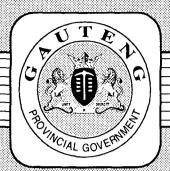
THE PROVINCE OF



DIE PROVINSIE GAUTENG

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

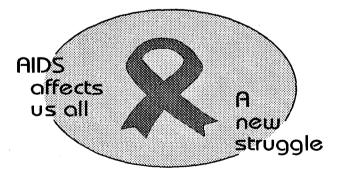
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Vol. 9

PRETORIA, 24 JUNE 2003

No. 238

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## LOCAL AUTHORITY NOTICES

#### **LOCAL AUTHORITY NOTICE 1184**

# EKURHULENI METROPOLITAN MUNICIPALITY PROPOSED SUNWARD PARK EXTENSION 21 TOWNSHIP

#### **DECLARATION AS APPROVED TOWNSHIP**

In terms of the provisions of the Town-planning and Townships Ordinance, 1986, the Ekurnuleni Metropolitan Municipality hereby declares Sunward Park Extension 21 township situated on Portion 132 (a portion of Portion 119) of the farm Leeuwpoort 113 IR, to be an approved township, subject to the conditions set out in the schedule hereto.

#### **SCHEDULE**

STATEMENT OF CONDITIONS UNDER WHICH THE APPLICATION MADE BY KINGFISHER SQUARE PROPERTY INVESTMENT (PTY) LTD (HEREAFTER REFERRED TO AS THE TOWNSHIP OWNER) FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 132 (A PORTION OF PORTION 119) OF THE FARM LEEUWPOORT 113IR, GAUTENG, HAS BEEN APPROVED.

#### 1. CONDITIONS OF ESTABLISHMENT

- 1.1 NAME
  - The name of the township shall be Sunward Park Extension 21.
- 1.2 DESIGN

The township shall consist of the erven as indicated on General Plan S.G. No. 8941/2002.

1.3 DISPOSAL OF EXISTING CONDITIONS OF TITLE

All erven shall be made subject to existing conditions of title and servitudes, if any, including the reservation of right to minerals, but excluding the following conditions which do not affect the erven in the township:

- (a) "1. The former remaining extent of the said farm Leeuwpoort 113, measuring 3252,9503 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K1349/59S subject to a servitude in perpetuity for the purpose of erecting an electricity substation with ancillary rights in favour of the Town Council of Boksburg as will more fully appear from reference to the said Notarial Deed".
- (b) "2. The former remaining extent of the said farm Leeuwpoort 113, measuring 3252,9503 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K1080/67S subject to a servitude for the conveyance of electricity and substation, with ancillary rights in favour of the Town Council of Boksburg as will more fully appear from reference to the said Notarial Deed".
- (c) "3. The former remaining extent of the said farm Leeuwpoort 113, measuring 2616,6550 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K568/73S dated 24 August 1972 subject to right in perpetuity to construct, reconstruct, use, maintain, repair, lay, relay, alter, inspect and remove overhead electric power lines in favour of the Electricity Supply Commission, as shown by the letters ABCDE and FGHJ and KLMNOP on Diagram S.G. No A6438/70 together with ancillary rights, as will more fully appear from the said Notarial Deed and Diagram".
- (d) "4. The former remaining extent of the said farm Leeuwpoort 113, measuring 2133,4632 hectares of which the property transferred forms a portion, is by virtue of Notarial Deed K2077/80S subject to a servitude in perpetuity to convey electricity across the said property by means of one transmission line consisting of wires or cables and/or other appliances underground or overhead in favour of ESCOM together with ancillary rights".
- (e) "5. The former remaining extent of the said farm Leeuwpoort 113, measuring 2020,0312hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K3132/84S subject to a servitude to convey electricity in favour of Eskom together with ancillary rights and subject to conditions, as will more fully appear from the reference to the said Notarial Deed".
- (f) "6. The former remaining extent of the said farm Leeuwpoort 113 measuring 2020,0312hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed 3133/84 subject to a servitude to convey electricity in favour of Eskom, together with ancillary rights and subject to conditions as will more fully appear on reference to the said Notarial Deed".

