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GAUTENG***



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GAUTENG***

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS****PROVINCIAL NOTICE 300 OF 2022**

CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(SPRINGS CUSTOMER CARE CENTRE)

**DECLARATION AS AN APPROVED TOWNSHIP**

In terms of the provisions of Section 103(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) read together with Section 35 of the Spatial Planning and Land Use Management Act, 2013 the City of Ekurhuleni Metropolitan Municipality hereby declares SELCOURT EXTENSION 28 Township situated on Portion 238 of the farm Rietfontein Number 128-IR 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 ALSTONVILLE INVESTMENTS PROPRIETARY LIMITED (REGISTRATION NUMBER 2010/007724/07) [HEREAFTER REFERRED TO AS THE 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 238 OF THE FARM RIETFontein NO. 128 I.R. HAS BEEN APPROVED, BY THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY (HEREAFTER REFERRED TO AS THE MUNICIPALITY)**

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

The name of the township shall be **Selcourt Extension 28**.

**1.2 DESIGN**

The township shall consist of the Erven as indicated on General Plan S.G. No. 945/2021.

**1.3 PARKS ENDOWMENT**

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

**1.4 ACCESS FROM PROVINCIAL ROAD K161**

No ingress from Provincial Road K161 to the township and no egress from the township to Provincial Road K161, shall be allowed.

**1.5 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER NEXT TO PROVINCIAL ROAD K161**

The township owner shall at its own expense, erect a fence or other physical barrier to the satisfaction of the Gauteng Department of Public Transport, Roads and Works, along the boundary of the township adjacent to Provincial Road K161 and the township owner shall maintain such fence or physical barrier in good order and repair until such time as the Municipality has certified that the township owner has complied with all its obligations for establishment of the township, to the satisfaction of the Municipality: Provided that thereafter the registered owner of each affected property, shall be responsible for the maintenance and repair of such fence or physical barrier.

**1.6 REMOVAL AND / OR REPLACEMENT OF MUNICIPAL OR ANY OTHER ENGINEERING OR COMMUNICATION SERVICES INFRASTRUCTURE**

Should it become necessary to move and / or replace any existing municipal or other engineering- or communication- services infrastructure as a result of the establishment of the township, it shall be done in liaison with the owner of such infrastructure and the cost thereof shall be borne by the township owner.

**1.7 DEMOLITION OF BUILDINGS AND STRUCTURES**

When required by the Municipality to do so, the township owner shall, at its 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 in a street reserve or servitude area, or dilapidated structures and structures for which building plans have not been approved, within the township.

**1.8 REMOVAL OF LITTER / RUBBLE**

The township owner shall, at its own expense, have all litter / rubble within the township area removed to the satisfaction of the Municipality, when required to do so by the Municipality.

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

The township owner shall, at its own expense, comply with, or make satisfactory arrangements to ensure compliance with all the conditions imposed by GDARD, which has given conditional approval for the development of the township, as per the department's letter of authorization dated 04 April 2017 (ref. no. Gaut 002/16-17/E0042).

**1.10 SOIL CONDITIONS / GEOLOGICAL CONDITIONS**

- (a) Proposals for precautionary measures to overcome detrimental soil / geological conditions to the satisfaction of the Municipality and the National Home Builders Registration Council (NHBRC) shall be contained in all building plans submitted for approval and all buildings shall be erected in accordance with such precautionary measures to the satisfaction of the Municipality and the NHBRC.
- (b) The Applicant shall, at its own expense, make arrangements with the Municipality in order to ensure that the recommendations as laid down in the geological report, as well as the provisions of the Dolomite Risk Management Plan (if and where applicable) are complied with and, when required, engineering certificates for the foundations of the structures and engineering services are submitted.

