

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE VAN
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PROCLAMATION • PROKLAMASIE

PROCLAMATION 77 OF 2017**CITY OF TSHWANE****CENTURION AMENDMENT SCHEME 3476C**

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 has approved an amendment scheme with regard to the land in the township of Heuweloord Extension 18, being an amendment of the Centurion Town-planning Scheme, 1992.

Map 3 and the scheme clauses of this amendment scheme are filed with Group Legal and Secretariat Services, and are open to inspection during normal office hours.

This amendment is known as Centurion Amendment Scheme 3476C.

(13/2/Heuweloord x18 (3476C)
31 MAY 2017

GROUP LEGAL AND SECRETARIAT SERVICES
(Notice 228/2017)

PROKLAMASIE 77 VAN 2017**STAD TSHWANE****CENTURION WYSIGINGSKEMA 3476C**

Hierby word ingevolge die bepalings van Artikel 125(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), bekend gemaak dat die Stad Tshwane 'n wysigingskema met betrekking tot die grond in die dorp Heuweloord Uitbreiding 18, synde 'n wysiging van die Centurion-dorpsbeplanningskema, 1992, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur Groep Regs en Sekretariaat Dienste, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Centurion-wysigingskema 3476C.

(13/2/Heuweloord x18 (3476C)
31 MEI 2017

GROEP REGS EN SEKRETARIAAT DIENSTE
(Kennisgewing 228/2017)

CITY OF TSHWANE**DECLARATION OF HEUWELOORD EXTENSION 18 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 hereby declares the township of Heuweloord Extension 18 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Heuweloord x18 (3476C))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY NABUVAX PROPRIETARY LIMITED, IN TERMS OF THE PROVISIONS OF PART C OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1 OF THE FARM ACSIONVILLE NO 784JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT**1.1 NAME**

The name of the township shall be Heuweloord Extension 18.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on Plan CPD HWO EXT 18/10 and General Plan SG No 3595/2016.

1.3 PRECAUTIONARY MEASURES

1.3.1 The township owner shall appoint a competent person(s) to compile:-

1.3.1.1 A CONSTRUCTION REPORT, which must include the mapping details of the trenches and the revised stability map, confirming the conditions on site and the positioning of structures and wet services. A table indicating the stand sizes, risk classification and designation for each stand within the township must be included. Certification on the method of backfilling of the boreholes must also be included.

1.3.1.2 A DOLOMITE RISK MANAGEMENT PLAN, specific to the development. The legal transfer of the responsibility for the management of the Risk Management Plan, to a representative Body Corporate or similar as applicable must be included.

1.3.2 The township owner is responsible to facilitate the procedure to transfer the responsibility for the management of the Dolomite Risk Management plan legally to a representative Body Corporate or similar entity, as applicable.

1.3.3 The township owner shall at its own expense make arrangements with the Municipality, in order to ensure that-

1.3.3.1 water will not dam up, that the entire surface of the township area is drained properly and that streets are sealed effectively with tar, cement or bitumen to the satisfaction of the Municipality; and

1.3.3.2 trenches and excavations for foundations, pipes, cables or for any other purposes, are properly refilled with damp soil in layers not thicker than 150mm, and compacted until the same grade of compaction as that of the surrounding material is obtained to the satisfaction of the Municipality.

1.4 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF ROADS AND TRANSPORT

The township owner shall at his own expense comply with all the conditions imposed, by which the Gauteng Department of Roads and Transport has granted consent for the development.

1.5 ACCESS

1.5.1 Ingress from Road K71 (P66-1) to the township and egress to Road K71 (P66-1) from the township shall be restricted to the intersection of Marais Road with such road.

1.5.2 Ingress from Road P102-1 to the township and egress to Road P102-1 from the township shall be restricted to the future extension of Inkanyezi Street.

1.5.3 Access to Heuweloord Extension 18 will be from Marais Avenue via a marginal access and a signalised partial intersection with Inkanyezi Street.

1.5.4 The developer of Heuweloord Extension 18, or the future owner of the consolidated Erf in Heuweloord Extension 18, will physically close the marginal (left in, left out) access on Marais Road when instructed to do so by the Municipality and only if deemed necessary for the upgrading of the Marais Road-Apiesdoring Drive and Voortrekker Road (P66-1) (K71) intersection.

1.5.5 All costs associated with the closure of the marginal access will be for the account of the developer of Heuweloord Extension 18, or the future owner of the consolidated Erf in Heuweloord Extension 18.

