

**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 883

CITY OF TSHWANE

AKASIA/SOSHANGUVE AMENDMENT SCHEME 0360A

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 Mabopane Extension 4, being an amendment of the Akasia/Soshanguve Town-planning Scheme, 1996.

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

This amendment is known as Akasia/Soshanguve Amendment Scheme 0360A.

(13/2/Mabopane x4 (0360A))
 ___ July 2014

CHIEF LEGAL COUNSEL
 (Notice No 416/2014)

PLAASLIKE BESTUURSKENNISGEWING 883

STAD TSHWANE

AKASIA/SOSHANGUVE WYSIGINGSKEMA 0360A

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 Mabopane Uitbreiding 4, synde 'n wysiging van die Akasia/Soshanguve dorpsbeplanningskema, 1996, goedgekeur het.

Kaart 3 en die skemaklousules van hierdie wysigingskema word deur die Uitvoerende Direkteur: Hoofregadviseur, in bewaring gehou en lê gedurende gewone kantoorure ter insae.

Hierdie wysiging staan bekend as Akasia/Soshanguve wysigingskema 0360A.

(13/2/Mabopane x4 (0360A))
 ___ Julie 2014

HOOFREGSADVISEUR
 (Kennisgewing No 330/2014)

CITY OF TSHWANE

DECLARATION OF THE MABOPANE EXTENSION 4 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 Mabopane Extension 4 to be an approved township, subject to the conditions as set out in the Schedule hereto.

(13/2/Mabopane x4 (0360A))

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION MADE BY THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY IN TERMS OF THE PROVISIONS OF SECTION 108 OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE NO 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 53 OF THE FARM MABOPANE NO 702JR; AND PORTION 439 OF THE FARM RIETGAT 105JR, PROVINCE OF GAUTENG, HAS BEEN GRANTED

1. CONDITIONS OF ESTABLISHMENT

1.1 NAME

The name of the township shall be Mabopane Extension 4.

1.2 DESIGN

The township shall consist of erven, parks and streets as indicated on General Plan SG No 7484/2009.

1.3 LAND FOR MUNICIPAL PURPOSES

The township owner shall reserve the following erf for municipal purposes:

General (Municipal purposes): Erf 12160.

1.4 DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at his own expense cause all existing buildings and structures situated within building line reserves and side spaces or over common boundaries, or dilapidated structures, to be demolished.

1.5 REMOVAL OF LITTER

The township owner shall at his own expense have all litter within the township area removed.

1.6 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;

1.7 COMPLIANCE WITH CONDITIONS IMPOSED BY THE DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

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

1.8 ERECTION OF FENCE OR OTHER PHYSICAL BARRIER

The township owner shall erect a fence or other physical barrier to the satisfaction of the Head of the Department: Gauteng Provincial Government: Department of Public Transport, Roads and Works, 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.

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

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 and external engineering services in the township.

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

3.1 excluding the following conditions and servitudes which do not affect the township area due to locality:

3.1.1 In Deed of Transfer T73872/12

“B The former Remaining Extent of Portion 19 (a portion of Portion 7) of the farm Nooitgedacht 256 J.R. (of which the portion represented by the figure p b c d g h j e2' D2 middle of River k l m n annexed on the diagram SG No 613/2000 forms a portion) annexed to Certificate of consolidated Title T140824/2000 is subject to:

“Onderworpe aan ‘n reg van weg 12,57 meter wyd ten gunste van voormelde resterende gedeelte van gedeelte 7, groot as sodanig 346,7973 hektaar, van en na die pad van Hebron na Klipgat oor Nooitgedacht wat gaan oor genoemde gedeelte 19, welke reg van weg sal gaan oor die mees gerieflike plek soos ooreengekom te word tussen die eienare van genoemde gedeelte 19, en die genoemde resterende gedeelte van gedeelte 7, soos meer ten volle sal blyk uit genoemde Akte van Transport No 8660/1947.”

