

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE VAN  
GAUTENG***

**Provincial Gazette  
Provinsiale Koerant**  
***EXTRAORDINARY • BUITENGEWOON***

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

**Vol. 25**

**PRETORIA**  
5 JULY 2019  
5 JULIE 2019

**No. 211**



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## GENERAL NOTICES • ALGEMENE KENNISGEWINGS

### NOTICE 1032 OF 2019

#### CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (KEMPTON PARK CUSTOMER CARE CENTRE)

#### DECLARATION AS APPROVED TOWNSHIP

In terms of Section 103 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 43 township**, subject to the conditions set out in the Schedule hereto.

#### SCHEDULE

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY AFRICAN KINGDOM HOLDINGS (PTY) LTD (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 67 (A PORTION OF PORTION 14) OF THE FARM WITFONTEIN 16 IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED**

#### A. CONDITIONS OF ESTABLISHMENT

(1) **NAME**

The name of the township shall be Witfontein Extension 43.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan S.G. No. 102/2019.

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

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

**1. The following entitlement which will not be passed on to the erven in the township:**

A. The former Portion 7 (portion of portion 2) of the farm Witfontein No 16, Registration Division I.R., Province of Gauteng, whereof this portion forms a part, is subject to:

1. "Gezegde gedeelte "2", groot 303,0839 hektaar, een gedeelte waarvan hierby getransporteerd word, is gerechtigd tot een servituut van recht van WEG over gedeelte "D" groot 296,0017 hektaar getransporteerd by Certificaat van Verdelings Titel No 3158/1922, het eigendom hierby getransporteerd is onderworpen aan een servituut van recht van WEG ten faveure van gedeelte van gedeelte A, groot 271,6419 hektaar, getransporteerd by Certifikaat van Verdelings Titel No. 3155/1922. Deze servituten van recht van weg bestaan ten einde de eigenaren van het gezegde gedeelte "2" (een gedeelte waarvan hierby getransporteerd word) in staat te stellen het restant van de gezegde plaats Witfontein No. 16, groot als zulks 2141 vierkante meter, dat als gezamentlike familie kerkhof gebruik word, te bereik.

B. The former Remaining Extent of Portion 14 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 603,6466 (SIX ZERO THREE comma SIX FOUR SIX SIX) hectares, is subject to:

- (1) “Kragtens Notariële Akte van Serwituut K6205/2007S is die binne gemelde eiendom geregtig op ‘n reg tot oorskryding, 31,9871 (Drie Een komma Nege Agt Sewe Een) Hektaar groot, oor die restant van Gedeelte 5 van die plaas Witfontein Nr. 16, Registrasie Afdeling I.R., Provinsie van Gauteng, welke reg aangedui word deur die figuur ABCDEFGHJKLA op diagram S.G. No. 1245/2007, soos meer volledig sal bly uit voormelde Notariële Akte en diagram.”

**2. The following conditions which do not affect the township area due to the locality thereof:**

- A. The former Portion 7 (portion of portion 2) of the farm Witfontein No 16, Registration Division I.R., Province of Gauteng, whereof this portion forms a part, is subject to:

1. Kragtens Notariële Akte Nr K3812/1984S gedateer 18 Junie 1984 is die hierinvermelde eiendom onderhewig aan ‘n ewigdurende serwituut ten gunste van GASKOR om oor die eiendom gasse, vloeistowwe en vaste stowwe van watter aard en beskrywing ookal asook elektrisiteit te lei en oor te bring d.m.v. pyplyne, kables of op welke ander wyse ookal in ‘n serwituutstrook van 9 meter wyd die middellyn aangedui deur die figuur mno op Konsolidasie Titel Diagram S.G. Nr. 10455/2006 aangeheg by Sertifikaat van Verenigde Titel T110807/2007 soos meer volledig sal blyk uit gemelde Notariële Akte.

- B. The former Remaining Extent of Portion 14 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 603,6466 (SIX ZERO THREE comma SIX FOUR SIX SIX) hectares, is subject to :  
“By virtue of Notarial Deed of Servitude K8400/2007S, the withinmentioned property is subject to a servitude for municipal purposes, 1,2242 hectares in favour of the local authority, which servitude is indicated by the figure ABCDEFGA on S.G. No: 12090/2006, with additional rights. As will more fully appear in the above mentioned Notarial Deed of Servitude.