**1.11 PROVISION FOR REFUSE REMOVAL WITHIN THE TOWNSHIP**

- (a) Provision must be made for either kerb-side refuse removal, or proper refuse holding areas with access from the street adjacent to the township, as well as the right-of-way over Erf 4916 in the township, in a manner that does not detrimentally affect the movement of traffic along the street or right-of- way.
- (b) All streets / roadways along which refuse removal by the Municipality is required, must be designed in a manner that will allow easy maneuvering of refuse removal vehicles, to the satisfaction of the Municipality and any overhanging cables or structures over such streets / roadways must be at least 4,5 (four comma five) metres high above the road surface level, to allow for refuse removal vehicles to pass underneath.

**1.12 ACCEPTANCE AND DISPOSAL OF STORMWATER**

- (a) The township owner shall ensure that the stormwater drainage of the township fits in with that of the existing and planned roads and stormwater drainage infrastructure in the vicinity of the township and that all storm-water running off or being diverted from the township, is received and disposed of in such infrastructure.
- (b) In regard to Provincial Route K161, the township owner, shall arrange for drainage of stormwater in the township to fit in with the stormwater drainage plans and infrastructure for the said road and all stormwater running off or being diverted from the said road, to be received and disposed of.

**1.13 OBLIGATIONS OF TOWNSHIP OWNER WITH REGARD TO ENGINEERING SERVICES INFRASTRUCTURE**

The township owner shall within such period as the Municipality may determine (or such period as determined in the engineering services agreement), fulfill its obligations in respect of the installation / construction of engineering services infrastructure (i.e. water, sewerage, electricity, roads and stormwater drainage infrastructure) as per an engineering services agreement to be entered into between the township owner and the Municipality. Such engineering services agreement may include payment of contributions, by the township owner, towards bulk engineering services.

**1.14 PROVISION OF ENGINEERING DRAWINGS**

The township owner shall submit to the Municipality complete engineering drawings, for approval by the Municipality, prior to commencement with the installation / construction of engineering services infrastructure.

**1.15 PROVISION OF AS-BUILT DRAWINGS AND CERTIFICATES BY PROFESSIONAL ENGINEER**

Upon completion of the installation / construction of engineering services infrastructure by the township owner, the township owner shall supply the Municipality with as-built drawings and certificates by a professional engineer, in which it is certified that such engineering services infrastructure has been completed and that the engineer accepts liability for such infrastructure.

**1.16 MAINTENANCE PERIOD AND GUARANTEE**

Unless stated otherwise in the engineering services agreement between the township owner and the Municipality, a maintenance period of 12 (twelve) months commences from the date when the last of the engineering services infrastructure (i.e., water, sewerage, electricity and roads and stormwater drainage infrastructure) installed / constructed by the township owner has been completed and the as-built drawings and engineers' certificates have been submitted to the Municipality. The township owner must furnish the Municipality with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and / or materials, which guarantee must be for an amount that is equal to at least 5% of the contract cost for the installation / construction of such infrastructure.

**1.17 RESTRICTION REGARDING REGISTRATION OF ERVEN AND APPROVAL OF BUILDING PLANS**

No erf in the township may be registered, nor will building plans be approved, before the Municipality has certified that the township owner has complied with all its obligations and all conditions for establishment of the township, to the satisfaction of the Municipality.

**1.18 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

All erven shall be made subject to existing conditions of title and servitudes, if any, but:-

**1.18.1 EXCLUDING THE FOLLOWING CONDITIONS, WHICH SHALL NOT BE TRANSFERRED TO THE ERVEN IN THE TOWNSHIP:-**

1.18.1.1 Condition A in Deed of Transfer No. T 107821/2016, which reads as follows:-

- A. The property hereby transferred is subject to Mynpacht Brief number 637 issued to SPRINGS MINES LIMITED by virtue of aforesaid Notarial Deed of Cession number 102/1909 S.

1.18.1.2 Conditions B (1) and B (6) in Deed of Transfer No. T 107821/2016, which read as follows:-

“B. Subject to the following reservation and condition:-

- (1) The Transferee for itself and its successors in title or assigns, declares itself to be fully acquainted with the fact that the property has been undermined by mining operations conducted on and under the surface of the farm RIETFontein 128, I.R. Transvaal, and hereby acknowledges that RAND SELECTION CORPORATION LIMITED and the holders of the mining title underlying, adjoining or adjacent to the property and their respective successors in title or assigns, shall not be liable nor held responsible for any damage sustained by the Transferee, or any other person as a result of injury to persons or property or any erections or improvements upon the property caused by subsidence, settlement, shocks or cracking and whether arising directly or indirectly from mining operations in the past, present or future or as a result of any cause whatever.

