

***THE PROVINCE OF
GAUTENG***



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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 1161 OF 2022

EKURHULENI METROPOLITAN MUNICIPALITY (TEMBISA 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 (Tembisa Customer Care Centre) hereby declares **Midstream Estate Extension 83** to be an approved township subject to the conditions set out in the schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY BONDEV MIDRAND PROPRIETARY LIMITED (REGISTRATION NUMBER 2000/027600/07) (BEING THE REGISTERED OWNER OF THE LAND AND HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 276 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 83.

(2) **DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 576/2020.

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

All erven shall be made subject to existing conditions and servitudes, if any, excluding the following servitudes:

(a) which do not affect the township area due to the location thereof:

"D. Die voormalige Gedeeltes 43 en 44 van die plaas OLIFANTSFONTEIN 410, Registrasie Afdeling J.R., Gauteng, (waarvan daardie gedeelte van die eiendom hierkragtens gehou, aangedui deur die figuur ABCDEFGHJKLMNPQyxE1A op die aangehegde kaart S.G. No. 573/2020 'n gedeelte uitmaak) is onderhewig aan die volgende voorwaarde:

Gedeelte 33 ('n gedeelte van Gedeelte 3 van Gerdeelte A) van die gesegde plaas, hiermee gegransporteer, is geregtig op 'n reg van oorpas 9,45 meter wyd oor Gedeelte 35 ('n gedeelte van Gedeelte 3 van Gedeelte A), soos gehou onder Transportakte nr.T.5281/1964, suid langs die lyn AB aangetoon op Kaart L.G. Nr.A.2984/63 gehou aan Akte van Transport nr.T.5281/1964.

E. Die voormalige Gedeelte 44 van die plaas OLIFANTSFONTEIN 410, Registrasie Afdeling J.R., Gauteng, aangedui deur die figuur ADEFGA op Kaart L.G. Nr.A.7488/1972 gehou aan Sertifikaat van Verenigde Titel T.19594/1979 (waarvan daardie gedeelte van die eiendom hierkragtens gehou, aangedui deur die figuur ABCDEFGHJKLMNPQyxE1A op Kaart S.G. No. 573/2020 hieraan gehou, 'n gedeelte uitmaak) is onderhewig aan die volgende voorwaarde:

Geregtig tot 'n reg van oorpas oor Gedeelte 36 ('n gedeelte van Gedeelte 3 van Gedeelte A) van die gesegde plaas, groot as sulks 85,6532 hektaar, gehou kragtens Akte van Transport T.42237/1965 en Akte van Transport T.42238/1965, soos aangetoon deur die figuur FBGF op Kaart L.G. Nr.A.1985/1963, gehou aan Sertifikaat van Geregistreerde Titel T.5280/1964."

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

"A. Die gesegde Gedeelte 3 van Gedeelte A (waarvan die eiendom hierkragtens gehou, 'n gedeelte uitmaak) sal geregtig wees tot 'n servituut van watervoor oor sekere Resterende gedeelte van Gedeelte A van voornoemde plaas, groot as sodanig 532,2907 hektaar, gehou kragtens Akte van Verdelingstransport nr. T.10790/1945,

gedateer die 3de Mei 1945, welke watervoor alreeds bestaan en loop vanaf die rivier dam geleë op die gesegde Resterende Gedeelte na hierdie eiendom.

Die genoemde watervoor sal behoorlik uitgemessel word met behoorlike ingeboude sluise, en die koste verbonde aan die oprigting en instandhouding, herstelling en skoonmaak van die genoemde watervoor sal gedra word deur die eienaar van genoemde Resterende Gedeelte A van voornoemde plaas, groot as sulks 532,2906 hektaar.

Die gesegde Gedeelte 3 van Gedeelte A (waarvan die eiendom hierkragtens gehou 'n gedeelte uitmaak) sal geregtig wees tot die gebruik van die water in genoemde rivier dam geleë op die Resterende Gedeelte van voornoemde plaas, groot as sulks 532,2906 hektaar, vir een week uit elke twee agtereenvolgende weke, beginnende vanaf Saterdag 6 uur in die namiddag en beginnende op 14 April 1945.

