his hand and the Common Seal of the Corporation has been hereunto affixed.

Signed by the Honourable Colonel H. Mentz at Cape Town on the 16th day of June, 1919, in the presence of G. R. HUGHES.

(Sgd.) H. MENTZ,  
Minister of Lands.

THE COMMON SEAL of the Corporation was hereunto affixed at Cape Town on the seventh day of June, 1919, in the presence of

(Sgd.) W. J. THORNE,  
Mayor.

(Sgd.) J. R. FINCH,  
Town Clerk.

I HEREBY CERTIFY that the within contract is in terms of the Resolution of the Council of the 3rd May, 1917.

(Sgd.) J. R. FINCH,  
Town Clerk.