- (6) Subject to the following condition imposed by the Administrator in terms of the Sub-Division of Land Ordinance 1973 (Ordinance 19 of 1973) and the provisions of the Advertising on Roads and Ribbon Development Act 1940 (Act 21 of 1940): -

“BEHALWE” met die skriftelike toestemming van die Administrateur mag-

- (a) die grond slegs vir woon en landbouoedoeleindes gebruik word;
- (b) op die grond nie meer geboue wees as een woonhuis tesame met die buitegeboue wat gewoonweg vir gebruik in verband daarmee nodig is;
- (c) geen winkel of besigheid of nywerheid van watter aard ookal op die grond geopen of bedryf word nie;
- (d) geen geboue of ander bouwerk binne ‘n afstand van 95 meter van die middellyn van n publieke pad opgerig word nie.”

1.18.2 **EXCLUDING** THE FOLLOWING SERVITUDES WHICH DO NOT AFFECT THE TOWNSHIP, DUE TO ITS LOCATION:-

1.18.2.1 Conditions B (2), B (3), B (8) and C in Deed of Transfer No. T 107821/2016, which reads as follows:-

“B. Subject to the following reservation and condition:-

- (2) **SUBJECT** to servitude in favour of ESKOM to convey electricity over the property, the centre lines of which servitudes are represented by the letters c d e f g, h j k l m n o and p q r on Diagram S.G. No. A3663/1982 annexed to Deed of Transfer

Number T40144/1983, as will more fully appear from Notarial Deed Number K1856/1977 S.

- (3) SUBJECT to pipeline servitude in favour of the RAND WATER BOARD, which servitude is represented by the figure s t u Q R v x y s on diagram S.G. No. A. 3663/1982, annexed to Deed of Transfer number. T40144/1983 as will more fully appear from Notarial Deed number K 2086/1978 S.

- (8) By Notarial Deed No. K3638/89 dated 3rd August 1989, the Remaining Extent of Portion 135 (portion of Portion 118) of the farm RIETFontein 128, I.R., measuring 48,8917 hectares, is subject to a pipeline servitude in favour of EAST RAND GOLD AND URANIUM COMPANY LIMITED, the servitude is 2 metres wide and the centre line therefore is represented by the line AB on servitude diagram S.G No. A. 7413/87, as will more fully appear on reference to the said Notarial Deed.

- C. By virtue of Notarial Deed of Servitude K4757/2012S, dated 12 June 2012, the within mentioned property is subject to a servitude for the purpose of the construction, laying use, repair and maintenance of an underground pipeline as indicated by line ABC, representing the centre line of a servitude measuring 2 metres wide on Diagram S.G. No. 732/2003 annexed thereto and line AB representing the centre line of a pipeline servitude 2 metres wide on Diagram S.G. No. 4706/2010 annexed thereto in favour of AIR PRODUCTS SOUTH AFRICA PROPRIETARY LIMITED Nr 1969/003571/07, as will more fully appear from the said servitude diagrams.

**1.18.3 INCLUDING THE FOLLOWING SERVITUDES WHICH AFFECT THE TOWNSHIP AND SHALL BE MADE APPLICABLE TO THE ERVEN IN THE TOWNSHIP:-**

**2.18.3.1 Condition B (4), B (5) and B (7) in Deed of Transfer No. T 107821/2016, which reads as follows: -**

“B. Subject to the following reservation and condition: -

- (4) The Remaining Extent of the farm RIETFontein 128, I.R., measuring 176,1137 hectares, is subject to Notarial Deed number 3095/77 S wherein the right has been granted to Eskom to convey electricity over the property hereby conveyed together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed. (No route has been determined in this Notarial Deed).
- (5) The Remaining Extent of the farm RIETFontein 128 I.R., measuring 134,1527 hectares, is subject to Notarial Deed No K2703/1981S wherein the right has been granted to Eskom to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions as will more fully appear on reference to the said Notarial Deed.