Die genoemde rivier dam sal behoorlik skoongemaak word en in stand gehou word. Die koste verbonde aan die skoonmaak en instandhouding van die genoemde dam sal in gelyke dele gedra word deur die eienaar van hierdie eiendom, aan die eenkant, en die eienaar van genoemde Resterende Gedeelte van Gedeelte A van voornoemde plaas, groot as sulks 532,2906 hektaar en van sekere gedeelte 4 van Gedeelte A van voornoemde plaas, groot 17,5454 hektaar, gehou kragtens Akte van Verdelingstransport nr. T.10789/1945, gedateer die 3de Mei 1945, gesamentlik aan die anderkant.

Die regte tot water wat voorheen ten gunste van die geregistreerde eienaar van hierdie gedeelte as gedeelte van die gesegde Gedeelte 3 en sy Opvolgers-in-Titel, voorbehou is, word nou voorbehou ten gunste van die geregistreerde eienaar van die Resterende Gedeelte van Gedeelte 3, groot as sulks 385,4357 hektaar, gehou onder Akte van Verdelingstransport nr. T.10789/1945 gedateer 3 Mei 1945, en sy Opvolgers-in-Titel, met dien verstande dat die reg tot suiping word nou sodeer, oorgedra en oorgemaak ten gunste van die eienaar van Gedeelte 57 wat hierby getranspoteer word.

- B. *Die voormalige Gedeeltes 48, (waarvan daardie gedeelte van die eiendom hierkragtens gehou, aangedui deur die figuur xyRSTUVWXYZA1B1C1D1x op Kaart SG No. 573/2020 hieraan geheg, 'n gedeelte uitmaak) en die voormalige Gedeeltes 43 en 44 (waarvan daardie gedeelte van die eiendom hierkragtens gehou, aangedui deur die figuur ABCDEFGHJKLMNPQxyE1A op Kaart SG No. 573/2020 hieraan geheg, 'n gedeelte uitmaak) van die gesegde plaas OLIFANTSFONTEIN 410, Registrasie Afdeling J.R., Gauteng, is geregtig op 'n reg van oorpas, 9,45 meter wyd, oor die Resterende Gedeelte van Gedeelte 3 van Gedeelte A van die gesegde plaas, groot 44,5504 hektaar, soos gehou onder Akte van Transport nr. T.25573/1965, soos meer ten volle sal blyk uit die gesegde titel."*

(c) which condition affects Erven 6653 to 6654 in the township:

- "C. *Kragtens Notarële Akte nr. K.638/1970 S is die reg verleen aan ESKOM om elektrisiteit oor die hierinvermelde eiendom te vervoer, tesame met bykomende regte en onderworpe aan voorwaardes, soos meer volledig sal blyk uit gesegde Akte en Kaart, geregistreer op 18 Augustus 1970, soos gewysig kragtens Notariële Akte K.2679/1979 S, die middellyne welke serwituut aangedui word deur die lyne ab, cd, ef, gh, jk en mn op Kaart SG No. 573/2020 hieraan geheg."*

(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 6652 to 6655 shall be transferred at the expense of the township owner to the home owners' association, being a company established in terms of the Companies Act.

(6) **HOME OWNERS' ASSOCIATION**

A Home Owners Association NPC must be established in terms 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 6655

- (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) Erven 6571 to 6654

All erven in the township shall be entitled to a right of way servitude over Erf 6655 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 6571 TO 6651**

- (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.

(b) **ERF 6655**

- (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.

Dr Imogen Mashazi: City Manager
City of Ekurhuleni, Private Bag X 1069, Germiston, 1400
Notice CP 005.2022 [15/3/7/M6 X83]

LOCAL AUTHORITY NOTICE _____ OF 2022

**EKURHULENI TOWN PLANNING SCHEME OF 2014
AMENDMENT SCHEME T0145C**

The Ekurhuleni Metropolitan Municipality (Tembisa Customer Care Centre) hereby declares that it has approved an amendment scheme, being an amendment to the Ekurhuleni Town Planning Scheme of 2014, comprising the same land as included in the township of **Midstream Estate Extension 83**, in terms of the provisions of Section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

Annexures and scheme clauses of the amendment scheme will be open for inspection during normal office hours at the office of the Area Manager; City Planning, Tembisa Customer Care Centre, Corner of CR Swart Drive and Pretoria Road, Kempton Park.

This amendment scheme is known as the Ekurhuleni Town Planning Scheme of 2014 Amendment Scheme **T0145C** and shall come into operation on the date of the proclamation of this notice.

Dr Imogen Mashazi: City Manager
City of Ekurhuleni, Private Bag X 1069, Germiston, 1400
Notice CP 005.2022 [15/3/7/M6 X83]

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