1.5.6 The Municipality will not be liable for any claim for compensation due to the expected closure of the marginal access of Marais Road.

1.5.7 The applicant for Heuweloord Extension 18 must pursue the approval and construction of the extension of Inkanyezi Street to the north to intersect via a partial intersection with Old Krugersdorp Road (P102-1), immediately after proclamation of the township.

1.5.8 The township owner shall at his own expense arrange for a geometric lay-out design (scale 1:500) of the ingress and egress points referred to in 1.5.1 and 1.5.2 above and specifications for the construction of the junctions to be compiled and shall submit it to the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport for approval. After the design and specifications have been approved, the township owner shall construct the entrances at his own expense to the satisfaction of the Head of the Department: Department of Roads and Transport.

1.6 RECEIVING AND DISPOSAL OF STORMWATER

The township owner shall arrange the stormwater drainage of the township in such a way as to fit in with that of Roads K71 (P66-1) and P102-1 and he shall receive and dispose of the storm water running off or being diverted from the road.

The Service Report containing the stormwater design proposal must be submitted to the Head of the Department: Department of Roads and Transport for approval at the time of the application, i.e. before Township Proclamation.

The stormwater plan for this township must be integrated with the greater stormwater master plan for the total relevant catchment area, including adjoining areas.

The low points in roads and the accumulation of stormwater in crescents, cul-de-sac's and lower lying erven must be drained to the satisfaction of the Municipality.

1.7 ACOUSTIC SCREENING/ NOISE BARRIER

The applicant/ Municipality shall be responsible for any costs involved in the erection of Acoustic Screening along Provincial Roads K71 (P66-1) and P102-1 if and when the need arises to erect such screening.

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall at his own expense erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Roads and Transport, as and when required by him to do so, and the township owner shall maintain such fence or physical barrier in a good state of repair until such time as the erven in the township are transferred to ensuing landowners, after which the responsibility for the maintenance of such fence or physical barrier rests with the latter.

1.9 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

Should it become necessary to move or replace any existing municipal services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.10 DEMOLITION OF BUILDINGS AND STRUCTURES

When required by the City of Tshwane 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.

1.11 REMOVAL OF LITTER

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

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

1.12 REMOVAL AND/OR REPLACEMENT OF ESKOM POWER LINES

Should it become necessary to remove and/or replace any existing power lines of Eskom as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.13 REMOVAL AND/OR REPLACEMENT OF TELKOM SERVICES

Should it become necessary to remove and/or replace any existing TELKOM services as a result of the establishment of the township, the cost thereof shall be borne by the township owner.

1.14 COMPLIANCE WITH CONDITIONS IMPOSED BY GDARD

The township owner shall at his own expense comply with all the conditions imposed by the Gauteng Department of Agriculture and Rural Development, if applicable, those by which exemption has been granted from compliance with regulations No 1182 and 1183, promulgated in terms of sections 21, 22 and 26 of the Environmental Conservation Act, (Act 73 of 1989) or the National Environmental Management Act, 1998 (Act 107 of 1998) and Regulations thereto, as the case may be.

1.15 OBLIGATIONS WITH REGARD TO SERVICES AND RESTRICTION REGARDING THE ALIENATION OF ERVEN

The township owner shall within such period as the Local Authority may determine, fulfil its obligations in respect of the provision of water, electricity and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems thereof, as previously agreed upon between the township owner and the local authority. Erven may not be alienated or transferred into the name of a purchaser prior to the Local Authority certifying that sufficient guarantees/ cash contributions in respect of the supply of services by the township owner have been submitted or paid to the said Local Authority.

1.16 CONSOLIDATION OF ERVEN

The township owner shall at his own expense after proclamation of the township but prior to the development of any erf in the township consolidate Erven 1888 and 1889 to the satisfaction of the local authority. The City of Tshwane hereby grants its consent to the consolidation of Erven 1888 and 1889 in terms of Section (12)(d) of the City of Tshwane Land Use Management By-law, 2016, which consolidation shall only come into operation on proclamation of the township and subject to the section 82 certificate being issued by the City of Tshwane.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE

2.1 INSTALLATION OF INTERNAL AND EXTERNAL SERVICES

A certificate issued in terms of section 82 of the Town Planning and Townships Ordinance (Ordinance 15 of 1986) must be lodged with the first transfer or with any other act of registration such as the issuing of a Certificate of Title.