(7) Kragtens Notariële Akte van Serwituut K. 3384/1985S gedateer 13 Augustus 1985, is die Resterende Gedeelte van Gedeelte 135 ('n gedeelte van Gedeelte 118) van die plaas RIETFONTEIN 128, I.R., groot 48,8917 hektaar, onderhewig aan 'n ewigdurende serwituut om gasse, vloeistowwe en vastestowwe, van watter aard ookal, asook elektrisiteit in 'n Serwituutstrook, 437 vierkante meter, soos aangetoon deur die figuur ABCDEFG op Algemene Plan L.G. No. A. 5094/83; en

'n Serwituutgebied 2412 vierkante meter, soos aangetoon deur die figuur ABCDEFG en die lyne HJ en KL welke lyne die hartlyne van 'n 3 meter breë serwituut soos aangetoon op Algemene Plan L.G. No. A. 5848/84, te lei en oor te bring op enige wyse ten gunste van SUID-AFRIKAANSE GASDISTRIBUTIEKORPORASIE BEPERK, tesame met bykomstige regte, soos meer volledig sal blyk uit gemelde Notariële Akte."

## **2. CONDITIONS OF TITLE**

### **2.1 CONDITIONS OF TITLE IMPOSED IN FAVOUR OF OR BY THE LOCAL AUTHORITY IN TERMS OF THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986): -**

#### **2.1.1 ALL ERVEN**

- (a) As this erf is situated in the vicinity of land which may be undermined and which may be liable to subsidence, settlement, shock and cracking due to past, present or future mining operations, the owner of this erf accepts all liability for any damages thereto or any structure thereon which may result from such subsidence, settlement, shock or cracking.
- (b) The erf is subject to a servitude, 2,00 metres wide, in favour of the Municipality 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, 2,00 metres wide across the access portion of the erf, when required by the Municipality: Provided that the Municipality may dispense with any such servitude.
- (c) 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 area or within 1m thereof.
- (d) The local authority shall be entitled to deposit temporarily on the land adjoining the servitude area 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.

**2.1.2 ERVEN 4915 AND 4916**

The registered owner of the erf shall be responsible for the maintenance and repair of a fence or physical barrier along the erf boundary abutting Provincial Road K161. Should the need arise for acoustic screening along the said road, the registered owner of the erf shall be responsible for the construction, maintenance and repair of such acoustic screening along the said road, the registered owner of the erf shall be responsible for the construction, maintenance and repair of such acoustic screen and the cost thereof shall be borne by the registered owner of the erf.

**2.1.3 ERF 4915**

The erf is entitled to a right - of - way servitude, 16 metres wide, over Erf 4916, as indicated on General Plan S.G. No. 945/2021.

**2.1.4 ERF 4916**

The erf is subject to a right - of - way servitude, 16 metres wide, in favour of Erf 4195, as indicated on the General Plan S.G. No. 945/2021.

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CITY OF EKURHULENI METROPOLITAN MUNICIPALITY  
(SPRINGS CUSTOMER CARE CENTRE)

**CITY OF EKURHULENI LAND USE SCHEME 2021: AMENDMENT SCHEME S0209C**

The City of Ekurhuleni Metropolitan Municipality (Springs Customer Care Centre) hereby, in terms of section 125 of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986), declares that it has approved an amendment scheme, being an amendment of the City of Ekurhuleni Land Use Scheme, 2021, comprising the same land as included in the **Selcourt Extension 28 township**.

The Schedule of the amendment scheme is available for inspection, at all reasonable times, at the office of the Area Manager, City of Ekurhuleni Metropolitan Municipality, Department of City Planning, Fourth Floor, Block F, Civic Centre, Corner Main Reef and Plantation Roads, Springs.

The amendment scheme is known as City of Ekurhuleni Amendment Scheme S0209C

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