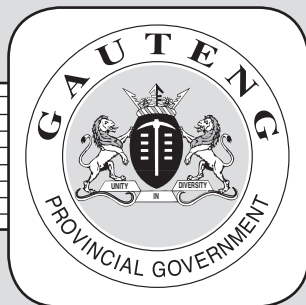


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No. 382

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

**PLAASLIKE OWERHEIDSKENNISGEWING 1509 VAN 2015
WYSIGINGSKEMA 01-15053**

Die Stad van Johannesburg Metropolitaanse Munisipaliteit verklaar hiermee ingevolge die bepalings van artikel 125(1)(a) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), dat dit 'n wysigingskema synde 'n wysiging van die Johannesburg Dorpsbeplanningskema, 1979, wat uit dieselfde grond as die dorp **Aspen Lakes Uitbreiding 12** bestaan, goedgekeur het. Kaart 3 en die skemaklousules van die wysigingskema word in bewaring gehou deur die Uitvoerende Direkteur: Departement Ontwikkelingsbeplanning: Stad van Johannesburg en is beskikbaar vir inspeksie op alle redelike tye.

Hierdie wysiging staan bekend as Wysigingskema 01-15053

Hector B. Makhubo
Adjunk Direkteur: Regsadministrasie
Stad van Johannesburg Metropolitaanse Munisipaliteit
Kenningsgewing Nr 657/2015

VERKLARING TOT 'N GOEDGEKEURDE DORP

Ingevolge Artikel 103 van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986), verklaar die Johannesburg Stad, Metropolitaanse Munisipaliteit hierby **Aspen Lakes Uitbreiding 12** tot 'n goedgekeurde dorp onderworpe aan die voorwaardes uiteengesit in die bygaande bylae.

BYLAE

STAAT VAN VOORWAARDES WAAROP DIE AANSOEK GEDOEN DEUR PATRONI INVESTMENTS (EIENDOMS) BEPERK (HIERNA DIE DORPSEIENAAR GENOEM) INGEVOLGE DIE BEPALINGS VAN HOOFSTUK III VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), OM TOESTEMMING OM 'N DORP TE STIG OP GEDEELTE 46 ('N GEDEELTE VAN GEDEELTE 37) VAN DIE PLAAS LIEFDE EN VREDE, REGISTRASIE AFDELING 104 I.R., PROVINSIE VAN GAUTENG, TOEGESTAAN IS.

1. STIGTINGSVOORWAARDES**(1) NAAM**

Die naam van die dorp is **Aspen Lakes Uitbreiding 12**.

(2) ONTWERP

Die dorp bestaan uit 'erwe en strate soos aangedui op Algemene Plan L.G. Nr.: 568/2015.

(3) VOORSIENING EN INSTALLERING VAN INGENIEURDIENSTE

Die dorpsseenaar moet die nodige reëlings met die plaaslike bestuur tref vir die voorsiening en installering van alle ingenieursdienste waarvan die plaaslike bestuur die verskaffer is, asook die konstruksie van strate en stormwater dreinerings in en vir die dorp, tot die tevredenheid van die plaaslike bestuur.

(4) GAUTENG PROVINSIALE REGERING (DEPARTEMENT VAN LANDBOU EN LANDELIKE ONTWIKKELING)

Indien die ontwikkeling van die dorp nie binne 'n periode van 2 Julie 2019 jaar van die datum van hul skrywe in aanvang neem nie, moet die aansoek om die dorp te stig, heringedien word by die Departement van Landbou en Landelike Ontwikkeling vir vrystelling/magtiging ingevolge die Wet op Nasionale Omgewingsbestuur, 1998 (Wet 107 van 1998), soos gewysig.

(5) GAUTENG PROVINSIALE REGERING (DEPARTEMENT VAN PAAIE EN VERVOER)

(a) Indien die ontwikkeling van die dorp nie voor 10 Maart 2024 voltooi word nie, moet die aansoek om die dorp te stig, heringedien word by die Departement van Openbare Vervoer, Paaie en Werke vir heroorweging.

