

***THE PROVINCE OF
GAUTENG***



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1342 OF 2020**CITY OF 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 City of Ekurhuleni Metropolitan Municipality, Kempton Park Customer Care Centre hereby declares WITFONTEIN EXTENSION 39 township 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 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 50 (A PORTION OF PORTION 14) 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 39.

(2) DESIGN

The township shall consist of erven and streets as indicated on General Plan S.G. No. 4265/2017.

(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 entitlements which will not be passed on to the erven in the township:

- A. The former Portion 3 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 303,1824 (THREE HUNDRED AND THREE comma ONE EIGHT TWO FOUR) HECTARES, is subject to:

1. "Het gedeelte van het eigendom hierby getransporteer groot 265.3636 hektaar is gerechtigd tot de volgende voorrechten en servituten:-

- (a) Tot 3/4de aandeel van het water in fontein F gelegen op gedeelte van gedeelte A groot 271.6419 hektaar getransporteerd by Certificaat van Verdelings Titel No. 3155/1922 en gezegde gedeelte van gedeelte A is gerechtigd tot 1/4de aandeel van het water in gezegde fontein. Het gezegde gedeelte van het eigendom hierby getransporteerd zal het volle stroom water uit gezegde fontein gebruiken voor zes of negen achter een volgende dagen en nachten (144 of 216 uur) en dan zal gezegde gedeelte van Gedeelte A het volle stroom water uit gezegde fontein weer gebruiken voor de daarop achtereenvolgende twee of drie dagen en nachten (48 of 72) uur om de beurt, volgens de eigenaren van de respektievelike gedeelten mogen over een komen. De eigenares van gezegde gedeelte van het eigendom hiery getransporteerd zal 3/4de van de arbeid tot schoonhouden van de gezegde fontein moeten verschaffen en de eigenaar van gezegde gedeelte van gedeelte A 1/4de aandeel.
- (b) Tot een servituut van watervoor of pypen over gezegde gedeelte van gedeelte A vangezegde fontein tot by de scheidingslyn tussen gezegde gedeelte van gedeelte A en gedeelte van gedeelte B groot 265.2594 hektaar getransporteerd by Certificaat van Verdelings Titel No 3156/1922. De gezegde watervoor zal aangelegen worden op de

volgende voorwaarden zover dit niet de vrye loop van het water verhinderd : het zal niet breder mag zyn dan zes yards en het zal so rechthoekig moet wezen zover dit niet veroorzaakt de voor dieper te maken dan omtrent 61 meter op zyn diepste en voor korte distantes, 1.22 meter.

