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GAUTENG***



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PROCLAMATIONS • PROKLAMASIES
PROCLAMATION NOTICE 37 OF 2021

CITY OF TSHWANE

PERI-URBAN AREAS AMENDMENT SCHEME 721PU

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 Tijger Vallei Extension 106, being an amendment of the Peri-Urban Town-planning Scheme, 1975.

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

This amendment is known as Peri-Urban Amendment Scheme 721PU.

(CPD 9/1/1/1-TVLx106 0981)
(CPD 9/2/4/2-721PU)

CITY OF TSHWANE METROPOLITAN MUNICIPALITY

___ APRIL 2021
(Notice 110/2021)

CITY OF TSHWANE

DECLARATION OF TIJGER VALLEI EXTENSION 106 AS APPROVED TOWNSHIP

In terms of Section 103 of the Town-planning and Townships Ordinance, 1986 (Ordinance No 15 of 1986), the Kungwini Local Council hereby declares the township of Tijger Vallei Extension 106 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(CPD 9/1/1/1-TVLx106 0981)
(CPD 9/2/4/2-721PU))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY HAZELDEAN RETREAT (PTY) LTD, HARIVA TRUST AND INTERCARE INFINITY PROPERTY TRUST, 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 256 (A PORTION OF PORTION 152) OF THE FARM ZWARTKOPPIES 364JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Tijger Vallei Extension 106.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan Number 1896/2017.

1.3 ENDOWMENT

No endowment is payable to the City of Tshwane in terms of Section 98(2) of the Ordinance, 1986 read with Regulation 44(1) of the Town-Planning and Townships Regulations, for open space as the area measuring 594m² in extent, has been provided as part of Erf 1007, Tijger Vallei Extension 22.

1.4 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.

1.5 REMOVAL OF LITTER

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

1.6 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.

1.7 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 Section 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.

1.8 LAND TO BE TRANSFERRED TO THE NON PROFIT COMPANY (HOMEOWNER'S ASSOCIATION)

Erven 1015 shall be transferred to the non-profit Company (Homeowner's Association) as the first transfer after proclamation of the township, by and at the expense of the township owner.

A servitude for access, municipal and engineering services shall prior to or simultaneously with the transfer of Erf 1015 be registered over Erf 1015 in favour of the Municipality

The erf may not be transferred by the non-profit Company.

1.9 DISPOSAL OF EXISTING CONDITIONS OF TITLE

1.9.1 All erven shall be made subject to existing conditions and servitudes if any, including the following which affect all the erven in the township:

1. Subject to the terms of an Order of the Water Court for the district of Pretoria, a copy of which is annexed to Deed of Transfer 7908/1925 dated the 25th August 1926, marked A.
2. Entitled to the following conditions:
 - (i) The owner of the property hereby transferred, and the owner of certain Portion of a Portion of the farm Zwartkoppies 364, Registration Division JR, district Pretoria, measuring 12,4311 hectares; held under Deed of Transfer T6636/54, dated the 20th March 1954; shall have the sole control of the water belonging to the South Western Portion of the farm Zwartkoppies 364, JR. aforesaid, measuring 1401,1207 hectares, and to the aforesaid portion of portion of the said farm, and they shall have the right to take the whole of the said water for any purpose whatsoever during the winter months of each year, i.e. May to September inclusive. During the remainder of each year they shall allow the full stream of water to which they are entitled under Order of the Water Court, to pass to Portion A of the South Western Portion of the said farm, measuring 345, 4508 hectares, from Saturday 6 pm to Monday 6 am in each week, i.e. a period of 36 hours per week. They shall however, allow all surplus water during the year to pass down the furrow to the said portion A of the South Western Portion and shall not at any time return it to the river. At no time shall the owner of the said Portion A of the South Western Portion be permitted to interfere with the valve in the divisor dam and the said owner of the property hereby transferred and the owner of the aforesaid Portion of a portion of the said farm, undertake during the abovementioned 36 hours period that the valve shall remain open sufficiently to allow the full stream of water, as provided above to pass. This shall not apply however, when the river is in flood.
 - (ii) The owner of the said Portion A of the South Western Portion is solely responsible for the repairing, cleaning and maintenance of the furrow from the divisor dam in the Pienaars River situate on the Remaining Extent of the said farm Zwartkoppies 364, JR aforesaid, and built to give effect to the Order of the Water Court, referred to in Conditions 1. hereof, to the sluice gate and thence from the deviation of the said water furrow to the dam on the said Portion A of the South Western Portion.