(b) Indien omstandighede egter, voor die vervaldatum vermeld in (a) hierbo, tot so 'n mate verander dat paaie en/of PWV roetes onder die beheer van die betrokke Departement deur die beoogde uitleg van die dorp geraak word, moet die dorpseniernaar die aansoek herindien vir doeleindes van die nakoming van die vereistes van die beherende liggaam in gevolge die bepalings van Artikel 48 van die Gauteng Vervoerinfrastruktuur Wet, 2001 (Wet 8 van 2001).

(c) Die dorpseniernaar moet voor of tydens ontwikkeling van die dorp, 'n fisiese versperring wat in ooreenstemming is met die vereistes van die Departement, langs die lyne van geen toegang soos aangedui op die goedgekeurde uitlegplan van die dorp, Nr. 01-15053/P1/12 oprig. Die oprigting van sodanige versperring en die instandhouding daarvan, moet tot tevredenheid van die gemelde Departement gedoen word.

(d) Die dorpseniernaar moet voldoen aan die vereistes van die Departement soos uiteengesit in die Departement se skrywe gedateer 11 March 2014.

(6) NASIONALE REGERING (DEPARTEMENT: MINERALE HULPBRONNE)

Indien die ontwikkeling van die dorp nie voor 23 Mei 2016 voltooi word nie, moet die aansoek om die dorp te stig, heringedien word by die Departement van Minerale Hulpbronne vir heroorweging.

(7) TOEGANG

(a) Toegang tot of uitgang vanuit die dorp moet voorsien word tot die tevredenheid van die plaaslike bestuur en/of Johannesburg Roads Agency (Edms) Bpk en/of die Departement van Paaie en Vervoer.

(b) Geen toegang tot of uitgang vanuit die dorp sal toegelaat word via die lyn/lyne van geen toegang soos aangedui op die goedgekeurde uitleg plan van die dorp Nr.: 01-15053/P1/X12.

(c) Geen toegang tot of uitgang van die dorp sal toegelaat word via Klipriviersbergrylaan (556).

(8) ONTVANGS EN VERSORGING VAN STORMWATER

Die dorpseniernaar moet reël dat die stormwaterdreinerings van die dorp inpas by dië van die aangrensende pad/paaie en alle stormwater wat van die pad/paaie afloop of afgelei word, ontvang en versorg word.

(9) VULLISVERWYDERING

Die dorpseniernaar moet voldoende vullisversamelingspunte in die dorp voorsien en moet reëlings tot tevredenheid van die plaaslike bestuur tref vir die verwydering van alle vullis.

(10) VERSKUIWING OF VERVANGING VAN BESTAANDE DIENSTE

Indien dit as gevolg van die stigting van die dorp nodig word om enige bestaande munisipale, TELKOM en/of ESKOM dienste te vervang of te verskuif, moet die koste daarvan deur die dorpseniernaar gedra word.

(11) SLOPING VAN GEBOUE EN STRUKTURE

Die dorpseniernaar moet op eie koste alle bestaande geboue en strukture wat binne boulynreserwes, kant ruimtes of oor gemeenskaplike grense geleë is, laat sloop tot bevrediging van die plaaslike bestuur wanneer die plaaslike bestuur dit vereis.

(12) VERANTWOORDELIKHEID TEN OPSIGTE VAN INGENIEURSDIENSTE EN DIE BEPERKING OP DIE VERVREEMDING VAN ERWE, OORDRAG, KONSOLIDASIE EN/OF NOTARIELE VERBINDING VAN ERWE.

(a) Die dorpseniernaar moet, op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle ingenieursdienste binne die grense van die dorp, ontwerp, voorsien en konstrueer, insluitend alle interne paaie en die stormwaterretikulering. Erwe en/of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregisteerde Titel nie in naam van die dorpseniernaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste voorsien en geïnstalleer is; en