“C The former Portion 20 (a portion of Portion 19) of the farm Nooitgedacht 256 JR represented by the figure d e f g annexed on the diagram SG No 8660/1947, is voormelde gedeelte 19 onderworpe aan en geregtig tot:-

1(a) ‘n 12,57meter reg van weg ten gunste van die resterende gedeelte van gedeelte 7 van gedeelte 5 van die plaas NOOITGEDACHT No 256, Registrasie Afdeling JR distrik PRETORIA, gehou onder genoemde Transportakte No 8660/1947, en”

“D “1(a) The former Remaining Extent of Portion 3 of the farm RIETGAT 105, Registration Division J.R., district Pretoria, measuring as such 1309,0707 Hectares(of which the property hereby held, forms a portion), is entitled to a servitude of right of Way in perpetuity over the farm ZOUTPAN 104, registration division J.R., district Pretoria as will more fully appear from Notarial Deed 582/52 S registered on the 16th July 1952.”

2. Die voormalige gedeeltes 192, 191 en 187 van die plaas RIETGAT 105 onderskeidelik voorgestel deur die figure Q R S T U V e4 W X Y Z j4 h4 e4 en j4 A1 B1 j4 op kaart LG No 613/2000 aangeheg by Sertifikaat van Verenigde Titel T140824/2000, is onderhewig aan die volgende voorwaarde”

“SUBJECT to a servitude of right of way in perpetuity 15,74 metres wide in favour of the General Public, as indicated by the figures a2 b2 c2 d2 and e2 f2 g2 h2 on the annexed diagram SG No 613/2000 as will more fully appear from Notarial Deed 987/61-S registered on the 11th of August 1961.”

3. die voormalige gedeeltes 189, 190, 191 and 188 van die plaas RIETGAT 105 voorgestel deur die figure L M N O P Q R S T U V W X Y Z A1 K L op kaart LG No. 613/2000 aangeheg by Sertifikaat van Verenigde Titel T14824/2000, is onderhewig aan die volgende voorwaardes:

“(a) The former Remaining Extent of Portion 3 of the farm said farm measuring as such 655,5372 hectares, of which the property hereby held, forms a portion, is entitled to a servitude of right of way over Portion 228 (a portion of Portion 3) of the farm RIETGAT 105 JR measuring 21,4153 hectares, held by virtue of Deed of Transfer 36875/1972 as indicated by the figure lettered abcdefg on Diagram SG No. A6809/65 annexed to the aforesaid Deed of Transfer 36875/1972 dated the 6th December 1972.”

G “The former Remainder of Portion 7 (a portion of Portion 5) of the farm NOOITGEDACHT 256-JR represented by the figure r2’ q h f e D E F G v u t2’ middle of Zand Rivier r2’ and a p n l k middle of Zand Rivier a2’ on diagram SG No. 613/2000 annexed to Certificate of Consolidated Title T140224/2000 is subject to the following conditions:

1. “Die eiendom hierby gehou is geregtig tot ‘n reg van weg, 12,57 meter wyd oor SEKER Gedeelte 19 (‘n gedeelte van Gedeelte 5) van die plaas NOOITGEDACHT Nr. 256 geleë in die distrik Pretoria groot as sulks 471,8956 hektaar, geregtig is, sal gedeelte 19 (‘n Gedeelte van Gedeelte 7 van Gedeelte 5) voornoemde plaas, groot 356,3286 hektaar, gehou deur PAUL PHILLIPUS JOHANNES HERMAN kragtens Sertifikaat van Geregistreerde Titel No 8659/1947 gedateer 25 Maart 1947, voortaan geregtig wees tot een halwe aandeel daarvan en die Resterende gedeelte hierby getranspoteer op die oorblywende een hlawe (1/2) aandeel daarvan tesame met die verdure reg op alle water wat nie deur die eienaar van genoemde gedeelte 19 vir eie gebruik benodig word op sodanige Gedeelte 19 nie.