The owner of the property hereby transferred, is responsible for repairing, cleaning and maintenance of the said furrow between the sluice gate and the deviation of the said furrow hereinbefore referred to.

3. Subject to the terms of an Order of the Water Court dated at Pretoria on the 27th of June 1949, as will more fully appear from Notarial Deed of Servitude 620A/1949-S.
4. Subject to the terms of Notarial Deed 100/54 S, whereby the property together with certain Portion of Portion of the farm Zwartkoppies 364, Registration Division JR is entitled to cession of all rights to water as well as ancillary rights thereto in respect of Portion A of the South Western Portion, as will more fully appear from reference to the said Notarial Deed.
5. The Remaining Extent of the South Western Portion of the farm ZWART-KOPPIES No 364, Registration Division JR district of Pretoria, measuring 396,1690 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram SG No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject and entitled to the following:
 - (i) Entitled to a servitude of right of way 15,74 metres wide over the Remainder of TWEEFFONTEIN 371, JR measuring 458,7720 hectares, held under Deed of Transfer No 10975/23;
 - (ii) Subject to a servitude of right of way in favour of the Remainder of TWEEFFONTEIN aforesaid, making use of the existing farm roads;

as will more fully appear with reference to Notarial Deed 551/56-S dated the 15th May 1956.
6. The Remaining Extent of the South Western Portion of the farm ZWART-KOPPIES No 364, Registration Division JR, district of Pretoria, measuring, 473,3282 hectares (which portion of land is represented by the figure (a) 1' mid river 2', 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram SG No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is subject to the following:
 - (i) entitled to a servitude of right of way, 15,74 metres wide over Portion 15 of the farm Zwartkoppies 364, JR measuring 1191,4147 hectares, as more fully described in Deed of Transfer No 20691/1956;
7. The Remaining Extent of the South Western Portion of the farm ZWART-KOPPIES NO 364, Registration Division JR, district of Pretoria; measuring 451,9149 hectares (which portion of land is represented by the figures (a) 1' mid river, 2' 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 1' and (b) 37, 38, 39, 37 on Diagram SG No A 3915/67, annexed to Certificate of Consolidated Title No 6486/1968, and of which the within mentioned land forms a portion) is:-

Entitled to a servitude of right of way and the right to conduct and lay underground pipelines for a proposed dam site situate on the South of Portion 17 (a portion of the South Western Portion) of the farm Zwartkoppies No 364, JR district Pretoria measuring 21,4133 hectares, held under Deed of Transfer No 38597/1965, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
8. The former Remaining Extent of the farm Zwartkoppies No 364, Registration Division JR., district Pretoria, measuring as such 925,4358 hectares (of which the property hereby transferred forms a portion) is:-
 - (a) Subject to a right of way in favour of Portion 20 measuring 21,4133 hectares, held under Deed of Transfer No 6488/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.

- (b) Entitled to a servitude of drainage furrow over Portion 21, measuring 21,5310 hectares, held under Deed of Transfer 6487/68, along a route to be agreed upon, as will more fully appear from the said Deed of Transfer.
9. By virtue of Notarial Deed of Servitude No K 2230/2013 S the within mentioned property is entitled to a perpetual servitude of right of way for the conveyance of municipal services and access purposes respectively over Erf 380, Tijger Vallei Extension 10, measuring 9 788 square metres and indicated by the figure ABCDEFGHJKLMNPQRSTA on diagram SG No 2751/2012 and over Erf 472, Tijger Vallei Extension 20, measuring 6 571 square metres and indicated by the figure ABCDEFGHJA on diagram SG No 2753/2012, as will more fully appear from the said notarial deed.
10. By virtue of Notarial Tie Agreement No K 2236/2013 S the within mentioned property is notorially tied together with:
- i. Erf 589, TijgerVallei Extension 24;
 - ii. Erf 590, TijgerVallei Extension 24,
 - iii. Erf 591, TijgerVallei Extension 24;
 - iv. Erf 572, TijgerVallei Extension 27;
 - v. Erf 573, TijgerVallei Extension 27;
 - vi. Erf 570, TijgerVallei Extension 26;
 - vii. Erf 571, TijgerVallei Extension 26;
 - viii. Erf 996, Tijger Vallei Extension 23
 - ix. Erf 997, Tijger Vallei Extension 23
 - x. Erf 998, Tijger Vallei Extension 23
 - xi. Erf 999, Tijger Vallei Extension 23
 - xii. The Remainder of Portion 152 of the farm Zwartkoppies No 152, JR, or any divided portions thereof, for the purpose of the conveyance of municipal and engineering services, electricity, the reciprocal discharge and receipt of storm water and reciprocal rights of access, as will more fully appear from the said municipal deed.
11. By virtue of Notarial Deed of Servitude No K 6356/2014 S the within mentioned property is entitled to a perpetual servitude of right of way for the conveyance of municipal services and access purposes respectively over Erf 557, Tijger Vallei Extension 21 as indicated on General Plan SG No 10910/2006, as will more fully appear from the said notarial deed.