- (g) "7. The former remaining extent of the said farm Leeuwpoort 113 measuring 1942,7660 hectares (of which the property hereby transferred forms part) is by virtue of Notarial Deed K1665/85S subject to a servitude in favour of Eskom, its successors and assigns or Licensees the right in perpetuity to convey electricity across the said property by means of underground cables or other appliances laid under the surface of the ground, together with ancillary rights, as defined by the line AB on Diagram S.G. No. A7493/82 as will more fully appear from reference to the said Notarial Deed".
- (h) "8. The former remaining extent of the said farm Leeuwpoort 113 measuring 1931,2940 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K4455/87 S subject to a servitude to convey electicity in favour of Eskom, together with ancillary rights, and subject to conditions, as will more fully appear on reference to the said Notarial Deed".

(i) "9. The former remaining extent of the said farm Leeuwpoort 113 measuring 1918,6408 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K2213/90S subject to a servitude to convey electricity in favour of Eskom, together with ancillary rights, and subject to conditions, as will more fully appear on reference to the said Notarial Deed".

(i) "10. The former remaining extent of the said farm Leeuwpoort 113 measuring 1811,9393 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K5731/93S subject to a perpetual right of way servitude for watermain purposes and other municipal services in favour of the City Council of Boksburg, 3meters wide as shown on Diagram S.G. No. A11268/92 defined by the lines ABC,DE,FG,HJ together with ancillary rights, and subject to conditions, as will more fully appear from reference to the said Notarial Deed".

(k) "11. The former remaining extent of the said farm Leeuwpoort 113 measuring 1799,5460 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K4132/94S, subject to a powerline servitude in favour of Eskom with ancillary rights, and subject to conditions as will more

fully appear from reference to the said Notarial Deed".

(I) "12. The former remaining extent of the said farm Leeuwpoort 113 measuring 1799,5460 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K4133/94S subject to power line servitude in favour of Eskom with ancillary rights, and subject to conditions as will more fully appear from reference to the said Notarial Deed".

(m) "13. The former remaining extent of the said farm Leeuwpoort 113 measuring 1799,5460 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K4134/94S subject to power line servitude in favour of Eskom with ancillary rights, and subject to conditions as will more fully

appear from reference to the said Notarial Deed".

(n) "14. By Notarial Deed of Servitude No. K3354/96S the within mentioned property is subject to a servitude for electrical purposes in favour of the Council, together with ancillary right, 3 meters wide, the centre line of which being indicated by the line xy on Diagram SG. No. 7523/1995 annexed hereto".

(o) "15. By Notarial Deed of Servitude No K1042/93S the within mentioned property is subject to as servitude in favour of Eskom to convey electricity over the property, together with ancillary rights, and subject to conditions as will more fully appear from reference to the said Notarial Deed."

#### 1.4 REMOVAL OR REPLACEMENT OF MUNICIPAL SERVICES

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

### 1.5 OBLIGATIONS IN REGARD OF ENGINEERING SERVICES

The township owner shall within such period as the local authority may determine, fulfill its obligations in respect of the provision and installation of engineering services as previously agreed upon between the township owner and the local authority.

#### 1.6 ACCESS

Ingress to the erven in the township and egress from the erven in the township shall be designed and constructed by the township owner at its own cost, with due consideration and incorporation of the stormwater canal in Kingfisher Avenue and the existing storm-water drainage system in Nicholson Road, to the satisfaction of the Executive Director: Roads, Transport and Civil Works of the local authority.

#### 1.7 DISPOSAL OF SURFACE RIGHT PERMITS

The township owner shall at its own cost ensure that Surface Right Permit A107/31 for agriculture as indicated on plan RMT No 2647 in favour of Johannesburg Consolidated Investment Company Ltd, is abandoned (caused to be abandoned), to the satisfaction of the Department of Minerals and Energy.

#### 2. CONDITIONS OF TITLE

The erven shall be subject to the following conditions imposed by the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986:-

#### 21 ALL FRVFN

- (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. 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 largerooted 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 aforesaid purposes, 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.
- (d) As this erf forms part of land which is undermined and which may be liable to subsidence, settlement, shocks and cracking due to mining operations past, present or future, whereby damage may be caused to the surface, buildings or structures erected thereon, the surface owner shall not at any time be entitled to require from the Mining Title Holder, or from the Inspector of Mines that any provision for protection of the surface of the erf or to any buildings or structures thereon shall be made and the surface owner accepts all risk or damage and liabilities to such surface, buildings and/or structures which may be caused by such subsidence, settlement, shock, cracking or mining operations or by any operations of whatsoever nature incidental thereto, past, present or future either underneath the erf or elsewhere.
- (e) As this erf forms part of an area which may be subject to dust pollution and noise as a result of the presence of an operational mine shaft past, present or future in the vicinity thereof, the owner thereof accepts that inconvenience with regard to dust pollution and noise as a result thereof, may be experienced and accepts all risk or damage and liabilities in respect thereof

#### 2.2 ERF 3579

The erf is subject to a servitude for electrical substation purposes in favour of the local authority as indicated on the General Plan.