- H (a) The former Remainder of Portion 17 (a portion of portion 11) of the farm NOOITGEDACHT 256 JR REPRESENTED BY THE FIGURE b2 C’ MIDDLE OF Zand River w Z1A2 on diagram SG No 613/200 annexed to Certificate of Consolidated Title T140824.2000 is subject to the following conditions:

“ONDERWORPE aan die volgende voorwaardes onder die bepaling van Wet No 21 van 1940:-

- (a) Die grond mag nie onderverdeel word nie, ook mag geen aandeel daarin of gedeelte daarvan verkoop, verhuur of op enige wyse van die hand gesit word nie, tensy die geskrewe goedkeuring van die Beherende Gesag soos omskryf in Wet 21 van 1940 eers verkry en verleen is.
- (b) Nie meer as een woonhuis, tesame met sulke buitegeboue wat gewoonlik in verband daarmee nodig is, mag op die grond opgerig word nie, tensy die goedkeuring van die Beherende Gesag soos omskryf in Wet 21 van 1940 verkry en daartoe verleen is.
- (c) Die grond moet slegs vir woon- en landboudoeleindes gebruik word en hoegenaamd geen winkel of besigheid of nywerheid mag sonder die geskrewe goedkeuring van die Beherende Gesag soos omskryf in Wet No 21 van 1940 op die grond ge-open of gedryf word nie.
- (d) Geen gebou of enige bouwerk hoegenaamd mag binne ‘n afstand van 94,46 meter van die middellyn van die pad opgerig word, sonder die geskrewegoedkeuring van die Beherende Gesag soos omskryf in Wet 21 van 1940 verkry en daartoe verleen is.

The former Portion 3 (a portion of Portion 1) of the farm NOOITGEDACHT 256-JR represented by the figure J2 K2 L2 M2 on diagram SG No 613/2000 annexed to Certificate of Consolidated Title T140824/2000 is subject to the following conditions:

- (a) “De Eigenaar of diens opvolgers zal het volle vrye en onbeswaarde recht van weg en toegang hebben van en naar genoemde stuk grond over het resterend gedeelte, groot als zodanig 3404,7377 hektaar van het gedeelte door Willem Johannes Kok (Junior), onder Akte van Transport No 2157/1907 gehouden, (uitsluitende die resterende gedeelte van Gedeelte 5 van die plaas NOOITGEDACHT No 256, (voorheen No. 349), geleë in die Registrasie Afdeling JR, groot as sodanig 281,3277 hektaar) naar en van de naaste of gemakkelijkst bereikbare water op voormelde plaats, met het recht om dat water te gebruiken en zooveel ervan als nodig en gemakkelijk moge zyn voor het gebruik en genot van genoemd stuk grond; met het recht dat water door middle van pypen, waterlopen of andersins naar genoemd stuk grond te leiden en ten dien einde eenige machinerie voor krachtsontwikkeling op te richten en te gebruiken om het water op genoemd stuk grond te krygen.”

M “The former Portion 4 (a portion of Portion 1) represented by figure H2 J2 M2 N2 on the annexed diagram SG No 613/2000 is subject to the following condition:”

“Die eienaar of sy opvolgers het die volle vrye en onbelemmerde reg van weg en toegang van en na die bedoelde stuk grond na en van die naaste en gerieflikste bereikbare publieke pad en tot sodanige reg van weg na en van die naaste en gerieflikste verkrybare water op die Resterende Gedeelte van gesegde plaas “NOOIGEDACHT” No 349, distrik PRETORIA; groot as sulks 3454,0709 hektaar, gehou onder Akte van Transport No 2157/1907, met die reg om die water te gebruik en soveel daarvan as wat vir hom nodig en gerieflik is, vir die gebruik en nut van bedoelde grond te lei en daarvoor enige kragmasjienerie op te rig en te gebruik om die water op bedoelde stuk grond te bring.”

