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GAUTENG**



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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 198 OF 2018**CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4026T****DECLARATION OF AN APPROVED TOWNSHIP AND NOTICE OF ADOPTION OF AN AMENDMENT SCHEME IN TERMS OF SECTION 16(9) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR AN APPROVED TOWNSHIP****ANDEON EXTENSION 38**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Andeon Extension 38 is an approved township, subject to the conditions as set out in the schedules hereto.

It is hereby notified in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016 that the City of Tshwane has approved and hereby adopted the land development application for the amendment scheme with regard to the property(ies) in the township of Andeon Extension 38, being an amendment of the Tshwane Town-planning Scheme, 2008 (Revised 2014).

The Tshwane Town-planning Scheme, 2008 (Revised 2014), and the adopted scheme map and the adopted annexures of this amendment scheme are filed with the Municipality, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme **4026T** and shall come into operation on the date of publication of the notice.

(13/2/Andeon x38 (4026T))

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ FEBRUARY 2018
(Notice 167 of 2018)

CITY OF TSHWANE**DECLARATION OF ANDEON EXTENSION 38 AS APPROVED TOWNSHIP**

It is hereby declared that in terms of the provisions of section 16(9) of the City of Tshwane Land Use Management By-law, 2016, that Andeon Extension 38 is an approved township, subject to the conditions as set out in the schedules hereto.

(13/2/Andeon x38 (4026T))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY COSMOPOLITAN PROJECTS TSHWANE (PTY) LTD, IN TERMS OF SECTION 16(4)(f)(i) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE ESTABLISHMENT OF A TOWNSHIP ON PORTION 311 OF THE FARM ZANDFONTEIN 317JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Andeon Extension 38.

1.2 DESIGN

The township consists of erven as indicated on Layout Plan CPD ADNX38/3 and General Plan SG No 4863/2014.

1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The Township Owner shall at his cost provide the township with such engineering services, social infrastructure and open spaces as the Municipality may deem necessary for the proper development of the township and comply with the engineering services agreement entered into between the township owner and the Municipality as required in terms of Section 21(3) of the By-law and in accordance with section 49 of the Spatial Planning and Land Use Management Act, 16 of 2013.

1.4 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent road and all stormwater running off or being diverted from the road and higher lying areas shall be received and disposed of, to the satisfaction of the Municipality.

1.5 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF ROADS AND TRANSPORT

1.5.1 Should the township not be proclaimed in terms of section 16(9) of the By-law before 27 January 2027, the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

1.5.2 If however, before the expiry date mentioned in (i) above, circumstances change in the opinion of the Municipality in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfilment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

1.5.3 The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 27 January 2017.

1.5.4 The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport (hereafter referred to as Gautrans) has granted consent for the development.

1.5.5 Access to the township will be provided from Entabeni Avenue.

1.5.6 A physical barrier, in compliance with EXECUTIVE COMMITTEE RESOLUTION NO 1112 of 26 June 1978 and signed by the Deputy Director-General: Community Development and in accordance with the most recent standards of Gautrans will be erected along the lines of no access on the boundary of the development area fronting on provincial roads.

1.5.7 Except for the physical barrier referred to in the paragraph above, a swimming pool and any essential stormwater drainage structure, no building or structure of any kind which is attached to the land, even though it does not form part of that land, shall be erected nor shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m from the boundaries of the erven abutting on the proposed PWV 9 (P200/1) Road, nor shall any alteration or addition to any existing structure of building situated within such distance of the said boundary be made except with the consent in writing of the Gautrans.

1.5.8 The applicant shall arrange for the drainage of the development area to fit in with that of proposed Provincial Road PWV 9 (P200/1) and for all stormwater running off or being diverted from proposed Provincial Road PWV 9 (P200/1) to be received and disposed of.

1.5.9 No advertisements that may be visible from proposed Provincial Road PWV 9 (P200/1) or shall be displayed without the written approval of Gautrans and the Municipality.

1.6 CONDITIONS IMPOSED BY THE GAUTENG PROVINCIAL GOVERNMENT: DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT (GDARD)

1.6.1 Should the township not be proclaimed in terms of section 16(9) of the By-law before 28 May 2017 the application to establish the township, shall be resubmitted to the Department of Agriculture, and Rural Development' authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

1.6.2 The township owner shall at his own costs comply with and strictly adhere to all the conditions and/or requirements imposed by the Department of Agriculture and Rural Development including (if applicable) those by which exemption has been granted from compliance with the Environmental Impact Assessment Regulations, 2014, promulgated on 4 December 2014 in terms of section 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Act, 1998 (Act 107 of 1998) as amended and the Regulations thereto, as the case may be for the development of this township.

