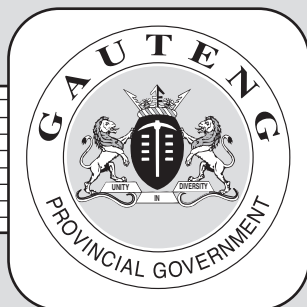


***THE PROVINCE OF  
GAUTENG***



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GAUTENG***

# **Provincial Gazette Provinsiale Koerant**

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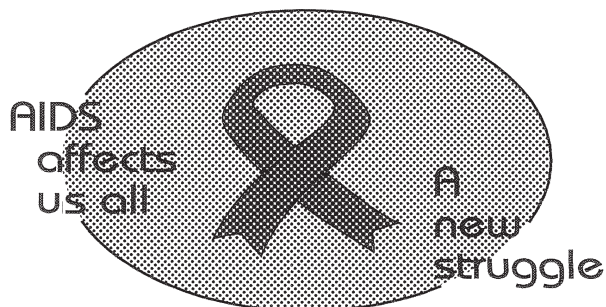
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**PRETORIA**  
15 SEPTEMBER 2023  
15 SEPTEMBER 2023

**No: 329**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS****GENERAL NOTICE 1045 OF 2023****CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(KEMPTON PARK SUBSECTION)  
EXTENSION OF BOUNDARIES INTO WITFONTEIN EXTENSION 104**

In terms of section 49(1) of the Deeds Registries Act, 1937 (Act 47 of 1937), read with Section 44 of The City of Ekurhuleni Spatial Planning and Land Use Management By-Law, 2019), The City of Ekurhuleni Metropolitan Municipality hereby extend the boundaries of WITFONTEIN EXTENSION 104 Township to include Portion 185 of the farm Witfontein 15 I.R., subject to the conditions set out in the Schedule hereto.

**SCHEDULE**

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY EQUITES PROPERTY FUND LIMITED REGISTRATION NUMBER 2013/080877/06 (HEREINAFTER REFERRED TO AS THE APPLICANT/TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER 6 OF THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019 FOR PERMISSION TO EXTEND THE BOUNDARIES OF WITFONTEIN EXTENSION 104 TO INCLUDE PORTION 185 OF THE FARM WITFONTEIN 15 I.R. HAS BEEN GRANTED BY THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY**

**1. CONDITIONS OF EXTENSION****1.1 NAME**

The name of the township shall be **Witfontein Extension 104**.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on Layout Plan T241/2021/1.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

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

**(a) Excluding the following, which do not affect the township due to its locality:**

- A. The former Portion 157 of the Farm Witfontein No. 15, Registration Division I.R., Province of Gauteng measuring 50, 8330 hectares, of which the withinmentioned property forms a portion, is subject to:
  1. BY VIRTUE of Notarial Deed K7109/2017S the within mentioned property is subject to a servitude for municipal purposes, as indicated by the figure s1, s2, s3, s4, s5, s6, s7, s8, s9, s10, s11, s12, s13, s14, s15, S, s1 and the figure s6, s20, s21, s7 on annexed consolidation diagram S.G. No. 2944/2018 in favour of the CITY OF EKURHULENI METROPOLITAN MUNICIPALITY, as will more fully appear on the said Notarial Deed.
  2. By virtue of Notarial Deed of Right-of-Way servitude K736/2019S dated 14 January 2019 the within mentioned property is subject to a right-of-way servitude, 12,00 (Twelve) Metres wide, the eastern boundary of which servitude is indicated by the line A B C D E on servitude diagram S.G. No. 2945/2018 in favour of the Riverfields Management Association (RF) NPC, as will more fully appear from the said Notarial Deed.
  3. By virtue of Notarial Deed of Right-of-Way servitude K737/2019S dated 14 January 2019 the withinmentioned property is subject to a right-of-way servitude measuring 2,1133 (TWO comma ONE ONE THREE THREE) Hectares as indicated by the figure A B C D E F G H J K L on servitude diagram S.G. No. 2946/2018 in favour of the General Public, as will more fully appear from the said Notarial Deed.

