

***THE PROVINCE OF
GAUTENG***



***DIE PROVINSIE VAN
GAUTENG***

Provincial Gazette Provinsiale Koerant

EXTRAORDINARY • BUITENGEWOON

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

Vol: 27

PRETORIA
19 JULY 2022
19 JULIE 2022

No: 288

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ISSN 1682-4520



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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 589 OF 2022****PROVINCIAL NOTICE CD29 OF 2022
CITY OF EKURHULENI LAND USE SCHEME 2021
EKURHULENI AMENDMENT SCHEME B0851C
EKURHULENI METROPOLITAN MUNICIPALITY**

It is hereby notified in terms of the provision of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with Section 2(2) of the Spatial Planning and Land Use Management Act of 2013, that the Ekurhuleni Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of **NEW MODDER EXTENSION 8**, being an amendment of the City of Ekurhuleni Land Use Scheme, 2021.

The Annexure of this amendment scheme is filed with the Municipal Manager and is open to inspection during normal office hours.

The amendment is known as Ekurhuleni Amendment Scheme B0851C

Imogen Mashazi,
City Manager
2nd Floor, Head Office Building,
Cnr Cross & Rose Street
Germiston

Notice No. CD29/2022

**PROVINCIAL NOTICE CD29 OF 2022
CITY OF EKURHULENI METROPOLITAN MUNICIPALITY
BENONI CUSTOMER CARE AREA
DECLARATION OF NEW MODDER EXTENSION 8 AS AN APPROVED TOWNSHIP**

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986) read together with the relevant section of the Spatial Planning and Land Use Management Act, 16 of 2013, the City of Ekurhuleni Metropolitan Municipality, Benoni Customer Care Area, hereby declares **NEW MODDER EXTENSION 8 TOWNSHIP** to be an approved township, subject to the conditions set out in the Schedule hereto.

SCHEDULE

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY VALUMAX EAST PROPRIETARY LIMITED (2005/044358/07) (BEING THE REGISTERED OWNER OF THE LAND AND HEREINAFTER REFERRED TO AS THE APPLICANT / TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 174 (A PORTION OF PORTION 1) OF THE FARM MODDERFONTEIN NO. 76-IR, PROVINCE OF GAUTENG, HAS BEEN GRANTED.

1. CONDITIONS OF ESTABLISHMENT**1.1. NAME**

The name of the township is **NEW MODDER EXTENSION 8**.

1.2. DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan **S.G. No. 2368/2021**.

1.3. PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall, within such period as the Municipality may determine, fulfil obligations in respect of the provision of water and sanitary services, and the installation of systems in connection with these services, as previously agreed upon between the township owner and the Municipality.

The township owner shall, within such period as the Municipality may determine, arrange for the provision of electricity and the installation of systems in connection with electricity provision.

1.4. GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 17 July 2019.

1.5. NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township development not been completed before 5 years from 10 July 2020 the application to establish the township, shall be resubmitted to the Department: Mineral Resources for reconsideration.

1.6. ACCESS

1.6.1. Access to or egress from the township shall be provided to the satisfaction of the Municipality from McAlphine Road.

1.6.2. No access to or egress from the township shall be permitted via the lines of no access as indicated on the layout plan **NMODDER8LAYD10/2020.09.28**.

1.7. REMOVAL, REPLACEMENT OR REPOSITIONING OF SERVICES

If, by reason of the establishment of the township, it becomes necessary to remove, replace or reposition any existing Eskom, Telkom, municipal services, the costs thereof shall be borne by the township owner. The township owner shall consult the relevant authority before any existing service(s) are removed, replaced or repositioned.

1.8. DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the Municipality to do so, the township owner shall at his own expense cause to be demolished to the satisfaction of the Municipality all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures.

1.9. LAND FOR MUNICIPAL AND PUBLIC OPEN SPACE PURPOSES

1.9.1. Erven 914 to 916 shall be transferred into the name of the Municipality as "Public Open Space";

1.9.2. Erven 264, 321, 324, 378, 455, 657, 676 and 738 shall be transferred into the name of the Municipality as "Municipal" for general municipal use.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes.

2.1. Excluding the following servitudes which do not affect the township due to its location:

- A. The former Remaining Extent of Portion 1 of the farm MODDERFONTEIN 76 Registration Division I.R., Gauteng Province, measuring 866,5510 hectares is by virtue of Notarial Deed K1660/1967S subject to two perpetual servitude for municipal purposes in favour of the Town Council of Benoni, 3.15 metres wide, the centrelines of which are indicated by the line AB on diagram SG No A 7943/1966 and the lines AB and BC on diagram SG No A 6295/1966, as will more fully appear from reference to the said Notarial Deed.

