

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
GAUTENG***

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PROCLAMATION • PROKLAMASIE

PROCLAMATION 68 OF 2019

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE) DECLARATION AS AN APPROVED TOWNSHIP

IN TERMS OF SECTION 103(1) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE) HEREBY DECLARES **WITFONTEIN EXTENSION 93** TO BE AN APPROVED TOWNSHIP, SUBJECT TO THE CONDITIONS SET OUT IN THE SCHEDULE HERETO.

SCHEDULE

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY JR 209 INVESTMENTS 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 70 (A PORTION OF PORTION 8) OF THE FARM WITFONTEIN 16-IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. **CONDITIONS OF ESTABLISHMENT**

(1) **NAME**

The name of the township shall be **Witfontein Extension 93**.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan S.G. No. 735/2019.

(3) **ENDOWMENT**

The township owner shall, in terms of provisions of Section 98 (2) and (3) of the Town Planning and Township Ordinance, 1986, pay a lump sum of R2 365 000-00. This money can be used for the purposes of upgrading any parks.

(4) **PROPERTY MANAGEMENT ASSOCIATION**

The township owner shall properly and legally constitute a Property Management Association such as a Body Corporate or Home Owners Association or any similar type of association/legal entity for the specific purpose of ensuring the legal assignment of responsibility in as far as the proper management of the development is concerned.

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

All erven shall be made subject to existing conditions and servitudes, if any -

(a) Excluding the following conditions in Deed of Transfer T7926/2016 which do not affect the township due to location:

- 1 *"Onderworpe aan een servituut van recht van weg ten faveure van Gedeelte "A" groot 309,4693 hektaar, gehoude onder Sertifikaat van Verdelingstitel Nr 3155/1922, Gedeelte "B" groot 303,0839 hektaar, gehoude onder Sertifikaat van Verdelingstitel Nr. 3156/1922, Gedeelte "C" gehoude onder Sertifikaat van Verdelingstitel Nr. 3157/1922, groot 303,1824 hektaar, en Gedeelte "E" groot 368,2987 hektaar, gehoude onder Sertifikaat van Verdelingstitel Nr. 3159/1922. Deze servituten van recht van weg bestaan ten einde de eigenare van de respektiewelike Gedeelten instaat te stellen het restant van de gezegde plaats Witfontein Nr 16, groot als zulks 2141 vierkante meter, dat als gesamentlike familie kerkhof gebruik word, te bereik."*

- 6 A provincial road was proclaimed over a Portion of the Remaining Extent of Portion 8 of the Farm Witfontein 16 IR measuring 0.29118 hectares, by virtue of Administrators Notice 3212 of 12 November 2010.

(b) Excluding the following entitlements in Deed of Transfer T7926/2016 which will not be passed on to the erven in the township:

- 2 *The Former Remaining Extent of the Farm Hartbeesfontein No 17 Registration Division I.R., measuring 329,5821 hectares, of which the portion of the property hereby transferred indicated by the figure j B k on Diagram S.G A228/70 is a portion, is entitled to -*

“zyn Gerechtigd water te scheppen voor huishuodelike gebruik te de fontein bekend as “Het Klipfonteintjie” gelegen op een Gedeelte 1578/2487 hektaar van de plaats Hartebeesfontein Nr 555, en wel omtrent zes treden van die Wesltelike grens van de genoemde Gedeelte van de plaats “Hartebeestfontein” Nr 555, en naby die nuwe opstal op de Gedeelten bepaald als voormeld, gemaak op voorwaarde echter dat de eiegenaren van die gemelde Gedeelten bepaald als voormeld niet het recht zullen hebben gemelde fonteintjie op te dammen of andersins te belemmer nie.”

