

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

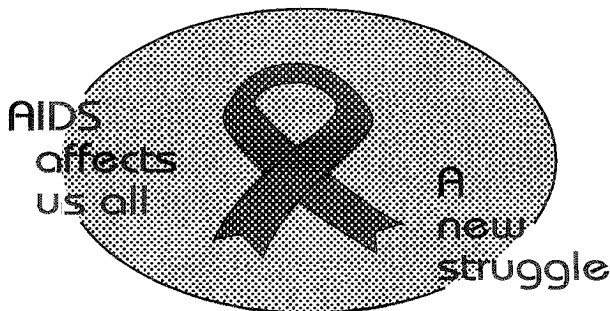
# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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



**Prevention is the cure**

**AIDS  
HELPLINE**

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DEPARTMENT OF HEALTH

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## LOCAL AUTHORITY NOTICES

### LOCAL AUTHORITY NOTICE 603

EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)

#### DECLARATION AS AN APPROVED TOWNSHIP

In terms of Section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby declares Midstream Estate Extension 51 to be an approved township subject to the conditions set out in the schedule hereto.

#### ANNEXURE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY BONDEV MIDRAND PROPRIETARY LIMITED (BEING THE REGISTERED OWNER OF THE LAND AND HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) UNDER THE PROVISIONS OF PARTS A AND C OF CHAPTER 3 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 196 (A PORTION OF PORTION 128) OF THE FARM OLIFANTSFONTEIN 410-JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

#### 1. CONDITIONS OF ESTABLISHMENT

(1) **NAME**

The name of the township shall be Midstream Estate Extension 51.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 4292/2012.

(3) **DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions and servitudes, if any, except for the following conditions to be registered against Portion 196 (a portion of Portion 128) of the farm OLIFANTSFONTEIN 410, Registration Division J.R., Province of Gauteng; which do not affect the township area due to the location thereof, which conditions will not be passed to the erven in the township:

A. *Die voormalige Resterende Gedeelte van Gedeelte A, groot as sodanig 1082,6208 Hektaar (waarvan die eiendom hierkragtens gehou, 'n gedeelte uitmaak van die voormalige Gedeelt 8 ('n gedeelte van Gedeelte I)) Gedeelte 2 van die genoemde Gedeelte A soos getranspoteer kragtens Akte van Transport T.10838/1922 en 'n gedeelte van die genoemde plaas OLIFANTSFONTEIN, groot 1373,8416 hektaar soos getranspoteer kragtens Akte van Transport T.8555/12, wat tesame uitmaak die genoemde Gedeelte A, is geregtig tot 'n serwituut van water uit die Resterende Gedeelte van Gedeelte B van die genoemde plaas OLIFANTSFONTEIN, groot as sodanig 910,6748 hektaar, soos getranspoteer kragtens Akte van Transport T.6759/1914 en hierna genoem "het andere gedeelte", welke serwituut beskryf is as volg, naamlik:*

*"De eigenaren van gezegd Gedeelte 'A' zullen tezamen met de eigenaar van het andere gedeelte ter besproeiing van hul landerijen het recht hebben bij beurten van drie dagen en drie nachten tot al het water van de fontein genaamd Olifantsfontein en de twee kleine fonteintjes daar dicht bij aan de Westzijde daarvan, of Noordzijde van de oude watervoor, zijnde het water waarop de plaats oorspronkelijk is aangelegd en liggende in het andere gedeelte; en tevens tot de oude watervoor zoals de tans bestaat dat de voor mag opvangen; doch dit laatste zal de eigenaar van het andere gedeelte niet beletten het water in de spruit vanaf een honderd en twintig treden bovenkant de watervoor uit te keren, doch tot op een honderd en twintig treden bovenkant de watervoor mag het water in de spruit niet worden uitgekeerd.*

*Het water van enige andere fontein zal ter uitsluitende beskikking zijn van de eigenaren van gezegd Gedeelte 'A' of het andere gedeelte waarop zodanige fontein mogen zijn.*

*Gedurende de beurt van de eigenaar van het andere gedeelte zal er een straalje water gezegd dat door een duimgat kan gaan met vrij lopen in genoemde oude watervoor naar Gedeelte 'A' als drinkwater voor mens en vee; en gedurende de beurt van de eigenaren van Gedeelte 'A' zal de eigenaar van het andere gedeelte vrijheid hebben zijn vee te drenken in, en water voor huishoudelijk gebruik te genieten uit genoemde watervoor, waar*

*die over zijn grond loopt; en zal laatsgenoemde ook het recht hebben twee duim water uit genoemde watervoor uit te nemen naar zijn woonhuis met een pomp of anderszins.*

*Wanneer en so dikwijls genoemde watervoor moet worden schoongemaakt zullen de wederzijdse eigenaren daarvoor gelijkelik moeten zorg dragen doch mag de voor voorzoverre die in het andere gedeelte is niet worden verzet of veranderd van wat die oorspronkelijk was zonder de toestemming van de eigenaar van het andere gedeelte.*

*Het water waartoe de eigenaren van gezegd gedeelte 'A' gerechtigd zijn, blijft onverdeeld, en de eigenaren van het gezegde Resterende Gedeelte van Gedeelte 'A', van gezegd Gedeelte "2" van gedeelte 'A' en het gezegd Gedeelte groot 1373,8416 hektaar (tezamen uitmakend Gedeelte 'A') zullen recht van toegang hebben de een op en over het eigendom van de ander, met het doel in de gebruik zijnde watervoor of voren schoon te maken of te herstellen op voorwaarde dat geen voor door het land van een der eigenaren lopende, door de andere eigenaar gebruikt zal worden.*