4. By virtue of Notarial Deed of Right-of-Way servitude K738/2019S dated 14 January 2019 the withinmentioned property is subject to a right-of-way servitude measuring 2,6275 (TWO comma SIX TWO SEVEN FIVE) Hectares as indicated by the figure A B C D E F G H J K L M N P Q R S T on servitude diagram S.G. No. 2947/2018 in favour of the General Public, as will more fully appear from the said Notarial Deed.
  6. By virtue of Notarial Deed of Right-of-Way servitude K739/2019S dated 14 January 2019 the withinmentioned property is subject to a right-of-way servitude 12,00 (Twelve) metres wide, the eastern boundary of which servitude is indicated by the line A B C D E on servitude diagram S.G. No. 2945/2018 in favour of the Remaining Extent of Portion 29 of the farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, as will more fully appear from the said Notarial Deed.
  7. By virtue of Notarial Deed of Servitude K3617/2022S dated 6 May 2022 the withinmentioned property is subject to a servitude of right of way in perpetuity in favour of Terminal Park Property Association as indicated by the figure ABCDEFGHJKLMNPQRSTA on Diagram S.G. No. 1565/2021 measuring 2,4092 (two comma four zero nine two) hectares, as will more fully appear on reference to the said Notarial Deed.
- B. The former Portion 155 (a portion of portion 29) of the farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, indicated by the figure A B C D E F G H J K L M N P Q u t S A on annexed Certificate of Consolidated Title Diagram S.G. No. 2944/2018, is subject to:
1. Onderhewig aan 'n Serwituut van Pyleiding, die middellyn van welke serwituut aangedui word deur die lyn s16, s17, s18, s19 op aangehegde Kaart LG. Nr. 2944/2018 ten gunste van die Regering van die Republiek van Suid-Afrika (in sy Spoorwee en Hawens Administrasie), soos meer ten volle sal blyk uit Akte van Sessie Nr. K3306/1975-S gedateer 28 November 1975.
- C. The former Portion 156 of the farm Witfontein No. 15, Registration Division I.R., Province of Gauteng, indicated by the figure u Q Rt u on annexed Certificate of Consolidated Title Diagram S.G. No. 2944/2018, is subject to:
1. Kragtens Notariele Akte Nr. 193/1965-S gedateer 22 Januarie 1965 is die voormalige resterende gedeelte van die gemelde plaas, groot as sodanig 1691,3170 (EEN DUISEND SESHONDERD EEN EN NEGENTIG komma DRIE EEN SEWE NUL) hektaar (hierna genoem die dienende eiendom), waarvan die eiendom hiermee getranspoteer deel uitmaak:
    - (i) Onderhewig aan en geregtig tot 'n ooreenkoms betreffende watervdeling met sekere Gedeelte D van die plaas Witfontein voormeld, (hierna genoem die heersende eiendom), gehou kragtens Transportakte Nr. 907/1934, gedateer 1 Februarie 1934, in terme waarvan vanaf Maandagoggend om sesuur voormiddag in elke week die eienaar van die dienende eiendom geregtig sal wees om die water in die hiernavermelde watervoor te neem en sal die eienaar van die heersende eiendom geregtig wees om vanaf sesuur voormiddag Donderdagoggend tot sesuur voormiddag Sondagoggend in elke week die water in die gemelde voor te neem. Vir die oorblywende dag van elke week vanaf sesuur voormiddag Sondagoggend tot sesuur voormiddag Maandagoggend, sal die partye die water ongehinderd in die spruit laat vloei met die reg aan die eienaar van die dienende eiendom om na gelang van die toestand van die vlei, die water so af te keer dat dit of in die vlei of laer af in die spruit ingekeer word.
    - (ii) Ten einde die eienaar van die heersende eiendom in staat te stel om water vanaf die stuwal na haar eiendom te neem, verleen die eienaar van die dienende eiendom aan die eienaar van die heersende eiendom 'n serwituut van waterleiding langs die bestaande watervoor aangedui deur die lyn A-B op Kaart Nr. A.2905/53 geheg aan Notarie Akte Nr. 193/65-S en op voormelde Kaart Nr. 2453/83 deur die figuur s1 geheg aan Grondbrief gedateer 11 Julie 1859. Die gemelde watervoor sal nie wyer as sy huidige

wydte gemaak word tensy die partye skriftelik andersins ooreenkom. Die bestaande afmetings van die gesementeerde gedeelte van die voor is, 0,4004 (NUL komma VIER NUL NUL VIER) meter wyd op die bodem, 0,5037 (NUL komma VYF NUL ORIE SEWE) meter wyd bo, en 0,3616 (NUL komma ORIE SES EEN SES) meter diep.

- (iii) Elk van die partye sal verantwoordelik wees vir die instandhouding van een-helfte van die gemelde watervoor, te wete, die eienaar van die heersende eiendom vir helfte naaste aan haar eiendom gelee en die eienaar van die dienende eiendom die ander helfte wat strek tot by die stuwal. Die eienaar van die heersende eiendom en/of haar werknemers sal te all tye toegang tot die betrokke voor he om haar regte en verpligtinge uit te oefen. Die partye sal gesamentlik verantwoordelik wees vir die herstel en instandhouding van die bogenoemde stuwal, wanneer nodig.
  - (iv) Die partye wie se beurt aanbreek sal die sluise verander sodat die water vir haar eiendom aangewend word en die plig om die verandering aan te bring wanneer die beurt omruil, sal nie op die persoon rus wie se beurt dan verstreke is nie.
2. Onderhewig aan 'n serwituut om elektrisiteit te vervoer en 'n serwituut vir substasie doeleindes ten gunste van die Elektrisiteitsvoorsieningskommissie, soos meer volledig sal blyk uit Notariële Akte van Serwituut K2216/1975 S, en kaart S.G. No. A226/1970 daarby aangeheg.
  3. Onderhewig aan 'n pyplynserwituut, die middellyn van welke serwituut aangedui word deur die lyn S19, S22 soos aangedui op die aangehegde Sertifikaat van Verenigde Titel Kaart L.G. Nr. 2944/2018 ten gunste van die Republiek van Suid-Afrika (in sy Spoorweë en Hawens Administrasie hoedanigheid) soos meer volledig sal blyk uit Notariële Akte van Sessie K341/1976 S gedateer 19 Januarie 1976.
  4. Kragtens Notariële Akte K6616/2013S gedateer 26 September 2013 is die hierinvermelde eiendom geregtig op 'n serwituut van Reg van Weg oor Gedeelte 76 Witfontein No. 15, Registrasie Afdeling I.R., Provinsie van Gauteng, soos aangedui deur die figuur ABCDEFGH op diagram L.G. Nr. 6326/1995 aangeheg by die genoemde Notariële Akte. Soos meer volledig sal blyk gemelde akte.