1.9.2 Excluding the following condition which affects Erf 1015 only:

By virtue of Notarial Deed of Servitude No K 6357/2014S the within mentioned property is subject to a servitude of right of way for access purposes to a public road and for the provision and conveyance of municipal engineering services, electricity and the discharge and receipt of stormwater in favour of The Retreat at Hazeldean Owner's Association NPC, Registration Number 2008/006842/08 and in favour of the owners and occupiers of Tijger Vallei Extension 23, Tijger Vallei Extension 24, Tijger Vallei Extension 26, Tijger Vallei Extension 27, or any unit in a sectional title scheme that had been established thereon, or any further divided portions of the Remaining Extent of Portion 152 of the farm Zwartkoppies No 364, JR, or any erf in a township to be established thereon, or any unit in a sectional title scheme to be established thereon, which servitude area is indicated by the figure A, B, C, K1, K2, K3, K3A, K4, K5, K6, K7, K8, K9, K10, K11, K12, K13, K14, D, E, F, G, H, J, K, L, M, N and A on General Plan Number 1896/2017, as will more fully appear from the said notarial deed and diagram SG No 453/2014 annexed thereto.

1.10 TOWNSHIP ACCESS TO A PUBLIC ROAD

Erf 1014 is entitled to a servitude of right of way over the following erven (private roads) being Erf 573, Tijger Vallei Extension 27, Erf 591, Tijger Vallei Extension 24, Erf 557, Tijger Vallei Extension 21, Erf 472, Tijger Vallei Extension 20, Erf 380, Tijger Vallei Extension 10, Erf 732, Tijger Vallei Extension 61, Erf 697, Tijger Vallei Extension 60, Erf 193, Tijger Vallei Extension 18, Erven 141 and 142 Tijger Vallei Extension 17, Erf 104, Tijger Vallei Extension 9, which servitudes shall be registered prior to or simultaneously with the transfer or registration of the first erf or unit within this township.

1.11 STORMWATER

The reciprocal receipt and discharge of stormwater on and from the township shall be along the roads and roadways constructed in the township.

2. CONDITIONS TO BE COMPLIED WITH BEFORE THE ERVEN IN THE TOWNSHIP BECOME REGISTRABLE READ WITH SECTION 82 OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE (15 OF 1986).

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

No transfer or registration transaction of any Erf, Portion or Unit shall be done without the consent of the local authority, which consent shall certify that all conditions of establishment, endowments have been paid, engineering contributions or any other obligations in terms of any agreement or imposed on the township owner including those contained under condition 3.3 herein have been complied with.

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 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.

2.3 THE DEVELOPER'S OBLIGATIONS

2.3.1 PROVISION OF ENGINEERING DRAWINGS

The developer must submit to the City of Tshwane complete engineering drawings in respect of internal sewers and sewer connection points and complete detail design engineering drawings in respect of the internal road and storm water sewers as well as water and electricity services, prior to the commencement of the construction of the said services.

The detail design drawings will only be evaluated after the required Services Reports has been approved.

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.

2.3.2 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.

2.3.3 MAINTENANCE PERIOD AND GUARANTEE

A maintenance period of 12 (twelve) months commences on the date on which the Council has certified that the provisions of Section 82 (1)(b)(ii)(cc) of the Town-Planning and Townships Ordinance 15 of 1986 has been complied with and when the last of the internal engineering services (i.e. water, sewerage, electricity, and the road and stormwater services) have been completed. The developer must submit proof to the Municipality that:

- (a) the non-profit company has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and/or materials with regard to the roads and stormwater services and the electricity services, which guarantee must be for an amount that is equal to 10% of the contract cost of the civil roads and stormwater services and the contract cost of the electrical services, prior to the commence date of the contract,.
- (b) the Municipality has been furnished with a maintenance guarantee, issued by a recognized financial institution, in respect of poor workmanship and / or materials with regard to the sewer and waterservices, which guarantee must be for an amount that is equal to 10% of the contract cost of these services, prior to the commence date of the contract.