**PAUL MAVI MASEKO, CITY MANAGER**, CIVIC CENTRE, BOKSBURG 24 JUNE 2003 NOTICE NO 121/2003

14/19/3/S1/21 (FW)

#### PLAASLIKE BESTUURSKENNISGEWING 1184

# EKURHULENI METROPOLITAANSE MUNISIPALITEIT 'VOORGESTELDE DORP SUNWARD PARK UITBREIDING 21

#### **VERKLARING TOT GOEDGEKEURDE DORP**

Ingevolge die bepalings van artikel 103(1) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, verklaar die Ekurhuleni Metropolitaanse Munisipaliteit hiermee die dorp Sunward Park Uitbreiding 21 geleë of Gedeelte 132 ('n gedeelte van Gedeelte 119) van die plaas Leeuwpoort 113 IR, tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande bylae.

#### **BYLAE**

VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR KINGFISHER SQUARE PROPERTY INVESTMENT (EDMS) BPK (HIERNA VERWYS NA AS DIE DORPSEIENAAR), OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 132 ('N GEDEELTE VAN GEDEELTE 119) VAN DIE PLAAS LEEUWPOORT 113 IR, GAUTENG, GOEDGEKEUR IS.

#### 1. STIGTINGSVOORWAARDES

#### 1.1 NAAM

Die naam van die dorp is Sunward Park Uitbreiding 21.

#### 1.2 ONTWERP

Die dorp bestaan uit die erwe soos aangedui op Algemene Plan S.G. No. 8941/2002.

#### 1.3 BESKIKKING OOR BESTAANDE TITLEVOORWAARDES

Alle erwe sal onderworpe gemaak word aan bestaande titelvoorwaardes en serwitute, indien enige, met inbegrip van die reservering van die regte op minerale, maar uitgesonderd die volgende voorwaardes wat nie die erwe in die dorp raak nie:

- (a) "1. The former remaining extent of the said farm Leeuwpoort 113, measuring 3252,9503 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K1349/59S subject to a servitude in perpetuity for the purpose of erecting an electricity substation with ancillary rights in favour of the Town Council of Boksburg as will more fully appear from reference to the said Notarial Deed".
- (b) "2. The former remaining extent of the said farm Leeuwpoort 113, measuring 3252,9503 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K1080/67S subject to a servitude for the conveyance of electricity and substation, with ancillary rights in favour of the Town Council of Boksburg as will more fully appear from reference to the said Notarial Deed".
- (c) "3. The former remaining extent of the said farm Leeuwpoort 113, measuring 2616,6550 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K568/73S dated 24 August 1972 subject to right in perpetuity to construct, reconstruct, use, maintain, repair, lay, relay, alter, inspect and remove overhead electric power lines in favour of the Electricity Supply Commission, as shown by the letters ABCDE and FGHJ and KLMNOP on Diagram S.G. No A6438/70 together with ancillary rights, as will more fully appear from the said Notarial Deed and Diagram".
- (d) "4. The former remaining extent of the said farm Leeuwpoort 113, measuring 2133,4632 hectares of which the property transferred forms a portion, is by virtue of Notarial Deed K2077/80S subject to a servitude in perpetuity to convey electricity across the said property by means of one transmission line consisting of wires or cables and/or other appliances underground or overhead in favour of ESCOM together with ancillary rights".
- (e) "5. The former remaining extent of the said farm Leeuwpoort 113, measuring 2020,0312hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K3132/84S subject to a servitude to convey electricity in favour of Eskom together with ancillary rights and subject to conditions, as will more fully appear from the reference to the said Notarial Deed".
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- (g) "7. The former remaining extent of the said farm Leeuwpoort 113 measuring 1942,7660 hectares (of which the property hereby transferred forms part) is by virtue of Notarial Deed K1665/85S subject to a servitude in favour of Eskom, its successors and assigns or Licensees the right in perpetuity to convey electricity across the said property by means of underground cables or other appliances laid under the surface of the ground, together with ancillary rights, as defined by the line AB on Diagram S.G. No. A7493/82 as will more fully appear from reference to the said Notarial Deed".
- (h) "8. The former remaining extent of the said farm Leeuwpoort 113 measuring 1931,2940 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K4455/87 S subject to a servitude to convey electicity in favour of Eskom, together with ancillary rights, and subject to conditions, as will more fully appear on reference to the said Notarial Deed".
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  (i) "10. The former remaining extent of the said farm Leeuwpoort 113 measuring 1811,9393 hectares (a portion whereof is hereby transferred) is by virtue of Notarial Deed K5731/93S subject to a perpetual right of way servitude for watermain purposes and other municipal services in favour of the City Council of Boksburg, 3meters wide as shown on Diagram S.G. No. A11268/92 defined by the lines ABC,DE,FG,HJ together with ancillary rights, and subject to conditions, as will more fully appear from reference to the said Notarial Deed".