(b) Die dorpseniernaar moet, binne sodanige tydperk as wat die plaaslike bestuur mag bepaal, sy verpligtinge met betrekking tot die voorsiening van elektriesiteit, water en sanitêre ingenieursdienste asook die konstruksie van paaie en stormwaterdreinerings en die installering van die stelsels daarvoor, soos vooraf ooreengekom tussen die dorpseniernaar en die plaaslike bestuur, nakom. Erwe en/of eenhede in die dorp mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregisteerde Titel nie in die naam van die dorpseniernaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat voldoende waarborge/kontantbydraes ten opsigte van die voorsiening van die ingenieursdienste deur die dorpseniernaar, aan die plaaslike bestuur gelewer of betaal is; en

(c) Nieteenstaande die bepalings van klousule 4.A. hieronder, moet die dorpseniernaar op sy eie koste en tot tevredenheid van die plaaslike bestuur, alle serwitute laat opmeet en registreer om die ingenieursdienste

wat voorsien, gebou en/of geïnstalleer is soos beoog hierbo, te beskerm. Erwe en/of eenhede in die dorp, mag nie vervreem of oorgedra word in die naam van 'n koper ook mag 'n Sertifikaat van Geregistreerde Titel nie in naam van die dorpselenaar geregistreer word nie, alvorens die plaaslike bestuur aan die Registrateur van Aktes gesertifiseer het dat hierdie ingenieursdienste beskerm is of sal word, tot tevredenheid van die plaaslike bestuur.

2. BESKIKKING OOR BESTAANDE TITELVOORWAARDES

Alle erwe moet onderworpe gemaak word aan bestaande voorwaardes en serwitute, indien enige.

A. Uitgesonderd die volgende serwituut wat nie die dorp raak nie as gevolg van die ligging daarvan:

- (1) *De eigenaar van het eigendom hierby getransporteerd is gerechtigd het hom toekomend aandeel van het water uit de dam op de plaats PETRUSVLEI No. 8, distrikt Vereeniging, zoals heden aan hom getranspoorteerd krachtens deze Akte, te leiden door de tans bestaande watervoor over het resterend gedeelte van gedeelte "J" van de plaats RIETVLEI No. 17, district Johannesburg, groot als zulks 216 morgen 23 viekante roeden, zoals oorspronklik gehouden krachtens Akte van Transport No. 9683/1905, naar het eigendom hierby getransporteerd voor gebruik hierop en op zeker gedeelte van de plaats KROMVLEI No. 41, district Vereeniging, groot 139 Morgen 440 Vierkante Roeden, zoals heden aan hom getransporteerd krachtens deze resterend gedeelte "J" van RIETVLEI om gezegde watervoor in orde te houden. Gezegde voor zal door voormelde respektiewe eigenaren gezamentlik in goede order moeten worden gehouden, welke rechten verduidelikt en gewyzigd zyn door Notariele Akte No.161/1928S.*
- (2) *De eigenaar van het eigendom hierby getransporteerd zal het recht hebben lot de dam in de spruit lopende over het resterend gedeelte van gezegde plaats LIEFDE EN VREDE, groot als sulks 1217 morgen 460 vierkante roeden, zoals oorsponkelik getranspoorteerde krachtens Akte van Transport No. 6176/1914, en wel alwaar het oude pad de voormelde spruit doorgaat naar het woonhuis vroeger bewoond door wylen de Weduwee A du PREEZ, tevens het recht tot verhogen en versterken van gezegde dam door een donkrete wal van vier voeten hoog, alsmede het recht het water uit gezegde dam te leiden in een watervoor naar dit eigendom ter benutting van sy landeryen zullende echter de eigenaar van gezegd resterend gedeelte het recht hebben zyn vee te laten zuipen in voormelde watervoor voor zover die over zyn grond loopt, maar zal hy niet verantwoordelik zyn voor enige schade door bedoeld vee veroorsaakt aan gezegde watervoor.
This condition is cancelled insofar as it affects the township of Glenvista Extension 3 Township as will more fully appear from reference to Notarial Deed No. K427/1983 S dated 29 October 1983.*
- (3) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Die Suid-Afrikaanse Gas Distribusie Korporasie Beperk to convey and transmit gas as will more fully appear from Notarial Deed of Servitude No. K 825/1970 S dated 5 May 1967 and registered on the 6th day of October 1970.*
- (4) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Die Suid-Afrikaanse Gas Distribusie Korporasie Beperk as will more fully appear from Notarial Deed of Servitude No. K 826/1970 S registered on 16 October 1970.*
- (5) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Electricity Supply Commission to convey electricity together with ancillary rights as will more fully appear from Notarial Deed of Servitude K 3294/1977 S registered on 27 October 1977.*
- (6) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of the Rand Water Board to convey and transmit water by means of pipelines as will more fully appear from Notarial Deed of Servitude K 6294/1992 S dated 27 August 1992 and registered on 20 November 1992.*
- (7) *Subject to a perpetual servitude in favour of RAND WATER BOARD to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights, 22,86 metres wide, as will more fully appear from Deed of Servitude No. K 313/1959 S dated 17 April 1959 and registered on the 26th day of March 1959, the centre line of which servitude is indicated by the lines km and np on Diagram S.G. No. 5016/2003 annexed hereto.*
- (8) *Subject to a perpetual servitude of right of way in favour of the Rand Water Board for underground*

