

**THE PROVINCE OF  
GAUTENG**



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**PROCLAMATION • PROKLAMASIE****PROCLAMATION 112 OF 2018****DECLARATION AS APPROVED TOWNSHIP**

In terms of section 69 of the Town Planning and Townships Ordinance, 1965 (Ordinance 25 of 1965), the Administrator hereby declares Beyers Park Extension 116 Township to be an approved township subject to the conditions set out in the Schedule hereto.

**DPLG 11/3/9/1/B/42****SCHEDULE**

**CONDITIONS UNDER WHICH THE APPLICATION MADE BY EASTMOOR PROPERTIES PROPRIETARY LIMITED REGISTRATION NUMBER 2005/032370/07 UNDER THE PROVISIONS OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1965 (ORDINANCE 25 OF 1965), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1086 OF THE FARM KLIPFONTEIN 83 IR HAS BEEN GRANTED**

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

The name of the township shall be Beyerspark Extension 116.

**1.2 DESIGN**

The township shall consist of 4 erven as indicated on General Plan S.G. No. 4009/2016.

**1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE**

(1) Excluding the following entitlements/rights which will not be passed on the erven in the township:

- (a) The former PORTION 249 (A PORTION OF PORTION 76) OF THE FARM KLIPRIVIERSOOG NO. 83, REGISTRATION DIVISION I.R., THE PROVINCE OF GAUTENG (of which that portion of the property held hereunder indicated by the figures A B C D E F G f e d c b a A and a b c d e f H J K L a on Diagram S.G.No.4007/2016 respectively, forms a portion) is ENTITLED to a servitude of right of way for Railway purposes over Erf 5 in the township of Anderbolt in extent 1,5282 hectares held under Deed of Transfer T34890/1958, as will more fully appear from Notarial Deed K202/1968S.
- (b) The former PORTION 249 (A PORTION OF PORTION 76) OF THE FARM KLIPRIVIERSOOG NO. 83, REGISTRATION DIVISION I.R., THE PROVINCE OF GAUTENG (of which that portion of the property held hereunder indicated by the figures A B C D E F G f e d c b a A and a b c d e f H J K L a on Diagram S.G.No.4007/2016 respectively, forms a portion) ENTITLED to a servitude of right of way for Railway purposes over the Remaining Extent of Erf 3 in the township Anderbolt in extent 1,8351 hectares held under Certificate of Registered Title T3990/1962 as will more fully appear from Notarial Deed K203/1968S.

(2) Excluding the following servitude/entitlements which affect Erf 2030 and Erf 2034 in the township only:

- (a) Subject to a 3.00 (three) metre wide perpetual stormwater servitude along the entire eastern boundary of the property in favour of Epilite 375 CC, Registration Number 2011/095765/23 as registered owner of Erven 2104 and 2105 Beyerspark Extension 119 Township, Registration Division I.R. the Province of Gauteng and in favour of Beyers Palms Homeowners Association, NPC, Registration Number 2014/205620/08 and in favour of Beyers Palms Access Control Association, as registered owner of Erf 2106

Beyerspark Extension 119 Township, Registration Division I.R., the Province of Gauteng, as will more fully appear from Notarial Deed of Servitude K 1731/2017S.

- (b) The property is entitled to a 3.00 (three) metre wide stormwater servitude, together with ancillary rights, along the entire eastern boundary of Erf 2104 Beyerspark Extension 119 Township as indicated on the General Plan for Beyerspark Extension 119 Township and as will more fully appear from Notarial Deed of Servitude K 1730/2017S.
- (3) Excluding the following servitude which effect Erf 2030 in the township only:
- (a) Subject to a perpetual servitude for municipal purposes 3 (three) metres wide along the eastern boundary of the property in favour of Ekurhuleni Metropolitan municipality as indicated by the line G f on Diagram S.G. No. 4007/2016 with ancillary rights as will more fully appear on Notarial Deed of Servitude No. K5816/2014S.
- (4) Excluding the following servitude which effect Erf 2031 in the township only:
- (a) Subject to a servitude for Municipal Purposes in favour of the Ekurhuleni Metropolitan Municipality 2(two) metres wide which servitude area is indicated by the figure j h g J j on Diagram S.G. No. 4007/2016 as will more fully appear from Notarial Deed of Servitude No. K 5817/2014S.
- (5) Excluding the following servitude which effect Erf 2034 in the township only:
- (a) Subject to a servitude for Municipal Services and storm water attenuation purposes in favour of Ekurhuleni Metropolitan Municipality which servitude area is indicated by the figure e f H g e on Diagram S.G. No. 4007/2016 and as will more fully appear from Notarial Deed of Servitude No. K 5818/2014S.
- (6) Excluding the following servitude which affects Erf 2029 and 2031 in the Township only:
- (a) A perpetual servitude of right of way for access purposes, in favour of the Beyerspark Extension 115, 116 and 118 Homeowners Association, NPC, Registration Number 2016/14350/08, its successors-in-title or assigns, along the entire North Western Boundary of the property, as will more fully appear from Notarial Deed of Servitude Number K4157/2018S.