The township applicant shall install and provide internal engineering services in the township as provided for in the services agreement.

The Local Authority shall install and provide external engineering services for the township as provided for in the services agreement.

2.2 RESTRICTIONS ON THE ALIENATION OF LAND

Regardless the issuing of a certificate as contemplated in section 82(1)(b)(ii)(cc) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), no erf in the township may be transferred or be dealt with otherwise until the City of Tshwane certifies that the developer has complied with the provisions of condition 2.3.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 PROVISION OF DETAILED ENGINEERING DRAWINGS

2.3.1.1 The developer must submit to the CoT complete detail design drawings in respect of roads and stormwater infrastructure for approval prior to the commencement of the construction of the said services.

2.3.1.2 The detail design drawings will only be evaluated after the required Services Report in respect of roads and stormwater has been approved.

2.3.1.3 The developer must obtain a way leave from the Municipality prior to commencement of construction work, if such work will be done on Municipal property.

2.3.1.4 A 10% retention guarantee will be applicable for the Civil Engineering Services, which will be held in place for a period of 12 months after takeover of the services or proclamation of the township, whichever date is the latter.

2.3.2 PROVISION OF A CERTIFICATE BY A PROFESSIONAL ENGINEER

Before any erf is transferred, the City of Tshwane must be provided with a certificate by a Professional Engineer for water, sewerage, electricity, and the internal road and storm water sewers, in which it is certified that the internal engineering services have been completed and that the engineers accept liability for the services. The City of Tshwane may at its own discretion allow an exception in respect of the internal road and storm water sewers. If this is the case, the developer must give the City of Tshwane an undertaking that the developer will complete this service on or before a certain date and must provide the City of Tshwane with a guarantee issued by a recognized financial institution.

No building plans will be approved before the services are completed and (if applicable) taken over by the divisions of the Public Works and Infrastructure Development Department.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions and servitudes, if any, including the reservation of the rights to minerals, but excluding –

- 3.1 the following servitudes which do not affect the township due to the location thereof;
- 3.1.1 Conditions A to C (pages 2 and 3) in Deed of Transfer T50499/2013 in respect of Portion 153:
- “A. The former Remaining Extent of the abovementioned farm Brakfontein 399, measuring as such 902,1251 hectares (a portion whereof is being transferred hereby) is subject to a Servitude of Way-leave for the passage of electrical power and ancillary rights in favour of the CITY COUNCIL OF PRETORIA, as will more fully appear from Notarial Servitude of Way-leave 739/56-S registered on the 6th July, 1956.
- B. Die vorige resterende gedeelte van die plaas BRAKFRONTEIN 399, Registrasie Afdeling, J.R., Groot 519,4322 hektaar (waarvan die eien- dom hieronder gehou deel uitmaak) is kragtens Notariële Akte No K5010/97S gedateer 7 April 1997 onderhewig aan 'n pyplyn en werke- serwitute ses (6,00) meter wyd soos aangedui deur die lyn ABCDEFG HJKLMNPQRS op Kaart LG No 11886/96 ten gunste van GASKOR met bykomende regte, soos meer volledig sal blyk uit gemelde Notariële Akte.”
- “C. The former Remaining Extent of the abovementioned farm BRAKFRON- TEIN 399, measuring as such 514,3246 hectares (a portion whereof is being transferred hereby) is subject to a servitude for municipal pur- poses and a right of way 7634 square metres in extent indicated by the figure abcdJKghijklmnpa on the annexed diagram SG No 6114/2003 in favour of City of Tshwane with ancillary rights as will more fully appear from Notarial Deed No K 4575/2001S dated 19 March 2001.”
- 3.2 the following condition which affects Erf 1889 in the township only:
- 3.2.1 Condition “D” (page 3) in Deed of Transfer T50499/2013 in respect of Portion 153:
- “D. The property hereby transferred is subject to the following condition:
- “No building plans will be approved until a dolomite stability and foundation investigation have been carried out on all the areas on which there is to be built, to the satisfaction of the local authority.
- An engineer must be appointed before building plans are submitted, who must submit, together with the building plans, a certificate which states that he has studied the relevant geological report and that he has established the necessary measures with regard to building work, drainage of the buildings and the site and the installation of wet services so that the entire development is safe as far as possible from a geological point of view. On completion of the buildings he must certify that all his specifications have been met.”
- 3.3 the following condition which affects Erf 1888 and Inkanyezi Street in the township:
- 3.3.1 Condition “A” (page 4) in Deed of Transfer T50499/2013 in respect of Portion 377:
- “A. By virtue of Notarial Deed of Servitude K6203/12S dated the 10th day of August 2012, the within mentioned property is subject to a water pipeline servitude 6 (SIX) metres wide extending parallel along the whole of the western boundary of both properties depicted by the line AE on Diagram SG No A3087/1943, in favour of the City of Tshwane as will more fully appear from the said Notarial Deed and registered on 30 November 2012.”