2.4 The servitudes indicated under paragraph 2.8 shall be registered prior to or simultaneously with the transfer or registration of the first Erf or units within this township.

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 IN TERMS OF THE PROVISIONS OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986)

3.1.1 ALL ERVEN WITH THE EXCEPTION OF THE ERVEN REFERRED TO IN PARAGRAPH 2.8

- (a) The erf shall be subject to a servitude, 2 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, 2m wide, over the entrance portion of the erf, if and when required by the Municipality: Provided that the Municipality may waive any such servitude.
- (b) 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.
- (c) 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

3.2 REGISTRATION OF NEW SERVITUDES AND ENTITLEMENTS

- 3.2.1 The whole of Erf 1015 is subject to a servitude for engineering services and right of way in favour of Erf 1014 as indicated on General Plan Number 1896/2017.
- 3.2.2 The whole of Erf 1014 is entitled to a servitude for engineering services and right of way over Erf 1015 as indicated on General Plan Number 1896/2017.
- 3.2.3 The whole of Erf 1015 is subject to a servitude for municipal purposes and right of way in favour of the Local Authority as indicated on General Plan Number 1896/2017.

3.3 REGISTRATION OF SERVITUDES AND CONDITIONS IN FAVOUR OF THIRD PARTIES

3.3.1 Erf 1014 is subject to a servitude for electrical purposes in favour of the Retreat at Hazeldean Owners Association NPC, Registration Number 2008/006842/08, as indicated on General Plan Number 1896/2017.

3.3.2 Erf 1014 in the Township and/or sectional title units and/or real rights of extension and/or exclusive use areas, as defined in the Sectional Titles Act No 15 of 1986 (hereinafter referred to as "property") shall be made subject to the following conditions imposed in favour of the Retreat at Hazeldean Owners Association NPC, Registration Number 2008/006842/08 (hereinafter referred to as "the Association"):

3.3.2.1 Any owner of an erf and/or sectional title unit and/or real right of extension and/or exclusive use area in the township, shall automatically become and shall remain a member of the Association and be subject to its Memorandum of Incorporation and Rules until he/she ceases to be an owner as aforesaid.

3.3.2.2 No property within the Township, nor any subdivision thereof, nor any interest therein shall be transferred to any person who has not bound him/herself to the satisfaction of the Association to become a member thereof and has been made aware of the following condition imposed by and in favour of the Local Authority:

"Municipal services in respect of the Retreat at Hazeldean sectional title schemes, of which the within mentioned unit forms a part, has been installed and provided by the Local Authority to Erf 380 Tijger Vallei Extension 10, Erf 472 Tijger Vallei Extension 20 and Erf 557 Tijger Vallei Extension 21, from where all said services to the said sectional title schemes have been taken over, installed and maintained by the developer of the Retreat at Hazeldean sectional schemes, HAZELDEAN RETREAT (PROPRIETARY) LIMITED No 2003/027268/07, the HARIVA TRUST NO IT3443/2007, the INTERCARE INFINITY PROPERTY TRUST No IT3603/2007, or its successors in title, and by the RETREAT AT HAZELDEAN OWNERS ASSOCIATION NPC NO 2008/006842/08, or its successors in title. All said municipal services to the within mentioned sectional title scheme, of which the within mentioned unit forms a part, shall be installed and secured to the satisfaction of the Local Authority, prior to the transfer of the first unit in the within mentioned sectional title scheme from the developer., where after the owner, and its successor in title, by purchasing the property knows, acknowledges and understands that the Local Authority shall only be responsible for the services up to the boundary of Erf 380 Tijger Vallei Ext 10, Erf 472 Tijger Vallei Extension 20 and Erf 557 Tijger Vallei Extension 21 and that all services from that point shall jointly and severally be and remain the responsibility of HAZELDEAN RETREAT (PROPRIETARY) LIMITED No. 2003/027268/07, the HARIVA TRUST NO. IT3443/2007, the INTERCARE INFINITY PROPERTY TRUST No. IT3603/2007, or its successors in title, and by the RETREAT AT HAZELDEAN OWNERS ASSOCIATION NPC NO. 2008/006842/08, or its successors in title"

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