**(a) Including the following conditions which affect all erven in the township.**

A.5 FURTHER SUBJECT to the following special conditions imposed in favour of RIVERFIELDS MANAGEMENT ASSOCIATION (RF) NPC:

- (i) Every Owner of the property, or of any subdivision thereof, or any person who has an interest therein shall become and remain a Member of the Riverfields Management Association and be subject to its constitution until he\she ceases to be an owner as aforesaid. Neither the property nor any subdivision thereof nor any interest therein shall be transferred to any person who has not bound himself\herself to the satisfaction of the Riverfields Management Association to become a Member of the Association.
- (ii) The owner of the property, or of any subdivision thereof, or any person who has an interest, shall not be entitled to transfer the property or any subdivision thereof or any interest without a clearance certificate from the Association that the provisions of the Articles of Association of the Riverfields Management Association have been complied with.
- (iii) The term "Association" in the aforesaid conditions of the title shall mean the RIVERFIELDS MANAGEMENT ASSOCIATION (RF) NPC (a Home Owners Association, established in terms of Item 1 (1) of Schedule 1 of the Companies Act, Act 71 of 2008.)

**1.4 ENDOWMENT**

No endowment is payable to Council for parks and public open spaces.

**1.5 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.

**1.6 ACCESS**

- (i) Access to the Township will be allowed from First Avenue over the existing portion of Witfontein X 104.
- (ii) Access will not be allowed directly from First Avenue, the R23/High Road/K155 or the R21-Expressway.

**1.7 ENGINEERING SERVICES**

- (i) The applicant shall be responsible for the installation and provision of internal engineering services.
- (ii) Once water, sewer and electrical networks have been installed, same will be transferred to the Local Council, free of cost, who shall maintain these networks.

**1.8 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.

**1.9 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.

**1.10 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.

**1.11 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES**

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**1.12 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES**

Should it become necessary to remove and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

**1.13 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)**

The township owner shall at his own expense comply with all the conditions imposed by GDARD, which has given conditional approval for the development of the township, as will more fully appear in "Environmental Authorisation" dated 7 April 2015, with reference GAUT002/12-13 E0020.

**1.14 COMPLIANCE WITH CONDITIONS IMPOSED BY THE GAUTENG DEPARTMENT OF ROADS AND TRANSPORT**

The township owner shall at his own expense submit the Services Report containing the stormwater design proposal to the department for approval prior to proclamation of the township.

**1.15 PRECAUTIONARY MEASURES**

The township owner shall at his own expense, ensure that the recommendations as laid down in the geological report are complied with and, when required, engineering certificates for the foundations of the structures are submitted.

**1.16 CONSOLIDATION**

The township owner shall at his own expense register a certificate of consolidated title for the consolidation of Erven 1942, 1914 and 1953 in the township.

**3. CONDITIONS OF TITLE****CONDITIONS IMPOSED BY THE EKURHULENI METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE CITY OF EKURHULENI SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019****ERF 1953**

- (a) The erf is subject to a servitude, 2 metres wide, in favour of the Local Authority, for sewerage and other municipal purposes, along any two boundaries of the erf other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal purposes 2 metres 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.
- (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 two metres thereof.
- (c) The Local Authority shall be entitled to temporarily deposit 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.

**CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
CITY OF EKURHULENI LAND USE SCHEME 2021: AMENDMENT SCHEME K0866C  
WITFONTEIN EXTENSION 104**

It is hereby notified in terms of the provisions of Section 44 of the City of Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management By-law, 2019 that it has approved that the City of Ekurhuleni Metropolitan Municipality has approved and hereby adopted the land development application for the amendment scheme with regard to Portion 185 of the farm Witfontein 15 IR (Erf 1953) into the township of Witfontein Extension 104 being an amendment of the City of Ekurhuleni Land Use Scheme, 2021.

The approved Amendment Scheme documents will lie for inspection at the Manager: Town Planning, Manager: Kempton Park Sub Section of the City of Ekurhuleni Metropolitan Municipality, 5th Floor, Room A 506/8, Main Building, Kempton Park Civic Centre, cnr. CR Swart and Pretoria Roads, Kempton Park during normal office hours.

This amendment is known as City of Ekurhuleni Amendment Scheme **K0866C** and shall come into operation on the date of publication of the notice.

(Reference number: 027.2023)

City of Ekurhuleni Metropolitan Municipality  
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