3.4 the following condition which affects Inkanyezi Street and Marais Road in the township:

3.4.1 Condition "A" (page 6) in Deed of Transfer T50499/2013 in respect of Portion 379:

"A. By virtue of Notarial Deed of Servitude K6204/12S dated the 10th day of August 2012, the within mentioned property is subject to a water pipeline servitude 6 (SIX) metres wide extending parallel along the whole of the western boundary of both properties depicted by the line AD on Diagram SG No A3089/1943, in favour of the City of Tshwane as will more fully appear from the said Notarial Deed and registered on 30 November 2012."

3.4.2 Endorsement on page 9 in Deed of Transfer T50499/2013 in respect of Portion 379:

"A portion of the Property held hereunder, measuring approximately 2040 square metres, has been expropriated by the City of Tshwane for road purposes, according to Notice of Expropriation EX26/2014."

3.5 the following condition which affects Marais Road in the township:

3.5.1 Endorsement on page 8 in Deed of Transfer T50499/2013 in respect of Portion 378:

"A portion of the Property held hereunder, measuring approximately 2040 square metres, has been expropriated by the City of Tshwane for road purposes, according to Notice of Expropriation EX24/2014."

4. CONDITIONS OF TITLE

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

4.1.1 ALL ERVEN

4.1.1.1 The erf shall be subject to a servitude, 3 m wide, for municipal services (water, sewer, electricity and stormwater) (hereinafter referred to as "the services"), in favour of the Municipality, along any two boundaries, excepting a street boundary and, in the case of a panhandle erf, an additional servitude for municipal purposes, 3m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.

4.1.1.2 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 thereof.

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

4.1.2 ERF 1888

4.1.2.1 The erf shall be subject to a servitude for electrical municipal services, 18 (eighteen) square metres in extent, (hereinafter referred to as "the services") in favour of the City of Tshwane, as indicated on the General Plan.

- 4.1.2.2 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 therefrom.
- 4.1.2.3 The City of Tshwane 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 essential, and furthermore the City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- 4.1.3 ERVEN 1888 AND 1889
- 4.1.3.1 The erf shall be subject to a servitude for stormwater purposes (hereinafter referred to as "the services"), 5m wide, in favour of the City of Tshwane, as indicated on the General Plan.
- 4.1.3.2 The erf shall be subject to a servitude (sewer), 3m wide, as indicated on the General Plan.
- 4.1.3.3 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 therefrom.
- 4.1.3.4 The City of Tshwane 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 essential, and furthermore the City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.
- 4.1.4 ERVEN 1888 AND 1889
- 4.1.4.1 The erf shall be subject to a servitude for road widening purposes (hereinafter referred to as "the services") if deemed necessary for the upgrading of the Marais Road-Apiesdoring Drive and Voortrekker Road K71(P66-1) intersection, indicated by the figure a,b,c,d,e,f,g,h,j,k,l,m,F,G,H,a, in favour of the City of Tshwane, as indicated on the General Plan.
- 4.1.4.2 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 therefrom.
- 4.1.4.3 The City of Tshwane 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 essential, and furthermore the City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.

4.1.5 ERVEN 1888 AND 1889

- 4.1.5.1 The erf shall be subject to a servitude for right of way purposes (hereinafter referred to as "the services"), indicated by the figure n,p,q,r,s,t,u,v,A,B,n, in favour of the City of Tshwane, as indicated on the General Plan. This servitude may lapse once Inkanyezi Street has been extended to link with P102-1, with the consent of the City of Tshwane's Department of Roads and Stormwater.
- 4.1.5.2 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 therefrom.
- 4.1.5.3 The City of Tshwane 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 essential, and furthermore the City of Tshwane shall be entitled to reasonable access to the said property for the aforesaid purpose, subject to the provision that the City of Tshwane shall make good any damage caused during the laying, maintenance or removal of such services and other works.