3.1.2 In Deed of transfer T116697/05

A 1 The former Remaining Extent of Portion 3 of the farm Rietgat 105, Registration Division JR, district Pretoria, measuring as such 1309,0707 Hectares (of which the property hereby held, forms a portion), is entitled to a servitude of right of Way in perpetuity over the farm ZOUTPAN 104, Registration Division JR, district Pretoria, as will more fully appear from Notarial Deed 582/52 S registered on the 16th of July 1952.

B2 The former Remaining Extent of Portion 3 of the said farm measuring as such 655,5372 hectares, of which the property hereby held, forms a portion is entitled to a servitude of right of way over Portion 228 (a portion of portion 3) of the farm RIETGAT, 105, JR measuring 21,4153 hectares, held by virtue of Deed of Transfer 36875/1972 as indicated by the figure lettered abcdefg on diagram SG No A6809/65 annexed to the aforesaid Deed of Transfer 36875/1972 dated the 6th December 1972.

3.2 excluding the following conditions and servitudes which shall not be passed on to the erven in the township

In Deed of Transfer T73872/12

“SUBJECT to the following conditions:

“A The former 6 (apportion of portion 5) remaining Extent of PORITON 19, Portion 20 (a portion of portion 19), Portion 15 (a portion of portion 8), Remaining Extent of portion 8 (a portion of portion 5), remaining Extent of Portion 9 (a portion of portion 5), Portion 21 (apportion of portion 8), Portion 18 (a portion 8), Remaining Extent of Portion 7 (a portion of portion 5), portion 25 (a portion of portion 9), Remaining Extent of portion 22, Portion 24 (a portion of portion 22), Portion 23 (a portion of portion 22), Portion 17 (a portion of portion 11), Portion 13 (a portion of portion 5), remaining Extent of Portion 5 all of the farm NOOITGEDACHT 256 J.R. respectively represented by the following figures A' B C c p b c d e f g G H J u' r' s' Gt' s' r' q' h' j' d e' a' z y x 2' middle of Zand River t2' u 1' k' g' W1 f' d' f' y' d' f' X' Z1 A2 middle of Zand River w2' A2 B2 C2' middle of Zand River D2 e2' k a 2' A1 on the annexed diagram S G No. 613/2000 annexed to Certificate of Consolidated Title T140824/2000 are subject to the following condition:

“Onderworpe in teme van die Testament gedateer te Pretoria of die 11de Mei 1937 van WILLEM JOHANNES KOK en wyle SUSARA ELEZABETH JOHANNA KOK (geore Engelbrecht) aan die volgende voorwaarde:

“Dit is ons uitdrukkelike wil en begeerte dat die verdeling van die water tussen die Oostelike en Westelike helftes van genoemde plaas NOOITGEDACHT na die dood van die eerssterwende sal bly voortbestaan soos dit tans is, behalwe dat waterleiding slegs sal geskied tussen sonop en sononder.”