#### **1.4 ACCESS**

No ingress from Provincial Road PWV 15 to the township and no egress to Provincial Road PWV 15 from the township shall be allowed. No access shall be permitted along Davidson Road save and except the demarcated point of ingress and egress on the layout-plan.

#### **1.5 CONSOLIDATION OF ERVEN**

The township owner shall at their own expense cause the following erven the township to be consolidated: Erven 2029, 2030 and 2031.

#### **1.6 DEMOLITION OF BUILDINGS AND STRUCTURES**

The township owner shall at their own expense cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, within a period of six (6) months from the date of publication of this notice.

### **1.7 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES**

If, by reason of the establishment of the township, it becomes necessary to remove or replace any existing municipal services, the cost thereof shall be borne by the township owners.

### **1.8 OBLIGATIONS IN REGARD TO ESSENTIAL SERVICES**

The township owner shall within such period as the local authority may determine, fulfil their obligations in respect of the provision of water, electricity and sanitary services and the installation of systems therefore, as previously agreed upon between the township owners and the local authority.

### **1.9 FORMATION AND DUTIES OF RESIDENTS ASSOCIATION**

- (a) The applicant shall properly and legally constitute a Property Owners or Residents' Association (the Association) under Section 21 of the Companies Act 61 of 1973 to the satisfaction of the local authority before the sale of the first erf (which association shall not be de-registered without the consent of the local authority).
- (b) Each and every owner of Erven 2029 to 2031 and 2034 shall become a member of the Residents' Association upon transfer of the erf.
- (c) The Residents' Association shall have full legal power to levy from each and every member the costs incurred in fulfilling its function and shall have legal recourse to recover such fees in the event of a default in payment by any member.
- (d) The local authority shall not be liable for the malfunction of the surfacing of the access ways and/or the stormwater drainage system, and/or any essential services, with the exception of the sewerage system.
- (e) The local authority shall be indemnified from any responsibility for the cost of repairs to the access roadway in the event of it having to gain access or provide underground services in the future.
- (f) Access to Erven 2029 to 2031 and 2034 (or consolidated erven as detailed in paragraph 1.5 above) to Davidson Road shall be via a right of way servitude as indicated on the general plan.

## **2. CONDITIONS OF TITLE**

The erven shall be subject to the following conditions, imposed by the Administrator in terms of the provisions of the Town Planning and Townships Ordinance, 1965.

### **ALL ERVEN**

- (a) The erf is subject to a servitude, 2m wide, in favour of the local authority, 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 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.
- (b) 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 servitude or within 2m thereof.
- (c) The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude 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.

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**EKURHULENI AMENDMENT SCHEME: F0290**

The Administrator hereby, in terms of the provisions of Section 89 of the Town-planning and Townships Ordinance, 1965, declares that he approved an amendment scheme, being an amendment of Ekurhuleni Town-planning Scheme 2014, comprising the same land as included in the township of Beyerspark Extension 116.

Map 3 and the scheme clauses of the amendment scheme are filed with the Gauteng Provincial Government, (Department of Economic Development), Johannesburg, and the Town Clerk Ekurhuleni Metropolitan Municipality, Boksburg Customer Care Centre, and are open for inspection at all reasonable times.

The amendment is known as Ekurhuleni Amendment Scheme F0290

**DPLG 11/3/1/9/B/42**



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