- (c) De eigenares van gezegde gedeelte van het eigendom hierby getransporteerd zal het recht van vrye toegang hebben tot de gezegde fontein en watervoor of pypen om dezelve in stand, schoon en in goede orde te houden, en zy zal verder gerechtigd zyn tot het gebruik van de thans bestaande watervoor over gezegde gedeelte van gedeelte A tot 12 maanden na de ontheffing van de vruchtgebruiken thans op gezegde gedeelte van het eigendom hierby getransporteerd en daarna zal zy verplicht zyn haar aandeel van het water in gezegde fontein te vervoeren deur middel van haar servituut van watervoor of pypen over gezegde gedeelte van gedeelte A zoals boven nader omschreven.
- (d) De eigenares van gezegde gedeelte van het eigendom hierby getransporteerd heeft het recht in de omtrek van 75 yards en de eigenaar van gezegde gedeelte van gedeelte A het recht in de omtrek van 100 yards van gezegde fontein te boren of te graven tot versterking van het fontein water, en indien een van hen alzo een versterking teweeg brengt en meer water vindt zal de andere belanghebbende geen recht hebben tot zulke verbeterde water buiten haar of zyn gewone $\frac{3}{4}$ de of $\frac{1}{4}$ de aandeel tensy zy of hy haar of zyn $\frac{3}{4}$ de of $\frac{1}{4}$ de aandeel van de kosten van zodanige verbetering betaald heeft.
- (e) De eigenaar van gezegde gedeelte van gedeelte A zal geen recht hebben de gezegde fontein op eenige wyze te belemmeren of te beschadigen door water af te boren of te graven of dieren eruit te doen zuipen of anderzins te belemmeren.
- (f) Het eigendom hierby getransporteerd is gerechtigd tot een servituut van recht van weg over gedeelte D groot 296,0017 hektaar getransporteerd by Certifikaat van Verdelings Titel No. 3158/1922, het gezegde gedeelte van het eigendom hierby getransporteerd is onderworpen aan een servituut van recht van weg ten faveure van gezegde gedeelte van gedeelte A en gezegde gedeelte van gedeelte B en het gedeelte van het eigendom hierby getransporteerd groot 37,8187 is onderworpen aan een servituut van recht van weg ten faveure van gedeelte van gedeelte B groot 37,8244 hektaar ook getransporteerd by Certifikaat van Verdelings Titel No. 5156/1922. Deze servituten van recht van weg bestaan ten einde de eigenaren van het eigendom hierby getransporteerd in staat te stellen het restant van de gezegde plaats Witfontein No. 16, groot als zulks 2141 vierkante meter dat als de gezamentlike familie kerkhof gebruikt wordt te bereiken.
- (g) De gedeelten van gezegde gedeelte van het eigendom hierby getransporteerd bepaald door de letters E.F.Ca. en A.B.C.Ec. groot respektievelik 1,4275 hektaar en 4,1584 hektaar, het gedeelte van gezegde gedeelte van het eigendom hierby getransporteerd bepaald door de letters U.V.Cd.Bc. groot 11,1321 hektaar, het gedeelte van gezegde gedeelte van gedeelte A bepaald door de letters A.B.C.Ca. groot 75,1578 hektaar, het gedeelte van gezegde gedeelte van gedeelte B bepaald door de letters R.L.M.N.O.Bc.Q. Groot 35, 0008 hektaar, het gedeelte van gezegde gedeelte D. bepaald door de letters A.Ed.Cd. groot 514 vierkante meter en het gedeelte van gezegde gedeelte E bepaald door de letters A.B.C.Ec.F.Ed.G. groot 202,5956 hektaar zoals op de kaarten van de respektievelike gedeelten worden aangetoond, zyn gerechtigd water te scheppen voor huishoudelike gebruik uit de fontein bekend als "Het Klipfontein" gelegen op een gedeelte groot 1578, 2487 hektaar van de plaats Hartebeestfontein No. 555 en wel omtrent zes freden van de westelike grens van genoemde gedeelte van de plaats Hertenbeestfontein no 555 en naby het nieuw postal op de gedeelten bepaald als voormeld, gemaakt op voorwaarde echter dat de eigenaren

van de gemelde gedeelten bepaald als voormeld niet het recht zullen hebben gemelde fonteintje op te dammen of anderzins te belemmeren.

- B. The former Remaining Extent of Portion 14 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 645,3111 (SIX FOUR FIVE comma THREE ONE ONE ONE) hectares, is subject to:

(1) "Kragtens Notariële Akte van Serwituut K6205/2007S is die binnegemelde 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 ABCDEFGHJCLA 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 3 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, IN EXTENT 303,1824 (THREE HUNDRED AND THREE comma ONE EIGHT TWO FOUR) HECTARES, is subject to:

1. "Het gedeelte van het eigendom hierby getransporteer groot 265.3636 hektaar is gerechtigd tot de volgende voorrechten en servituten:-

(f) Het eigendom hierby getransporteerd is gerechtigd tot een servituut van recht van weg over gedeelte D groot 296,0017 hektaar getransporteerd by Certifikaat van Verdelings Titel No. 3158/1922, het gezegde gedeelte van het eigendom hierby getransporteerd is onderworpen aan een servituut van recht van weg ten faveure van gezegde gedeelte van gedeelte A en gezegde gedeelte van gedeelte B en het gedeelte van het eigendom hierby getransporteerd groot 37,8187 is onderworpen aan een servituut van recht van weg ten faveure van gedeelte van gedeelte B groot 37,8244 hektaar ook getransporteerd by Certifikaat van Verdelings Titel No. 5156/1922. Deze servituten van recht van weg bestaan ten einde de eigenaren van het eigendom hierby getransporteerd in staat te stellen het restant van de gezegde plaats Witfontein No. 16, groot als zulks 2141 vierkante meter dat als de gezamentlike familie kerkhof gebruikt wordt te bereiken.

2. Kragtens Notariële Akte Nr K3812/1984 S gedateer 18 Junie 1984 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende servituut 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, kabels of op welke ander wyse ookal in 'n serwituutstrook van 9 meter wyd die middellyn aangedui deur die figuur mno op aangehegde Konsolidasie Titel Diagram S.G. No 10455/2006 aangeheg aan Sertifikaat van Gekonsolideerde Titel T110807/2007, welke serwituut bykomende regte het.