- “(b) Geregtig in die gebruik en genot van die regte tot water soos toegekome onder voormelde Transportakte No. 8660/1947”;
- “2. In die genot en gebruik van al die water regte hierin genoem in paragraaf A is die hiermee getransporteerde gedeelte 20, nie geregtig tot enige van sulke water regte nie, maar wel onderhewig aan enige van die bepalings en verpligtings in die hierintevore kondisies in paragraaf A en paragraaf C voorwaarde 1(a) en (b) genoem.”
- “F. The former Portion 21 (a portion of Portion 8) and Portion 18 (a portion of Portion 8) measuring 107,0665 hectares of the farm NOOITGEDACHT 256-JR represented by the figure t' u v' a1 z' r' s' and G t' s' r' q' p' n' m' v' respectively on diagram SG No 613/2000 annexed to Certificate of Consolidated Title T140824/2000 are subject to the following condition:”
- “SPECIALLY subject to the condition that in the event of the dam on the Remaining extent of the said Portion 8 of Portion 5 of the farm 'NOOITGEDACHT' measuring as such 514,0315 hectares held by WILLEM JOHANNES KOK (born 3rd January 1897) by Deed of Transfer No. 8537/1939 marked in diagram SG No. A 6090/1939 ANNEXED TO THE SAID Deed of Transfer, drying up at any time or times, the Transferor and his Successors in Title to the said Remaining Extent shall have the right to water his cattle in the Zandrivier on the said Portion 18, a portion of Portion 5, until the dam fills.”
- “DIE gedeelte hierdeur gehou sal alleenlik geregtig wees tot die hierbo omskrewe suipingsreg en die Resterende Gedeelte van genoemde plaas nou groot 85,7656 hektaar sal geen reg of genot daarvan geniet nie”
- “2. The former Remainder of Portion 22, (a portion of Portion 22) and portion 23 (a portion of Portion 22) all of the farm NOOITGEDACHT 256 –JR respectively indicated by the figure e' d' c' b' a' z' y x2' middle of Zand River t2' u1' k' J' g' W1 f' d1 Y1 excluding the figures P1 Q2 R2 S2 T2 U2 V2 W2; Y1 d1 f' X1; Z1 A2 W2' annexed to Certificate of Consolidated Title T 140824/2000 are subject to the following:
- “Kragtens die Uiterste Wil en Testament geteken te PRETORIA op 27 September 1957 van wyle CHRISTIAAN LOURENS VAN AARDT en sy oorlewende eggenote SUSANNA SOFIA VAN AARDT, gebore Schoeman is die volgende voorwaardes van toepassing wat betref die genot van die water:”
- (i) “By die genot van die waterregte sal die water waartoe gedeelte 22 van die plaas Nooitgedacht voormeld, (waarvan die eiendom hieronder getranspoteer 'n gedeelte uitmaak) geregtig was, in gelyke dele al om die alternatiewe week toekom aan die eienaar van die eiendom hieronder getranspoteer en die eienaar van gedeeltes 23 en 24 van die genoemde plaas Nooitgedacht, getranspoteer op 7 November 1959 aan FREDERICK STEPHANUS VAN AARDT onder Akte van Transport No 27553/1959.”
- (ii) “Alle watervore in gebruik wat loop na en vanaf die grond geleë op die eiendom hieronder getranspoteer, sal gesamentlik in orde en skoon gehou word deur die eienaar van die eiendom hieronder getranspoteer en die eienaar van gedeeltes 23 en 24 van die genoemde plaas getranspoteer op 7 November 1959 aan FREDERICK STEPHANUS VAN AARDT onder Akte van Transport No. 27553/1959, insoverre die watervore loop oor die eiendom hieronder getranspoteer.”
- 3.3 excluding the following rights/entitlements which shall not be passed on to the erven in the township:
1. In Deed of Transfer T73872/12 (in respect of the farm Mabopane 702JR): Condition D1(b);
- “D 1 (b) Subject to the following condition imposed and enforceable by TOWEROAD PROPERTIES (PROPRIETARY) LIMITED, namely: The owner shall not have the right to open a shop or carry on any business or industry on the land hereby held.”

2. In Deed of transfer T116697/05 (in respect of Portion 267 of the farm Rietgat 105JR): Condition A2

“A2 “Subject to the following condition imposed and enforceable by TOWEROAD PROPERTIES (PROPRIETARY) LIMITED namely: The owner shall not have the right to open a shop or carry on any business or industry on the land hereby held.”

4. CONDITIONS OF TITLE

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

4.1 ALL ERVEN WITH THE EXCEPTION OF THE ERF REFERRED TO IN CLAUSE 1.3

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 The 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 necessary, and 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.

4.2 ERF 12161

The erf shall be subject to a Pedestrian right of way servitude 14,5 metres wide in favour of the General Public, as indicated on the General Plan.

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