- B. The former Remaining Extent of Portion 1 of the farm MODDERFONTEIN 76 Registration Division I.R., Gauteng Province, measuring 801,0318 hectares is by virtue of Notarial Deed K2900/2000S subject to a perpetuity servitude in favour of the Rand Water Board to convey and transmit water along a strip of ground measuring 1 884 square metres as depicted by figure ABCDEF on diagram SG No 11119/1996, as will more fully appear from reference to the said Notarial Deed.
- C. The former Remaining Extent of Portion 1 of the farm MODDERFONTEIN 76 Registration Division I.R., Gauteng Province, measuring 779,1366 hectares is by virtue of Notarial Deed K6406/2002S subject to servitudes in favour of the Rand Water Board for pipeline purposes along a strip of ground:
- (a) 1 096 square metres in extent indicated by the figure A B C D.
 - (b) 1,4020 hectares in extent indicated by the figure E F G H J K L M N P and
 - (c) 3,2111 hectares in extent indicated by the figure Q R S T U V W X Y Z A1 B1 C1 D1 E1 F1 G1 H1
- all on Diagram SG No A 3805/1999, as will more fully appear from reference to the said Notarial Deed
- D. The former Remaining Extent of Portion 1 of the farm MODDERFONTEIN 76 Registration Division I.R., Gauteng Province, measuring 779,1366 hectares is by virtue of Notarial Deed K6750/2012S subject to a perpetuity servitude in favour of the Ekurhuleni Metropolitan Municipality 2 metres wide and represented by the line AB on diagram SG No 1121/2006 for municipal purposes together with ancillary rights as will more fully appear from the said Notarial Deed.

3. CONDITIONS OF TITLE

3.1. Conditions of Title imposed in favour of the Municipality in terms of the provisions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as read with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

- 3.1.1. ALL ERVEN, EXCEPT (PUBLIC OPEN SPACE AND MUNICIPAL) ERVEN 264, 321, 324, 378, 455, 657, 676, 738 AND 914 TO 916
- (a) Erven used for Residential 2 purposes are subject to a servitude, 1m wide, in favour of the Municipality for sewerage and other municipal services, along the street boundary and 1m on a side boundary, and in the case of a panhandle erf, an additional servitude for municipal services 2m wide across the access portion of the erf if and when required by the Municipality: provided that the Municipality may relax or dispense with any such servitude.
 - (b) Unless otherwise specified below, all other erven are subject to a servitude, 1m wide, in favour of the Municipality, for sewerage and other municipal services, along any two boundaries other than a street boundary, and in the case of a panhandle erf, an additional servitude for municipal services 2m wide across the access portion of the erf if and when required by the Municipality: provided that the Municipality may dispense with any such servitude.
 - (c) No buildings or other structures may be erected within the aforesaid servitude area and no trees with large roots may be planted within the area of such servitude or within a distance of 2m thereof.
 - (d) The Municipality shall be entitled to temporarily deposit on the land adjoining the aforesaid servitude, any material it excavates during the laying, maintenance or removal of such services and other works which in its discretion it regards necessary, and furthermore the Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

3.1.2. ERF 447

The erf is subject to a 3m wide servitude for municipal purposes in favour of the Municipality, as indicated on the General Plan.

3.1.3. ERVEN 535, 536, 862, 863, 914, 915 AND 916

The erven are subject to a 3m x 6m servitude for electrical mini-substation purposes in favour of the Municipality as indicated on the General Plan.

3.1.4. ERF 793

The erf is subject to two 3m x 6m servitudes for electrical mini-substation purposes in favour of the Municipality as indicated on the General Plan.

3.1.5. ERF 793

The erf is subject to a right of way servitude in favour of Erf 794 New Modder Extension 8, as indicated on the General Plan.

3.1.6. ERF 793

The erf is entitled to a right of way servitude over Erf 794 New Modder Extension 8, as indicated on the General Plan.

3.1.7. ERF 794

The erf is subject to a right of way servitude in favour of Erf 793 New Modder Extension 8, as indicated on the General Plan.

3.1.8. ERF 794

The erf is entitled to a right of way servitude over Erf 793 New Modder Extension 8, as indicated on the General Plan.

3.2. Conditions of Title imposed by Municipality on behalf of the Department of Mineral Resources in terms of the Mineral and Petroleum Resources Development Act, Act 28 of 2002.

3.2.1. ALL ERVEN

- (a) As each erf forms part of land which is, or may be undermined and may be liable to subsidence, settlement, shock or cracking due to mining operations past, present or future, the registered owner of each erf accepts all liability for any damage thereto and to any structure thereon which may result from such subsidence, settlement, shock or cracking.

Printed by the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001,
for the **Gauteng Provincial Administration**, Johannesburg.

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Publications: Tel: (012) 748 6053, 748 6061, 748 6065