1.7 CONDITIONS IMPOSED BY NATIONAL AND REGIONAL ROADS AUTHORITIES

The township owner shall , at its own cost, comply with and strictly adhere to all the conditions and/or requirements imposed by the South African National Roads Agency Limited, the Department of Roads and Transport (Gauteng Provincial Government), Department of Water and Environmental Affairs and where applicable as imposed by the Municipality.

1.8 ACCESS CONDITIONS

1.8.1 Access to or egress from the township shall be provided to the satisfaction of the Municipality.

1.8.2 No access to or egress from the township shall be permitted along the lines of no access as indicated on the approved layout plan of the township No. CPD ADN X38/3.

1.8.3 No access to or egress from the township shall be permitted via the proposed PWV9 (P200/1) Road.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE WHICH SHALL BE READ WITH THE CONDITIONS OF ESTABLISHMENT INDICATED IN 2 ABOVE IN TERMS OF SECTION 16(10) OF THE BY-LAW AND SECTION 53 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

2.1 REFUSE REMOVAL

2.1.1 The township owner shall at his own expense have all litter within the township area removed to the satisfaction of the City of Tshwane Metropolitan Municipality, when required to do so by the City of Tshwane Metropolitan Municipality.

2.1.2 The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the Municipality for the removal of all refuse.

2.2 REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner. For purposes of removal or replacement the township owner shall, at its own costs, protect the services by means of the registration of servitudes in favour of the City of Tshwane, TELKOM and/or ESKOM should it be deemed necessary.

2.3 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings/structures situated within the building line reserves, side spaces, or over common boundaries to be demolished to the satisfaction of the Municipality, when requested thereto by the Municipality or where buildings/structures are dilapidated.

2.4 RESTRICTION ON REGISTRATION AND TRANSFER OF ERVEN FROM THE TOWNSHIP

In terms of section 16(10) of the By-law read with section 53 of Spatial Planning and Land Use Management Act, (Act 16 of 2013) no property(ies) or land and/or erf/erven and/or sections and/or units, sectional title schemes/registers or other registration transaction/s, in a land development area, which registration transactions results from a land development application(s), may be submitted by the applicant and/or owner, to the Registrar of Deed for registration, including transfer and the registration of a Certificate of Consolidated Title and/or Certificate of Registered in the name of the owner;

prior to the Municipality certifying to the Registrar of Deeds that:

- 2.4.1 all engineering services have been designed and constructed to the satisfaction of the Municipality, including the provision of guarantees, and maintenance guarantees, for services having been provided to the satisfaction of the Municipality as may be required;
- 2.4.2 all engineering services contributions and open spaces and parks contributions and/or development charges and/or other monies have been paid;
- 2.4.3 all engineering services have been or will be protected to the satisfaction of the Municipality by means of servitudes;
- 2.4.4 all conditions of the approval of the land development application have been complied with or that arrangements for compliance to the satisfaction of the Municipality have been made, which arrangements shall form part of an agreement read with Chapter 7 of the By-law, to the satisfaction of the Municipality;
- 2.4.5 it is in a position to consider a final building plan; and
- 2.4.6 all the properties have either been transferred in terms of subsection 16(11) hereof or shall be transferred simultaneously with the first transfer or registration of a newly created property or sectional title scheme.

2.5 RESTRICTION ON THE TRANSFER OF AN ERF/ERVEN CONTEMPLATED IN SECTION 16(11) READ WITH SECTION 34 AND SCHEDULE 19 OF THE BY-LAW TO A NON PROFIT COMPANY

Erven 1987, 2082, 2177, 2178, 2599 and 2600 shall, prior to or simultaneously with registration of the first transfer of an erf/unit in the township and at the costs of the township owner, be transferred only to Andeon Extension 18 and 38 Homeowners Association NPC which organization shall have full responsibility for the functioning and proper maintenance of the said erf and the engineering services within the said erf.

A servitude for access and municipal services shall be registered over Erven 2177, 2178, 2599 and 2600 in favour of the Municipality and the erven in the township.

The erven may not be transferred thereafter by the non-profit Company before the consent of the City of Tshwane Metropolitan Municipality first been obtained.

The township owner shall comply with the provisions of section 34 read with Schedule 19 of the By-law in the establishing of a Non Profit Company.

The township owner shall, at its own costs and to the satisfaction of the Municipality, remove all refuse, building rubble and/or other materials from Erven 1987, 2082, 2177, 2178, 2599 and 2600, prior to the transfer of the erf in the name of the Non Profit Company.