pipelines, as will more fully appear from Notarial Deed of Servitude No. K 1104/1965S dated 12 May 1965 and registered on the 26th day of August 1965, which servitude is indicated by the figure d e f g h j d on Diagram S.G. No. 5016/2003 annexed hereto.

- (9) *Subject to a perpetual servitude in favour of RAND WATER BOARD to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights, measuring 7243 square metres, as will more fully appear from Deed of Servitude No. K313/1959S dated 17 April 1958 and registered on the 26th day of March 1959, which servitude is indicated by the figure q t u v w f q on Diagram S.G. No. 5016/2003 annexed hereto.*

- (10) *Subject to the undermentioned condition now newly imposed by and in favour of the City of Johannesburg: -*

10.1 A perpetual servitude for municipal purposes in favour of the City of Johannesburg, measuring two (2) metres wide, the centre line of which servitude is indicated by the figures 1A 1B 1C 1D 1E and 1F 1G 1H on Diagram S.G. No. 5016/2003 annexed hereto and which servitude shall be subject to the following conditions:

10.1.1 The City of Johannesburg shall in particular have the right to install and erect within the boundaries of the servitude areas all sewerage installations and sewerage pump stations ("the works") and at all times to maintain, inspect, repair, alter, replace and remove such installations and pump stations and the said City of Johannesburg, through its officials, employees, workmen, contractors and agents shall at all reasonable times have the full right of access to the area of the said servitude for purposes aforesaid.

10.1.2 The City of Johannesburg shall at all times have the right to carry out, construct, lay down in and on or under the said servitude areas, such roads, payments, pathways, overhead cables or lines, sewers or sewer mains, water pipes or water mains, electric power or gas pipes or mains, storm water or other drainage systems (hereinafter referred to as "the works") as may now or hereafter be necessary or desirable for use by the City of Johannesburg, at all times to enter upon and use the servitude areas for the purposes aforesaid, and to carry out, in, on or under the servitude areas all or such part of the works as may in the opinion of the City of Johannesburg or its duly authorised representatives be necessary or desirable from time to time for the purpose of the City of Johannesburg.

10.1.2 The works and all appurtenances thereto shall be constructed in such manner and of such materials as in the opinion of the City of Johannesburg or its authorised representatives shall be necessary or desirable.

10.1.3 The City of Johannesburg shall be entitled to bring upon the servitude areas all such workmen, vehicles, equipment, conveyances, tools, machinery and materials as in the opinion of the City of Johannesburg or its authorised representatives may be necessary or desirable for the erection, installation, construction and laying of the works or for the cleansing, inspection, repairing, maintaining, renewing, replacing or removal of the same and from time to time to make such excavations of the servitude areas of such depth and in such manner as may be necessary or desirable for the purposes aforesaid.

10.1.4 The City of Johannesburg shall be entitled to deposit temporarily on the land adjoining the servitude areas such materials as may be excavated by the City of Johannesburg during the course of construction, repair, maintenance, removal or replacement of the works as the City of Johannesburg in its discretion may deem necessary.

