

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE VAN  
GAUTENG***

**Provincial Gazette  
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**LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**


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**LOCAL AUTHORITY NOTICE 1881 OF 2019****CITY OF TSHWANE****TSHWANE AMENDMENT SCHEME 4661T**

It is hereby notified in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), that the City of Tshwane Metropolitan Municipality has approved an amendment scheme with regard to the land in the township of Andeon Extension 43, being an amendment of the Tshwane Town-planning Scheme, 2008.

Map 3 and the scheme clauses of this amendment scheme are filed with the Department: Economic Development and Spatial Planning, and are open to inspection during normal office hours.

This amendment is known as Tshwane Amendment Scheme 4661T.

(CPD 9/1/1/1-ANDx43 (4661T))  
(CPD 9/2/4/2-4661T)

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

\_\_ OCTOBER 2019  
(Notice 138/2019)

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**CITY OF TSHWANE METROPOLITAN MUNICIPALITY****DECLARATION OF ANDEON EXTENSION 43 AS APPROVED TOWNSHIP**

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the City of Tshwane Metropolitan Municipality hereby declares the township of Andeon Extension 43 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-ANDx43 (4661T))  
(CPD 9/2/4/2-4661T)

**SCHEDULE**

CONDITIONS UNDER WHICH THE APPLICATION MADE BY ANDY DE BEER DEVELOPMENT (PTY) LTD, IN TERMS OF THE PROVISIONS OF CHAPTER III: PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 292 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 43.

**1.2 DESIGN**

The township shall consist of erven and streets as indicated on General Plan SG No 3028/2017.

**1.3 PROVISION AND INSTALLATION OF ENGINEERING SERVICES**

The township owner shall, at its costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township, to the satisfaction of the local authority. If external services are not available or the existing services are not sufficient to accommodate the township, special arrangements shall have to be made after consultation with the applicable departments to the satisfaction of the local authority.

**1.4 ACCESS**

1.4.1 Access to or egress from the township shall be provided to the satisfaction of the local authority.

1.4.2 No access to or egress from the township shall be permitted via Kenneth Street.

#### 1.5 ACCEPTANCE AND DISPOSAL OF STORMWATER

The township owner shall arrange for the drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads shall be received and disposed of, to the satisfaction of the local authority.

#### 1.6 REFUSE REMOVAL

The township owner shall at this 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.

#### 1.7 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, should it be deemed necessary.

#### 1.8 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 local authority, when requested thereto by the local authority or where buildings / structures are dilapidated.

#### 1.9 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNERS ASSOCIATION)

Erf 2695 shall be transferred to the non-profit Company (homeowners association) when the first erven becomes transferrable, by and at the expense of the township owner.

Erf 2695 is subject to a servitude of right of way and municipal services in favour of owners of all the erven in the township, local authority and members of the non-profit company for access purposes as indicated on the General Plan.

The erf may not be transferred thereafter by the non profit company before the consent of the city of Tshwane metropolitan municipality first been obtained.

Erf 2695 shall, prior to or simultaneously with registration of the first transfer of an erf in the township and at the costs of the township owner, be transferred only to the 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.

#### 1.10 LAND FOR MUNICIPAL PURPOSES

Erf 2696 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 (Public Open Space).

#### 1.11 ENDOWMENT

As open space has to be provided for in the township, no endowment will be payable to the City of Tshwane Metropolitan Municipality:

The township owner shall provide for an area of **7 054m<sup>2</sup>** open space in terms of regulation 44(1) of the Town-planning and Townships Regulations.

#### 1.12 OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

1.12.1 township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed;

1.12.2 The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be transferred into the name of a purchaser, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees / cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and (this is for all the services to be provided by the applicant in terms of an agreement).

1.12.3 Notwithstanding the provisions of clause 3 hereunder, the township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated in 1.12.2 above. Erven in the township, may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

#### 1.13 ESTABLISHMENT OF A NON PROFIT COMPANY

The township owner shall at its own cost establish a Non Profit Company ("NPC") in terms of schedule 1 of the Companies Act, 2008 (Act 71 of 2008) as amended, with the main object of the Company being a retain and maintain the internal engineering services (i.e. roads and stormwater and refuse removal). The township owner shall further submit proof that such a Company has been duly registered, before a section 82 Certificate shall be issued in terms of the town Planning and townships Ordinance, 15 of 1986.

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 municipal purposes.

#### 1.14 RESTRICTIONS ON THE TRANSFER AND REGISTRATION OF ERVEN/LAND

In terms of section 82(1) of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no Erf or Erven in the township may be transferred, until the City of Tshwane Municipality has certified that the township owner has complied with his obligations as contained in section 82 and the conditions of establishment have been complied with.

In terms of section 98(2) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) as a condition of approval of township establishment, the registration of a Certificate of Registered Title, the opening of a Sectional Title Scheme or registration or transfer of a sectional title unit, resulting from the approval of this township may not be performed unless the Local Authority certifies that all the requirements and conditions for the registration thereof, have been complied with read with section 53 of the Spatial Planning and Land Use Management Act, 16 of 2013 where applicable

## 2. DISPOSAL OF EXISTING CONDITONS OF TITLE

2.1 All erven shall be made subject to existing conditions and servitudes, if any, including the following servitude which do affect all the erven in the township due to its locality:

2.1.1 Servitude in terms of Notarial Deed No. 658/1957S registered on 2 July 1957:

"The owner of the said property or any portion thereof shall be obliged to receive all stormwater discharged from any existing or future Provincial Road including its culverts and from any future alteration of such Provincial Road and it culverts, and the owner shall have no claim whatsoever against the Government of the Republic of South Africa or its servants for any damage caused by such water."

### 3. CONDITIONS OF TITLE

3.1 THE ERVEN MENTIONED BELOW SHALL BE SUBJECT TO THE CONDITION AS INDICATED, LAID DOWN BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINACE 15 OF 1986)

#### 3.1.1 ALL ERVEN (EXCEPT ERVEN 2695 AND 2696)

3.1.1.1 The erf shall be subject to a servitude, 2m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the local authority, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 2m wide over the entrance portion of the erf, if and when required by the local authority: Provided that the local authority may waive any such servitude.

3.1.1.2 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 from it.

3.1.1.3 The City of Tshwane Metropolitan 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 furthermore the City of Tshwane Metropolitan Municipality shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane Metropolitan Municipality shall make good any damage caused during the laying, maintenance or removal of such services and other works.

#### 3.1.2 ERF 2695

3.1.2.1 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 local authority and Erven 2604 to 2694 within the township.

3.1.2.2 The erf shall not be alienated or transferred into the name of any purchaser other than the NPC without the written consent of the local authority first having been obtained and the erf shall be transferred together with any public open space erf as the first transfers form the Township.

3.1.2.3 Erven 2604 to 2694 are entitled to a servitude of right of way over Erf 2695.

#### 3.1.3 ERVEN 2623 TO 2632

The erf is subject to a 3m wide stormwater servitude in favour of the local authority, as indicated on the General Plan.