2.6 ERF FOR MUNICIPAL PURPOSES READ WITH SECTION 16(11) OF THE BY-LAW

Erf 2176 shall, prior to or simultaneously with registration of transfer of the first erf in the township and at the cost of the township owner, be transferred to the City of Tshwane Metropolitan Municipality for municipal purposes.

The township owner shall, at its own costs and to the satisfaction of the Municipality, remove all refuse, building rubble and/or other materials from Erf 2176, prior to the transfer of the erf in the name of the City of Tshwane.

2.7 PROVISION OF OPEN SPACES AND PARKS IN TERMS OF SECTION 47 OF THE BY-LAW

The township owner shall, in terms of the provisions of Section 47(3) read with Schedule 16 of the By-Law, pay an amount of money to the Municipality (in lieu of) for the shortfall in the provision of land for the provision of open spaces and parks equal to 3 167m² and provide open spaces of 4 105m².

The township owner shall in terms of section 47(7)(a) of the By-law secure private open space of at least 4 105m² by means of a servitude over the erf in favour of the Erven in the township and the Municipality for purposes of protection of open spaces in lieu of the provision of open spaces and parks contemplated in section 47 of the By-law.

2.8 ESTABLISHMENT OF A NON PROFIT COMPANY IN TERMS OF SECTION 34 WITH SCHEDULE 19 OF THE BY-LAW

The township owner shall at his/her own cost establish a Non Profit Company ("NPC") in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended and as contemplated in section 34 read with schedule 19 of the By-law, with the main object of the Company being to retain and maintain the private engineering services in the township. The township owner shall further submit proof that such a Company has been duly registered, before a section 16(10) Certificate shall be issued in terms of the By-law.

Servitudes in favour of all the erven within the township shall be registered over any and all property owned or transferred to a NPC for purposes of access and engineering services.

2.9 NOTARIAL TIE OF ERVEN

The township owner shall, at its own costs, after proclamation of the township but prior to the development of any erf/unit in the township, notarially tie the following erven to the satisfaction of the Municipality to ensure access for the erven in Andeon Extension 18 to a public street:

2.9.1 Erf 2598, Andeon Extension 18 with Erven 2599 and 2600, Andeon Extension 38.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE IN TERMS OF SECTION 16(4)(g)

All erven shall be made subject to existing conditions and servitudes in Deed of Transfer T55101/2014, if any,

3.1 Excluding the following servitudes which do not affect the township due to its locality:

"1.F. *Die eiendom hiermee getranspoteer is verder onderhewig aan 'n elektriesiteitsleiding servituut ten gunste van ESCOM kragtens Notariële Akte Nommer. 1208/1957-S, gedateer 2 Desember 1957.*"

"4. (c) *The said Portion 19 is subject to a Right of Way 31,47 (Thirty One comma Four Seven) metres wide along the Eastern Boundary thereof (being along the boundary lettered B C on the diagram thereof) as shown on the General Plan and on the said diagram A No 1361/34 attached to Deed of Transfer No 10134/1934 dated 8th September 1934, in favour of the owners of the other portions of the said Western portion of the said farm Zandfontein and shall be entitled to the rights of way as indicated on the general plan of the said Western Portion of the said farm, filed in the Deeds Office, Pretoria.*"

3.2 Including the following servitudes which affect Erma Street in the township:

"1.C. *The property hereby transferred is entitled to a right of way 9,45 metres wide along the Southern boundary of Portion 103 (a Portion of Portion 18) of the said farm, measuring 8,5653 hectares, held by Barend Jacobus Engelbrecht van Schalkwyk under Deed of Transfer Number 30645/1945, dated 1st of December, 1945, to Beacon 105 (a Portion of Portion No 18) of the said farm, measuring to 8,5653 hectares, held by Johannes Jacobus Coetzer under Deed of Transfer Number 30645, dated the 1st of December 1945, to the road giving access to the property as indicated on Diagram L.G. No A1986.1945, annexed to the said Certificate of Registered Title Number, 30644.1945, dated the 1st day of December, 1945 which servitude is indicated by the line Wx on Subdivision Diagram SG No 4861/2014 attached hereto.*"

- 2.C. (a) *"The property hereby transferred shall be entitled to a right of way 9,45 metres wide along the Southern Boundaries of-*