10.1.5 The City of Johannesburg shall at all times before and after the completion of the works or any part thereof, as aforesaid, have full and free access by its officials, assistants, workmen, employees, vehicles or agents to the servitude areas for the purpose of carrying out, construction, laying down, examining, cleaning, clearing, maintaining, repairing and removing or replacing the works or portions thereof.

10.1.6 The City of Johannesburg shall not be obliged to proceed immediately with the construction of the works, or any part thereof, and the registered Owner shall not be entitled to compel the City of Johannesburg to proceed with such construction.

10.1.7 The registered Owner shall not erect or cause or permit to be erected any buildings or other structures on or over the servitude areas, or plant or permit to be planted thereon any large rooted trees, or dump or permit to be dumped any soil or rubbish thereon, or do or permit to be done anything in or on the servitude areas or in the immediate vicinity thereof which will or is likely to interfere with or prejudice the rights conferred upon the City of Johannesburg under this Deed. Any damage which may be caused to the works constructed by the City of Johannesburg on the servitude areas or to any breach by the registered Owner of obligations hereunder or any laws shall be made good by the registered Owner at his own expense.

10.1.8 The City of Johannesburg shall be entitled to remove from the servitude areas all trees,

fences and other obstructions and to carry out, construct or lay down any such other works as may in opinion of the City of Johannesburg be necessary or desirable to place the servitude areas in a trafficable condition.

10.1.9 Should the registered Owner at any time obtain any extension or alteration to the existing titles to the said Property, then and in such case the extended or substituted titles shall be issued subject to these servitudes, it being the intention to secure to the City of Johannesburg in perpetuity the rights to the aforementioned servitudes.

B. Ingesluit die volgende wat slegs Erf 727 in die dorp raak:

(a) *The 6m wide servitude for gasline purposes registered in terms of Notarial Deed of Servitude No. K4207/2013S vide diagram S.G. No.: 11500/2004.*

(b) *The Lease Area registered in terms of Notarial Deed of Lease No.: K4208/2013L as amended by Notarial Amendment of Notarial Lease No. K2318/2015L vide diagram S.G. No.: 1078/2015.*

C. Ingesluit die volgende wat slegs Erf 728 raak:

The 6m wide servitude for gasline purposes registered in terms of Notarial Deed of Servitude No. K4207/2013S vide diagram S.G. No.: 11500/2004.

3. TITELVOORWAARDES

A Titelvoorwaardes opgelê deur die plaaslike bestuur kragtens die bepalings van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986)

(1) ALLE ERWE

(a) Elke erf is onderworpe aan 'n serwituut 2m breed, ten gunste van die plaaslike bestuur, vir riolerings- en ander munisipale doeleindes, langs enige twee greense, uitgesonderd 'n straatgrens en, in die geval van 'n pypsteelerf, 'n addisionele serwituut vir munisipale doeleindes 2m breed oor die toegangsgedeelte van die erf, indien en wanneer verlang deur die plaaslike bestuur: Met dien verstande dat die plaaslike bestuur van enige sodanige serwituut mag afsien.

(b) Geen gebou of ander struktuur mag binne die voornoemde serwituutgebied opgerig word nie en geen grootwortelbome mag binne die gebied van sodanige serwituut of binne 2m daarvan, geplant word nie.

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

(d) Die erf is geleë in 'n gebied met bodemeenskappe wat geboue en strukture nadelig kan beïnvloed en skade tot gevolg kan hê. Bouplanne wat hy die plaaslike bestuur ingdien word moet maatreëls aantoon in ooreenstemming met aanbevelings vervat in die Ingenieurs-Geologiese Verslag wat vir die dorp opgestel is om moontlike skade aan die funderinstoestande te beperk, tensy bewys gelewer kan word aan die plaaslike bestuur dat sodanige maatreëls onnodig is of dieselfde doel op 'n meer doeltreffende wyse bereik kon word. Die NHBRC dodering vir fondasies is geklasifiseer as 2(H1-H2-H3/CS-S1-R) Grond sone 111.