3. By Notarial Deed No K3062/1991 S dated 5th March 1991 the within-mentioned property is subject to the right in perpetuity to convey and transmit water by means of pipelines already laid and still to be laid along a strip of ground 840 square metres in extent indicated by the figure rstur on S.G. No. 10455/2006 annexed to Certificate of Consolidated Title T110807/2007, with ancillary rights i.f.o. Rand Water Board as will more fully appear from reference to the said Notarial Deed.

4. Kragtens Notariële Akte van Serwituut ter beskerming van bogrondse kraglyne No K5226/1994 S gedateer die 17de Augustus 1994 is die binnegemelde eiendom onderhewig aan 'n serwituut ter beskerming van bogrondse kraglyne, 22 meter wyd, die middellyn waarvan aangedui word deur die lyn vw op Kaart L.G. No 10455/2006, tesame met

bykomende regte, ten gunste van die Stadsraad van Kempton Park soos meer volledig sal blyk uit gesegde Notariële Akte.

- C. 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 within mentioned property is subject to a servitude for municipal services, 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.

- D. The former Remaining Extent of Portion 14 of the farm Witfontein No. 16, Registration Division I.R., Province of Gauteng, in extent 494,8463 (FOUR NINE FOUR comma EIGHT FOUR SIX THREE) hectares, is subject to :

"By virtue of Notarial Deed of Servitude K5316/2010S dated the 25th 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 and that streets are sealed effectively;
- (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 Erf 1806 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 as contained in the services agreement.

(7) TRANSFER OF ERVEN

Erf 1807 shall be transferred at the expense of the township owner to the SERENGETI GOLF AND WILDLIFE PROPERTY OWNERS ASSOCIATION (RF) NPC, REGISTRATION NUMBER 2007/013033/08 (An Association incorporated in terms of Section 1(1) of Schedule 1 of the Companies Act, Act 71 of 2008).

(8) ACCESS

Access to or egress from the township shall be permitted via Erf 1804 Witfontein Extension 34.

(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) 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.

(11) ENGINEERING SERVICES

- (i) A services agreement should be entered into between Ekurhuleni Metropolitan Municipality and the Developer. The services agreement should include all service departments within the Ekurhuleni Metropolitan Municipality, i.e. Roads Transport and Civil Works and Municipal Infrastructure: Water and Sewage, as well as Electricity.
- (ii) The upgrading and extension of the bulk services remain the responsibility of the developer. The mentioned upgrading and extension of bulk services should be in accordance with the Services agreement between Ekurhuleni Metropolitan Municipality and the Developer.
- (iii) The applicant shall be responsible for the installation and provision of internal engineering services to the satisfaction of the relevant department.
- (iv) Once water, sewer and electrical networks have been installed, the same will be transferred to the Local Authority, free of cost, which shall maintain these networks (except internal streetlights) subject to (i) above.
- (v) The NPC will be responsible for the maintenance of the internal roads (including storm water) and the internal streetlights (including electrical power usage). These services will not be taken over by the Local Authority.
- (vi) The developer will be responsible for cost to upgrade the Bredell and Hartebeesfontein substations as per the Service Agreement.
- (vii) The registering of servitudes and relocating of existing services will also be dealt with in terms of the Service Agreement.

2. CONDITIONS OF TITLE

2.1 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) ERF 1806

- (a) 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 dispose with any such servitude.
- (b) 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.
- (c) 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.

2.2 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) ERF 1806

SUBJECT TO THE FOLLOWING CONDITIONS IN FAVOUR OF AND ENFORCEABLE BY THE SERENGETI GOLF AND WILDLIFE 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 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.

Dr Imogen Mashazi: City Manager, City of Ekurhuleni Metropolitan Municipality, Private Bag X1069 Germiston 1400 Notice CP031.2020

KEMPTON PARK CUSTOMER CARE CENTRE
EKURHULENI TOWN PLANNING SCHEME 2014 : AMENDMENT SCHEME K0590

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 of WITFONTEIN EXTENSION 39 Township.

Amendment Scheme Annexure are available for inspection at all reasonable times at the offices of the Head of Department, Department of Economic Development, Gauteng Provincial Government, Johannesburg, as well as the Area Manager, Development 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 is known as Ekurhuleni Amendment Scheme K0590 and shall come into operation on date of publication of this notice.

Dr Imogen Mashazi: City Manager, City of Ekurhuleni Metropolitan Municipality, Private Bag X1069 Germiston 1400
Notice CP031.2020

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