- 3 *The former Portion 4 of the farm Witfontein No 16, measuring as such 296,0017 hectares, is by virtue of Notarial Deed No. 193/65-S dated 22nd January 1965:*

(a) Entitled to a servitude of aqueduct by means of a water furrow, and

(c) Including the the following conditions in Deed of Transfer T7926/2016 which shall be transferred to the erven in the township -

- 3 *The former Portion 4 of the farm Witfontein No 16, measuring as such 296,0017 hectares, is by virtue of Notarial Deed No. 193/65-S dated 22nd January 1965:*

(b) Subject and entitled to an agreement relating to distribution of water, with ancillary rights, between the said Portion 4 and the Remaining Extent of the Farm Witkoppen No. 16, measuring 1691,3170 hectares, as held under Deed of Transfer No. 17548/1941, dated 11th October 1941, as will more fully appear from Notarial Deed No. 193/65S.

(c) The property hereby transferred shall however not be entitled to any of the rights referred to in the said Notarial Deed No. 193/65-S which rights are retained in favour of the Remaining Extent of Portion 4 of the farm Witfontein aforesaid, measuring 76,8693 hectares, held under Deed of Transfer No. 907/1934 dated 1st of February, 1934.

(d) Excluding the the following conditions in Deed of Transfer T7926/2016 which affects a road in the township only -

- 4 By virtue of Notarial Deed of Servitude K006203/07S dated the 13th of June 2007, the withinmentioned property is subject to a servitude of right of way in favour of the Serengeti Golf and Wildlife Property Owners Association (Registration Number 2007/013033/08), indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1P1Q1R1S1T1A on Diagram SG. No. 12092/2006 as will more fully appear from the said Notarial Deed and diagram.

- 5 By virtue of Notarial Deed of Servitude K006204/07S dated the 13th of June 2007, the withinmentioned property is subject to a servitude for municipal purposes, other than public road purposes 4,6676 ha in extent, indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA1B1C1D1E1F1G1H1J1K1L1M1P1Q1R1S1T1A on Diagram SG. No. 12092/2006 in favour of the Ekurhuleni Metropolitan Municipality as will more fully appear from the said Notarial Deed and diagram.

(6) ENGINEERING SERVICES

The applicant shall be responsible for the installation and provision of internal engineering services.

- (ii) Once water, sewer, electrical networks have been installed, same will be transferred to the Local Council, free of cost, who shall maintain these networks (except street lights along the private roads).

(7) PRECAUTIONARY MEASURES

The township owner shall at his own expense make arrangements with the Local Authority in order to ensure that the recommendations as laid down in the geological report of the township must be complied with and, when required, engineer certificates for the foundations of the structures must be submitted.

(8) ACCESS

- (i) Access to the township shall be obtained from Serengeti Boulevard at the approved access positions and as per approved Traffic Impact Assessment.

- (ii) Access will not be allowed from the R21 Expressway and the R25 (Future Road k60).

(9) 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.

(10) ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the existing road and storm water infrastructure in the vicinity and for all storm water running off or diverted from the roads to be received and disposed of.

(11) 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.

(12) 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.

(13) DISPOSAL OF ERVEN

The township owner shall not offer for sale or alienate Erf 1899, to any person or body other than the Department of Education unless the Director of the department has indicated in writing that it does not wish to acquire the erf.

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) Erven 1893 and 1898
The erven are subject to an electrical servitude in favour of the Local Authority, as indicated on the General Plan.
- (ii) Erf 1892
The erf is subject to a Righth-of-Way servitude in favour of Erven 1893 and 1894 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (iii) Erf 1893
The erf is subject to a Righth-of-Way servitude in favour of Erven 1892 and 1894 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (iv) Erf 1894
The erf is subject to a Righth-of-Way servitude in favour of Erven 1892 and 1893 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (v) Erf 1895
The erf is subject to a Righth-of-Way servitude in favour of Erven 1896, 1897, 1898 and 1899 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (vi) Erf 1896
The erf is subject to a Righth-of-Way servitude in favour of Erven 1895, 1897, 1898 and 1899 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (vii) Erf 1897
The erf is subject to a Righth-of-Way servitude in favour of Erven 1895, 1896, 1898 and 1899 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (viii) Erf 1898
The erf is subject to a Righth-of-Way servitude in favour of Erven 1895, 1896, 1897 and 1899 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.
- (ix) Erf 1899

The erf is subject to a Righth-of-Way servitude in favour of Erven 1895, 1896, 1897 and 1898 as well as engineering services in favour of the Local Authority, as indicated on the General Plan.