(e) Aangesien die erf (standplaas, grond ens.) deel vorm van 'n gebied wat ondermyn is of mag word en wat moontlik kan insink of sak, skok of kraak as gevolg van vorige, huidige of toekomstige mynbedrywighede, aanvaar die geregistreerde eienaar van elke erf alle aanspreeklikheid vir enige skade daaraan of aan enige struktuur daarop, wat mag voortspruit uit sodanige insinking, versakking, skok of kraging.

(2) ERF 727

(a) Die erf is onderworpe aan 'n serwituut vir Riool en Stormwater doeleindes ten gunste van die plaaslike bestuur soos aangedui op die Algemene Plan.

(b) Die plaaslike bestuur beskik oor beperkte elektriese verskaffing tot die erf tot 6 MVA en sou die geregistreerde eienaar van die erf die verskaffing oorskrei of sou 'n aansoek om die verskaffing te oorskrei ingedien word by die plaaslike bestuur, sal addisionele elektriese bydraes soos bepaal deur die plaaslike bestuur, betaalbaar word deur sodanige eienaar/s aan die plaaslike bestuur.

B. Titelvoorwaardes opgelê deur die Departement van Openbare Vervoer, Paaië en Werke (Gauteng Provinsiale Regering) ingevolge die bepalings van die Gauteng Vervoerinfrastruktuur Wet, 2001 (Wet 8 van 2001), soos gewysig:

(1) ERWE 727 EN ERF 728

(a) Die geregistreerde eienaar van die erf, moet die fisiese versperring wat langs die erfrens aangrensend aan Swartkoppiesweg (R554) en Klipriviersweg (R556) opgerig is, tot tevreedenheid van die Departement van Openbare Vervoer, Paaie en Werke (Gauteng Provinsiale Regering) instand hou.

(b) Behalwe vir die fisiese versperring waarna in klousule (a) hierbo verwys word, swembad of enige noodsaaklike stormwaterdreineringsstruktuur, mag geen gebou, struktuur of ander ding wat aan die grond geheg is, selfs al vorm dit nie deel van die grond nie, opgerig word nie of sal niks gebou word op of gelê word binne of onder die oppervlakte van die erf binne 'n afstand van minder as 16m/20m/30m vanaf die erfrens van die erf aangrensend aan Swartkoppiesweg (R554) en Klipriviersbergrylaan (R556) verder sal geen verandering of aanbouing mag aan enige bestaande struktuur of gebou geleë binne die vermelde afstand van die gemelde grens, gedoen word nie, behalwe met die skriftelike toestemming van die Departement van Openbare Vervoer, Paaie en Werke (Gauteng Provinsiale Regering).

Hector B Makhubo

Adjunk Direkteur: Regsadministrasie

Stad van Johannesburg Metropolitaanse Munisipaliteit

Kennisgewing Nr. 656/2015

LOCAL AUTHORITY NOTICE 1509 OF 2015**AMENDMENT SCHEME 01-15053**

The City of Johannesburg Metropolitan Municipality herewith in terms of the provisions of section 125(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), declares that it has approved an amendment scheme being an amendment of the Johannesburg Town Planning Scheme, 1979, comprising the same land as included in the township of **Aspen Lakes Extension 12**. Map 3 and the scheme clauses of the amendment scheme are filed with the Executive Director: Department Development Planning: City of Johannesburg and are open for inspection at all reasonable times.

This amendment is known as Amendment Scheme 01-15053

Hector B. Makhubo
Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No 657/2015

DECLARATION AS AN ESTABLISHED TOWNSHIP

In terms of section 103 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), the City Of Johannesburg Metropolitan Municipality declares **Aspen Lakes Extension 12** to be an established township subject to the conditions set out in the Schedule hereto.

STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY PATRONI INVESTMENTS (PROPRIETARY) LIMITED (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 46 (A PORTION OF PORTION 37) OF THE FARM LIEFDE EN VREDE 104 I.R., GAUTENG PROVINCE HAS BEEN APPROVED

1. CONDITIONS OF ESTABLISHMENT.

(1) NAME

The name of the township is Aspen Lakes Extension 12.

(2) DESIGN

The township consists of erven and a street as indicated on General Plan S.G. No.: 568/2015.