- C. The former Remaining Extent of Portion 14 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 494,8464 (FOUR NINE FOUR comma EIGHT FOUR SIX FOUR) hectares, is subject to :

“By virtue of Notarial Deed of Servitude K5316/2010S dated the 25<sup>th</sup> of October 2010 the withinmentioned property is subject to a

- (1) Servitude for municipal purposes in favour of EKURHULENI METROPOLITAN MUNICIPALITY, 3,6290 (THREE comma SIX TWO NINE ZERO) hectares in extent indicated by the figure ABCDEFGHJKLMNPQRSTUVWXYZA on diagram S.G. No. 7887/2008 annexed to the said Notarial Deed and as will more fully appear from the said Notarial Deed, which servitude has ancillary rights.”
- (2) Servitude for electrical purposes in favour of EKURHULENI METROPOLITAN MUNICIPALITY, 200 (TWO HUNDRED) square metres in extent indicated by the figure ABCDA on diagram S.G. No. 7886/2008 annexed to the said Notarial Deed and as will more fully appear from the said Notarial Deed, which servitude has ancillary rights.”

**(4) PRECAUTIONARY MEASURES**

The township owner shall at his own expense, make arrangements with the local authority in order to ensure that:

- (i) water will not dam up, that the entire surface of the township area is drained properly;

- (ii) trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained;
- (iii) the recommendations as laid down in the geological report / soil report of the township are complied with and, when required, engineer certificates for the foundations of the structures are submitted; and
- (iv) a dolomite stability risk management plan be drafted to the satisfaction of the responsible engineering geologist and that the property owners association take responsibility for the implementation of such risk management plan.

**(5) FORMULATION AND DUTIES OF THE HOME OWNERS' ASSOCIATION**

- (i) A Non-Profit Company (NPC) must be established by the township owner in terms of Section 1(1) of Schedule 1 of the Companies Act, Act 71 of 2008 in order to administer security and services in the township.
  - a) Each and every owner of Erven 869 - 1073 in the township shall become a member of the NPC upon transfer to him of that erf;
  - b) The NPC shall have full responsibility for the functioning and proper maintenance of the portion for roadway purposes and the engineering services contained thereon. The local authority shall not be liable for the defectiveness of the surfacing of the roadway and/or any essential services not taken over by them;
  - c) The NPC must be incorporated with the legal power to levy from each and every member of the NPC the costs incurred in fulfilling its function and to have legal resources to recover such fees in the event of a default in payment by any member; and
  - d) The construction and maintenance of the roadway portion shall be the responsibility of the township owner until transfer of that portion of the NPC.

**(6) 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 Sasol, the cost thereof shall be borne by the township owner.

If, by reason of the establishment of the township, it should become necessary to reposition any existing services of the local authority, the cost thereof shall be borne by the township owner to the extent as shall be specified in the services agreement to be entered into by and between the township owner and the City of Ekurhuleni Metropolitan Municipality.

**(7) TRANSFER OF ERVEN**

- (a) Erven 1074 - 1080 shall be transferred at the expense of the township owner to the Serengeti Golf and Wildlife Property Owners Estates Property Owners Association (RF) NPC, Registration Number 2007/013033/08 prior to or simultaneously with the transfer of any erf.
- (b) Erf 1074 in the township shall, upon transfer thereof as set out above, be made subject to a right-of-way servitude in favour of all members of the Serengeti Golf and Wildlife Property Owners Estates Property Owners Association (RF) NPC.

**(8) NOTARIAL TIE OF ERVEN**

- (i) No erf in Witfontein Extension 43 will be transferred before Erf 1074 Witfontein Extension 43 has been notarially tied with Erf 258 Witfontein Extension 25 and Erf 476 Witfontein Extension 27 and Erf 679 Witfontein Extension 30 and Erf 861 Witfontein Extension 41 and Erf 1252 Witfontein Extension 37.

- (ii) All the abovementioned erven should be connected to a public road system by way of servitudes over Remaining Extent of Portion 5 (a portion of portion 4) of the farm Witfontein 16 I.R., and Remaining Extent of Portion 8 (a portion of portion 4) of the Farm Witfontein 16 I.R.
- (iii) Erf 1074 Witfontein Extension 43 will be notarially tied with all other access control erven in all extensions applicable to the development.

(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) **ACCESS**

A line of no access will be applicable along the proposed PWV 3.

(11) **PHYSICAL BARRIER**

A physical barrier that is in compliance with the Gauteng Department of Public Transport, Roads and Works requirements, EXECUTIVE COMMITTEE RESOLUTION 1112 of 26 June 1978, shall be erected on the lines of no access along the proposed PWV 3.