- B. *Die voormalige Gedeelte 8 ('n gedeelte van Gedeelte 1) van die genoemde plaas (waarvan die eiendom hierkragens gehou, 'n gedeelte uitmaak) is:*

*ONDERWORPE aan die reg ten gunste van ESKOM om elektrisiteit oor die hierinvermelde eiendom te vervoer, tesame met bykomende regte, en onderhewig aan voorwaardes, soos meer vollediger sal blyk uit Notariële Akte nr. K.851/1955-S, die middellyn van welke servituut aangedui word deur die lyn hjk op Kaart S.G. No. 5490/2005, geheg aan Sertifikaat van Verenigde Titel T.30644/06.*

**(4) REPOSITIONING OF SERVICES**

If, by reason of the establishment of the township, it should become necessary to reposition any existing services of ESKOM, Telkom or the local authority, the cost thereof shall be borne by the township owner.

**(5) TRANSFER OF ERVEN**

Erven 4052 to 4056 shall be transferred at the expense of the township owner to the home owners' association, being a company established in terms of Section 21 of the Companies Act.

**(6) HOME OWNERS' ASSOCIATION**

Midstream Hill Home Owners Association NPC must be established in terms of Section 21 of the Companies Act whereas such association shall be responsible for the management of the security village in general.

**(7) DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner shall at his 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.

**(8) REMOVAL OF LITTER**

The township owner shall at his 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.

**(9) ENGINEERING SERVICES**

- (a) The applicant shall be responsible for the installation and provision of internal engineering services.
- (b) Once water, sewer and external street networks (including storm water) have been installed, same will be transferred to the Metropolitan Municipality, free of cost, who shall maintain these networks.
- (c) The Section 21 Company will be responsible for the maintenance of the internal roads (including storm water). These services will not be taken over by the Local Authority.

- (d) Bondev Midrand Proprietary Limited will be responsible for the maintenance of the electrical, telecommunication and street lighting network. These services will not be taken over by the Local Authority.

## 2. CONDITIONS OF TITLE

### (1) **CONDITIONS OF TITLE IMPOSED IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986.**

#### (a) **ALL ERVEN**

- (i) 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.
- (ii) 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.
- (iii) 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.

#### (b) **ERVEN SUBJECT TO SPECIAL CONDITIONS**

In addition to the relevant conditions set out in (a) above, the undermentioned erven shall be subject to the conditions as indicated:

##### (i) Erf 4056

(aa) The erf is subject to a servitude for municipal purposes in favour of the local authority, as indicated on the General Plan to guarantee access to the local authorities' personnel and vehicles in order to carry out repair and maintenance work to the water and sewer networks after they have been taken over by the local authority.

(bb) Subject to a right of way servitude in favour of all the owners or occupiers of all the other erven in the township as indicated on the General Plan over the entire erf to guarantee access to a public road to all residents

##### (ii) Erf 3990

The erf is subject to a right of way servitude, 5 m wide, in favour of Erf 4055, as indicated on the General Plan.

##### (iii) Erf 4055

The erf is entitled to a right of way servitude, 5 m wide, across Erf 3990, as indicated on the General Plan.

### (2) **CONDITIONS OF TITLE IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED:**

#### (a) **ERVEN 3962 TO 4051**

- (i) The owner of each erf in the township shall become a member of the home owners' association upon the transfer of the erf.
- (ii) No drilling of boreholes will be permitted for the abstraction of groundwater on the erf.
- (iii) Only one dwelling shall be erected on the erf, provided that a "granny flat" as defined by the house rules of the home owners' association, may be erected on the erf with the consent of the home owners' association.

**(b) ERF 4056**

- (i) Subject to a servitude for electrical, telecommunication and street lighting purposes in favour of Bondev Midrand Proprietary Limited over the whole of the erf as indicated on the General Plan.

Khaya Ngema: City Manager  
Ekurhuleni Metropolitan Municipality, Private Bag X 1069, Germiston, 1400  
Notice DP.23.2013 (15/3/7/M6 X51)

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**PLAASLIKE BESTUURSKENNISGEWING 604****HALFWAY HOUSE AND CLAYVILLE TOWN PLANNING SCHEME OF 1976  
AMENDMENT SCHEME 1576**

The Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby declares that it has approved an amendment scheme, being an amendment to the Halfway House and Clayville Town Planning Scheme of 1976, comprising the same land as included in the township of Midstream Estate Extension 51, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

Map 3, Annexures and scheme clauses of the amendment scheme are filed with the Deputy Director-General: Gauteng Provincial Government: Department of Housing and Local Government, Marshalltown and the Manager: City Development, Kempton Park Customer Care Centre, 5th floor, Ekurhuleni Metropolitan Municipality, Civic Centre, corner of CR Swart Drive and Pretoria Road, Kempton Park and are open for inspection at all reasonable times.

This amendment scheme is known as the Halfway House and Clayville Amendment Scheme 1576 and shall come into operation on the date of the proclamation of this notice.

Khaya Ngema: City Manager  
Ekurhuleni Metropolitan Municipality, Private Bag X 1069, Germiston, 1400  
Notice DP.23.2013 (15/3/7/M6 X51)

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