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(n) "14. By Notarial Deed of Servitude No. K3354/96S the within mentioned property is subject to a servitude for electrical purposes in favour of the Council, together with ancillary right, 3 meters wide, the centre line of which being indicated by the line xy on Diagram SG. No. 7523/1995

annexed hereto".

(o) "15. By Notarial Deed of Servitude No K1042/93S the within mentioned property is subject to as servitude in favour of Eskom to convey electricity over the property, together with ancillary rights, and subject to conditions as will more fully appear from reference to the said Notarial Deed."

#### 1.4 VERWYDERING OF VERVANGING VAN MUNISIPALE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale dienste te verwyder of te vervang moet die koste daarvan deur die dorpseienaar gedra word.

#### 1.5 VERPLIGTING MET BETREKKING TOT INGENIEURSDIENSTE

Die dorpseienaar moet binne sodanige tydperk as wat die plaaslike bestuur mag bepaal sy verpligtinge met betrekking tot die voorsiening en installering van ingenieursdienste soos voorheen ooreengekom tussen die dorpseienaar en die plaaslike bestuur, nakom.

#### 1.6 TOEGANG

Ingang na die erwe in die dorp, en uitgang van die erwe in die dorp sal ontwerp en gebou word deur die dorpseienaar of sy eie koste, met behoorlike inagneming en insluiting van die stormwaterkanaal in Kingfisherlaan en die bestaande stormwaterdreineringstelsel in Nicholsonweg, tot bevrediging van die Uitvoerende Direkteur; Paaie, Vervoer en Sivielewerke, van die plaaslike bestuur.

#### 1.7 BESKIKKING OOR OPPERVLAKREG PERMITTE

Die dorpseienaar moet op eie koste toesien dat oppervlaktereg permit A107/31 vir landboudoeleindes soos aangetoon op plan RMT No 2647 ten gunste van Johannesburg Consolidated Investment Company Bpk, opgehef word (laat opgehef word), tot bevrediging van die Department Mineraal en Energie.

#### 2. TITELVOORWAARDES

Die erwe moet onderworpe wees aan die voorwaardes soos aangedui, opgelê deur die plaaslike bestuur ingevolge die bepalings van die Ordonnansie op Dorpsbelanning en Dorpe, 1986:-

#### 2.1 ALLE ERWE

(a) Die erf is onderhewig aan 'n serwituut 2 meter breed vir riolering-en ander munisipale doeleindes, ten gunste van die plaaslike bestuur langs enige twee grense, uitgesonderd 'n straatgrens: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

(b) Geen geboue of ander struktuur mag binne die voornoemde sewituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 'n afstand van 2

meter daarvan geplant word nie.

(c) Die plaaslike bestuur is geregtig om enige materiaal wat deur hom uitgegrawe word tydens die aanlef, onderhoud of verwydering van sodaninge rioolhoofplypleidings en ander werke as wat hy volgens goeddenke noodsaaklik ag, tydelik te plaas op die grond wat aan die voormelde serwituut grens, en voorts is die plaaslike bestuur geregtig tot redelike toegang tot genoemde grond vir die voormelde doel, onderworpe daaraan dat die plaaslike bestuur enige skade vergoed wat gedurende die aanleg, onderhoud of verwydering van sodanige rioolhoofpypleidings en ander werke veroorsaak word.