**3. CONDITIONS OF TITLE**

3.1 THE ERVEN SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS, IMPOSED BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986:

- (1) **Erven 890 to 897, 906, 909, 910, 918, 919, 925, 928 to 931, 939 to 941, 947, 950 to 953, 970 to 973, 977, 1006 to 1013, 1022 to 1024, 1028 to 1030, 1035, 1036, 1040 to 1043, 1046, 1048 to 1058, 1067, 1069 to 1071, 1075 (Public Open Space), 1076 (Public Open Space), 1077 (Public Open Space), 1080 (Public Open Space).**

The erf is subject to a 2 meter wide sewer servitude in favour of the local authority as indicated on the General Plan.

- (2) **Erf 1074**

- (i) The entire erf is subject to a servitude in favour of the local authority as indicated on the General Plan of the township for access purposes and for the purpose of maintaining the internal water, sewer and electrical engineering services (excluding the private street lights).

3.2 **CONDITIONS OF TITLE IMPOSED IN FAVOUR OF THIRD PARTIES TO BE REGISTERED / CREATED ON FIRST REGISTRATION OF THE ERVEN CONCERNED**

No erf in the township may be transferred unless the following requirements have been complied with and the following conditions and servitudes are registered:

- (1) **Erven 869 – 1073**

SUBJECT TO THE FOLLOWING CONDITIONS IN FAVOUR OF AND ENFORCEABLE BY THE SERENGETI GOLF AND WILDLIFE PROPERTY OWNERS ESTATES PROPERTY OWNERS ASSOCIATION (RF) NPC, REGISTRATION NUMBER 2007/013033/08:

- (a) Every owner of the erf, or of any subdivided portion thereof, or any sectional title unit on a erf or any person who has an interest therein shall become and shall remain a Member of the Property Owners Association and be subject to its

constitution and rules until he/she ceases to be an owner of aforesaid. Neither the erf nor any subdivided portion or sectional title unit thereof nor any interest therein shall be transferred to any person who has not bound himself/herself to the satisfaction of such Association to become a Member of the Property Owners Association.

- (b) The owner of the erf or any subdivided portion thereof, or sectional title unit or any person who has an interest therein, shall not be entitled to transfer the erf or any subdivided portion thereof or sectional title unit or an interest therein without the Clearance Certificate from the SERENGETI GOLF AND WILDLIFE PROPERTY OWNERS ESTATES PROPERTY OWNERS ASSOCIATION that the provisions of the Articles of the Association of the the Property Owners Association have been complied with.
- (c) Except for the written approval of the Property Owners Association and the local authority and subject to such conditions as the they may impose, neither the owner nor any occupier of the erf shall sink any wells or boreholes thereon or abstract any sub-terranean water therefrom.
- (d) The owner of each erf in the township shall become a member of the Property Owners' Association upon the transfer of the erf into his name.

**(2) Erven 884 & 917 & 937 & 953**

The erf is subject to a stormwater servitude, 2,00 metres wide, in favour of the Serengeti Golf and Wildlife Property Owners Estates Property Owners Association (RF) NPC, indicated on the General Plan.

**(3) Erf 1074**

The entire erf is subject to a right-of-way servitude in favour of all the other residents of the Serengeti Golf and Wildlife Property Owners Estates Property Owners Association as indicated on the General Plan.

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

Notice No: CP 029.2019 [15/3/7/W5 X 43]

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**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK CUSTOMER CARE CENTRE)  
EKURHULENI TOWN PLANNING SCHEME 2014: AMENDMENT SCHEME K0616**

The City of Ekurhuleni Metropolitan Municipality hereby, in terms of the provisions of Section 125(1) of the Town Planning and Townships Ordinance, 15 of 1986, declares that it has approved the Amendment Scheme, being an amendment of the Ekurhuleni Town Planning Scheme, 2014, comprising the same land as included in the township of **WITFONTEIN EXTENSION 43**.

The amendment scheme documents will be open for inspection during normal office hours at the offices of the Head of Department: Department Economic Development: Gauteng Provincial Government, Johannesburg, 2000, as well as the Area Manager: City Planning, City of Ekurhuleni, (Kempton Park Customer Care Centre), 5th Floor, Civic Centre, c/o CR Swart Drive and Pretoria Road, Kempton Park.

This amendment scheme is known as Ekurhuleni Amendment Scheme K0616 and shall come into operation on the date of the publication of this notice.

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

Notice No: CP 029.2019 [15/3/7/W5 X 43]