(3) PROVISION AND INSTALLATION OF ENGINEERING SERVICES

The township owner shall make the necessary arrangements with the local authority for the provision and installation of all engineering services of which the local authority is the supplier, as well as the construction of roads and stormwater drainage in and for the township, to the satisfaction of the local authority.

(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)

Should the development of the township not been commenced with before 2 July 2019 the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)

(a) Should the development of the township not been completed before 10 March 2024. The application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

(c) The township owner shall, before or during development of the township, erect a physical barrier which is in compliance with the requirements of the said Department along the lines of no access as indicated on the approved layout plan of the township, No. 01-15053/P1/X12. The erection of such physical barrier and the maintenance thereof, shall be done to the satisfaction of the said Department.

(d) The township owner shall comply with the conditions of the Department as set out in the Department's letter dated 11 March 2014.

(6) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)

Should the development of the township not been completed before 23 May 2016 the application to establish the township, shall be resubmitted to the Department: Mineral Resources for reconsideration.

(7) ACCESS

(a) Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd and/or the Department of Roads and Transport

(b) No access to or egress from the township shall be permitted via the line/lines of no access as indicated on the approved layout plan of the township No.: 01-15053/P1/X12

(c) No access to or egress from the township shall be permitted via Klipriviersberg Drive (R556)

(8) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent road/roads and all stormwater running off or being diverted from the road/roads shall be received and disposed of.

(9) REFUSE REMOVAL

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.

(10) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs 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, when requested thereto by the local authority.

(12) OBLIGATIONS WITH REGARD TO ENGINEERING SERVICES AND RESTRICTION REGARDING THE ALIENATION, TRANSFER, CONSOLIDATION AND/OR NOTARIAL TIE OF ERVEN

(a) The township owner shall, at its own costs and to the satisfaction of the local authority, design, provide and construct all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been provided and installed; and

(b) The township owner shall, within such period as the local authority may determine, fulfil its obligations in respect of the provision of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as previously agreed upon between the township owner and the local authority. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser nor shall a Certificate of Registered Title be registered in the name of the township

owner, prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the supply of engineering services by the township owner, have been submitted or paid to the said local authority; and

(c) Notwithstanding the provisions of clause 3.A. hereunder, the township owner shall, at its own costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the engineering services provided, constructed and/or installed as contemplated above. Erven and/or units in the township, may not be alienated or transferred into the name of a purchaser neither shall a Certificate of Registered Title be registered in the name of the township owner, prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

2. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

All erven shall be made subject to existing conditions and servitudes, if any.