- (d) Aangesien die erf deel vorm van grond wat ondermyn is en onderhewig mag wees aan versakking, vassakking, skokke en krake as gevolg van myngedrywighede in die verlede, hede en die toekoms wat mag lei tot skade aan die oppervlakte, geboue of strukture wat daarop opgerig is, sal die oppervlakte eienaar op geen stadium geregtig daarop wees om aanspraak te maak op beskering van die oppervlakte, geboue of strukture by die Myntitelhouer of die Inspekteur van Myne nie en die oppervlakte eienaar aanvaar alle risiko vir skade en aanspreeklikheid tot sodanige oppervlakte, geboue of strukture wat veroorsaak mag word deur sodanige versakking, vassakking, skok, krake of mybedrywighede en/of enige bedrywighede van watter aard ookal aanverwant daaraan in die verlede, die hede of die toekoms onder die erf of elders.
- (e) Aangesien die erf deel vorm van 'n gebied wat onderhewig mag wees aan stofbesoedeling en geraas as gevolg van die teenwoordigheid van 'n operasionele mynskag in die verlede, die hede of die toekoms in die omgewing daarvan, aanvaar die eienaar daarvan dat ongerief met betrekking tot stofbesoedeling en geraas as gevolg daarvan mag voorkom, en aanvaar alle risko of skade en aanspreeklikheid in verband daarmee

#### 2.2 ERF 3579

Die erf is onderhewig aan 'n serwituut vir elektriese substasiedoeleindes ten gunste van die plaaslike bestuur, soos aangetoon op die algemene plan.

**PAUL MAVI MASEKO, STADSBESTUURDER**, BURGERSENTRUM, BOKSBURG 24 JUNIE 2003 KENNISGEWING NR 121/2003

14/19/3/S1/21 (FW)

## **LOCAL AUTHORITY NOTICE 1185**

#### EKURHULENI METROPOLITAN MUNICIPALITY BOKSBURG AMENDMENT SCHEME 1013

The Ekurhuleni Metropolitan Municipality hereby in terms of the provisions of section 125(1) of the Town-planning and Townships Ordinance, 1986, declares that it has adopted an amendment scheme being an amendment of the Boksburg Town Planning Scheme, 1991 relating to the land included in Sunward Park Extension 21 township.

A copy of the said town-planning scheme as adopted is open for inspection at all reasonable times at the office of the Executive Director: Development Planning, Civic Centre, Boksburg and the office of the Head of Department, Department Development Planning and Local Government, Gauteng Provincial Government, Johannesburg. The said amendment scheme is known as Boksburg Amendment Scheme 1013.

PAUL MAVI MASEKO, CITY MANAGER, CIVIC CENTRE, BOKSBURG 24 JUNE 2003 NOTICE NO. 122/2003 14/21/1/1013 (FW)

#### **PLAASLIKE BESTUURSKENNISGEWING 1185**

# EKURHULENI METROPOLITAANSE MUNISIPALITEIT BOKSBURG-WYSIGINGSKEME 1013

Die Ekurhuleni Metropolitaanse Munisipaliteit verklaar hiermee ingevolge die bepalings van artikel 125(1) van die Ordonnansie of Dorpsbeplanning en Dorpe, 1986, dat dit 'n wysiging van die Boksburg Dorpsbeplanningskema, 1991 wat betrekking het op die grond ingesluit in die dorp Sunward Park Uitbreiding 21 aanvaar het.

'n Afskrif van die gemelde dorpsbeplanningskema soos aanvaar, lê te alle redelike tye ter insae in die kantoor van die Uitvoerende Direkteur: Stedelike Ontwikkeling, Burgersentrum, Boksburg en die kantoor van die Hoof van die Departement, Departement Ontwikkelingsbeplanning en Plaaslike Regering, Gauteng Provinsiale Regering, Johannesburg. Die gemelde wysigingskema staan bekend as Boksburg-wysigingskema 1013.

PAUL MAVI MASEKO, STADSBESTUURDER, BURGERSENTRUM, BOKSBURG 24 JUNIE 2003 KENNISGEWING NR. 122/2003 14/21/1/1013 (FW)

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