The Remaining extent of Portion No 18 of the said farm Zandfontein 317, Registration Division JR, Transvaal; measuring as such 8,5653 hectares held by Hendrik Lodewyk Malherbe and Jacobus Johannes Steyl Malherbe, carrying on business in co-partnership under the style and firm of Malherbe Brothers, under Deed of Transfer No 19595/1944 dated the 25th day of July, 1944; Portion 104 (A Portion of Portion No 18) of the said farm; measuring 8,5653 hectares, held by Phillippus Jeremias Coetser under Deed of Transfer No 30646/1945 dated the 1st day of December 1945;

Portion 105 (A Portion of Portion No 18) of the said farm, measuring 8,5653 hectares, held by Johannes Jacobus Coetser under Deed of Transfer No 30648/1945 dated the 1st day of December 1945 to Beacon "D" on the Western boundary of the said Portion 105 (A Portion of Portion No 18) of the said farm, to the road giving access to the property, as indicated on Diagram LG No 1968/45 annexed to the said Certificate of Registered Title No 30644/1945 dated the 1st day of December 1945 which servitude is indicated by the line xV on Subdivision Diagram SG No 4861/2014 attached hereto."

4. CONDITIONS OF TITLE

- 4.1 Conditions of Title imposed in favour of the Municipality in terms of the section 16(4)(g) of the By-law.

4.1.1 ALL ERVEN (EXCEPT ERVEN 2176, 2599 AND 2600)

4.1.1.1 Each erf is subject to a servitude, 2m wide, in favour of the Municipality, for sewerage and other municipal purposes, along any boundary 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 Municipality: Provided that the Municipality may dispense with any such servitude.

4.1.1.2 No building or other structure or any part of its foundation 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.

4.1.1.3 The Municipality shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the process 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 Municipality.

4.1.2 ERVEN 2599 AND 2600

4.2.1.1 The entire erf as indicated on the General Plan, is subject to a servitude for municipal purposes and right of way in favour of the Municipality and all the Erven within the township.

4.2.1.2 The erf shall not be alienated or transferred into the name of any purchaser other than Andeon Extension 18 and 38 Homeowners Association NPC without the written consent of the Municipality first having been obtained.

4.1.3 ERVEN 2177 AND 2178

4.1.3.1 The erf shall not be alienated or transferred into the name of any purchaser other than Andeon Extension 18 and 38 Homeowners Association NPC without the written consent of the Municipality first having been obtained.

4.1.3.2 The entire erf shall be subject to a servitude in favour of the Municipality for the protection of open spaces and right of way and engineering services (can include the floodline) in favour of the Erven within the Township.

4.1.3.3 The erf shall be subject to a servitude or servitudes to be in favour of and registered to the satisfaction of the Municipality subject to such further conditions as they may impose, of at least 4 105m² in total, for the purposes of private open space, as indicated on the general plan, in lieu of monies payable to the Municipality for purposes of the provision of open spaces in terms of the By-law.

4.2 Conditions of Title imposed in favour of third parties to be registered/created on the first registration of the erven concerned.

No erf in the township shall be transferred nor shall a Certificate of Registered Title be registered, unless the following conditions and/or servitudes have been registered:

4.2.1 ERVEN 1871 TO 1986; 1988 TO 2081 AND 2083 TO 2175

Each and every owner of the erf or owner of any sub-divided portion of the erf or owner of any unit thereon, shall on transfer automatically become and remain a member of Andeon Extension 18 and 38 Homeowners Association NPC and shall be subject to its Memorandum of Incorporation until he/she ceases to be an owner and such owner shall not be entitled to transfer the erf or any sub-divided portion thereof or any interest therein or any unit thereon, without a clearance certificate from the NPC of Andeon Extension 18 and 38 Homeowners Association NPC certifying that the provisions of the Memorandum of Incorporation ("MOI") have been complied with.

4.2.2 ERVEN 2599 AND 2600

The Andeon Extension 18 and 38 Homeowners Association NPC shall maintain the stormwater attenuation system on the erf, to the satisfaction of the Municipality.

4.2.3 ERVEN 2599 AND 2600

The erf is subject to a servitude of right of way in favour of Erven 1871 to 2178 for access purposes, as indicated on the General Plan.

4.2.4 ERVEN 1930 AND 1945

The erf is subject to the following servitudes in favour of the Andeon Extension 18 and 38 Homeowners Association NPC, as indicated on the General Plan:

4.2.4.1 A 3m wide stormwater servitude.

4.3 Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended.

4.3.1 ERF 2176

4.3.1.1 The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Road P200/1 (proposed PVW 9).

4.3.1.2 Except for the physical barrier referred to in clause 4.3.1.1 above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 20m/30m from the boundary of the erf abutting Road P200/1 (proposed PVW 9) neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

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