(x) Erf 1899

The erf is subject to an electrical servitude (6x3m in extent) in favour of the Local Authority, as in indicated on the General Plan.

(xi) Erf 1896

The erf is subject to a servitude for sewer purposes in favour of the Local Authority, as in indicated on the General Plan.

(xii) Erf 1897

The erf is subject to a servitude for sewer and stormwater purposes (13.5 meter wide) in favour of the Local Authority, as in indicated on the General Plan.

(xiii) Erf 1897

The erf is subject to a servitude for stormwater purposes (3 meters wide) in favour of the Local Authority, as in indicated on the General Plan.

(xiv) Erven 1893 and 1894

The erven are entitled to a Righth-of-Way servitude over Erf 1892 as indicated on the General Plan.

(xv) Erven 1892 and 1894

The erven are entitled to a Righth-of-Way servitude over Erf 1893, as indicated on the General Plan.

(xvi) Erven 1892 and 1893

The erven are entitled to a Righth-of-Way servitude over Erf 1894, as indicated on the General Plan.

(xvii) Erven 1896, 1897, 1898 and 1899

The erven are entitled to a Righth-of-Way servitude over Erf 1895, as indicated on the General Plan.

(xviii) Erven 1895, 1897, 1898 and 1899

The erven are entitled to a Righth-of-Way servitude over Erf 1896, as indicated on the General Plan.

(xix) Erven 1895, 1896, 1898 and 1899

The erven are entitled to a Righth-of-Way servitude over Erf 1897, as indicated on the General Plan.

(xx) Erven 1895, 1896, 1897 and 1899

The erven are entitled to a Righth-of-Way servitude over Erf 1898, as indicated on the General Plan.

(xxi) Erven 1895, 1896, 1897 and 1898

The erven are entitled to a Righth-of-Way servitude over Erf 1899, as indicated on the General Plan.

Dr Imogen Mashazi: City Manager,
City of Ekurhuleni Metropolitan Municipality,
Private Bag X1069 Germiston, 1400

Notice : CP024.2019 [15/3/7/W5X93]

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
(KEMPTON PARK CUSTOMER CARE CENTRE)
CITY OF EKURHULENI TOWN PLANNING SCHEME 2014: AMENDMENT SCHEME
*K0617***

The City of Ekurhuleni Metropolitan Municipality (Kempton Park Customer Care Centre) hereby, in terms of the provisions of section 125 (1) of the Town Planning and Townships Ordinance, 1986, declares that it has approved an amendment scheme, being an amendment of the Ekurhuleni Town-planning Scheme 2014, comprising the same land as included in the township **Witfontein Extension 93** township.

The amendment scheme documents will lie for inspection during normal office hours at the offices of the Head of Department, Department of Economic Development, Gauteng Provincial Government, Johannesburg, as well as the Area Manager, City Planning, City of Ekurhuleni Metropolitan Municipality, Kempton Park Customer Care Centre, 5th Floor, Civic Centre, c/o CR Swart Drive and Pretoria Road, Kempton Park.

This amendment scheme is know as Ekurhuleni Amendment Scheme **K0617**, and shall come into operation on the date of publication of this notice.

Dr. Imogen Mashazi: City Manager,
City of Ekurhuleni Metropolitan Municipality,
Private Bag X1069 Germiston, 1400

Notice : CP024.2019 [15/3/7/W5X93]