A. Excluding the following which do not affect the township due to its locality:

- (1) *De eigaenaar van het eigendom hierby getranspoteerd is gerechtigd het hom toekomstend aandeel van het water uit de dam op de plaats PETRUSVLEI No. 8, distrikt Vereeniging, zoals heden aan hom getranspoteerd krachtens deze Akte, te leiden door de tans bestaande watervoor over het resterend gedeelte van gedeelte "J" van de plaats RIETVLEI No. 17, district Johannesburg, groot als zulks 216 morgen 23 vierkante roeden, zoals oorspronklik gehouden krachtens Akte van Transport No. 9683/1905, naar het eigendom hierby getranspoteerd voor gebruik hierop en op zeker gedeelte van de plaats KROMVLEI No. 41, district Vereeniging, groot 139 Morgen 440 Vierkante Roeden, zoals heden aan hom getranspoteerd krachtens deze resterend gedeelte van gedeelte "J" van RIETVLEI om gezegde watervoor in orde te houden. Gezegde voor zal door voormelde respektiewe eigaenaren gezamentlik in goede order moeten worden gehouden, welke rechten verduidelikt en gewyzigd zyn door Notariele Akte No. 161/1928S.*
- (2) *De eigaenaar van het eigendom hierby getranspoteerd zal het recht hebben lot de dam in de spruit lopende over het resterend gedeelte van gezegde plaats LIEFDE EN VREDE, groot als sulks 1217 morgen 460 vierkante roeden, zoals oorsponklik getranspoteerde krachtens Akte van Transport No. 6176/1914, en wel alwaar het oude pad de voormelde spruit doorgaat naar het woonhuis vroeger bewoond door wylen de Weduwee A du PREEZ, tevens het recht tot verhogen en versterken van gezegde dam door een donkrete wal van vier voeten hoog, alsmede het recht het water uit gezegde dam te leiden in een watervoor naar dit eigendom ter benatting van sy landeryen zullende echter de eigaenaar van gezegd resterend gedeelte het recht hebben zyn vee te laten zuipen in voormelde watervoor voor zover die over zyn grond loopt, maar zal hy niet verantwoordelik zyn voor enige schade door bedoeld vee veroorsaakt aan gezegde watervoor.
This condition is cancelled insofar as it affects the township of Glenvista Extension 3 Township as will more fully appear from reference to Notarial Deed No. K427/1983 S dated 29 October 1983.*
- (3) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Die Suid-Afrikaanse Gas Distribusie Korporasie Beperk to convey and transmit gas as will more fully appear from Notarial Deed of Servitude No. K 825/1970 S dated 5 May 1967 and registered on the 6th day of October 1970.*
- (4) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Die Suid-Afrikaanse Gas Distribusie Korporasie Beperk as will more fully appear from Notarial Deed of Servitude No. K 826/1970 S registered on 16 October 1970.*
- (5) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of Electricity Supply Commission to convey electricity together with ancillary rights as will more fully appear from Notarial Deed of Servitude K 3294/1977 S registered on 27 October 1977.*
- (6) *The former Remaining Extent of Portion 1 of the Farm Liefde en Vrede No. 104, Registration Division I.R, measuring 656,5448 hectares, a portion of which is transferred hereby, is subject to a perpetual servitude in favour of the Rand Water Board to convey and transmit water by means of pipelines as will more fully appear from Notarial Deed of Servitude K 6294/1992 S dated 27 August 1992 and registered on 20 November 1992.*
- (7) *Subject to a perpetual servitude in favour of RAND WATER BOARD to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights, 22,86 metres*

- wide, as will more fully appear from Deed of Servitude No. K 313/1959 S dated 17 April 1958 and registered on the 26th day of March 1959, the centre line of which servitude is indicated by the lines km and np on Diagram S.G. No. 5016/2003 annexed hereto.
- (8) Subject to a perpetual servitude of right of way in favour of the Rand Water Board for underground pipelines, as will more fully appear from Notarial Deed of Servitude No. K 1104/1965S dated 12 May 1965 and registered on the 26th day of August 1965, which servitude is indicated by the figure d e f g h j d on Diagram S.G. No. 5016/2003 annexed hereto.
- (9) Subject to a perpetual servitude in favour of RAND WATER BOARD to transmit water by means of underground pipelines already laid or which may be laid together with ancillary rights, measuring 7243 square metres, as will more fully appear from Deed of Servitude No. K313/1959S dated 17 April 1958 and registered on the 26th day of March 1959, which servitude is indicated by the figure q t u v w f q on Diagram S.G. No. 5016/2003 annexed hereto.
- (10) Subject to the undermentioned condition now newly imposed by and in favour of the City of Johannesburg: -
- 10.1 A perpetual servitude for municipal purposes in favour of the City of Johannesburg, measuring two (2) metres wide, the centre line of which servitude is indicated by the figures 1A 1B 1C 1D 1E and 1F 1G 1H on Diagram S.G. No. 5016/2003 annexed hereto and which servitude shall be subject to the following conditions:
- 10.1.1 The City of Johannesburg shall in particular have the right to install and erect within the boundaries of the servitude areas all sewerage installations and sewerage pump stations ("the works") and at all times to maintain, inspect, repair, alter, replace and remove such installations and pump stations and the said City of Johannesburg, through its officials, employees, workmen, contractors and agents shall at all reasonable times have the full right of access to the area of the said servitude for purposes aforesaid.
- 10.1.2 The City of Johannesburg shall at all times have the right to carry out, construct, lay down in and on or under the said servitude areas, such roads, payments, pathways, overhead cables or lines, sewers or sewer mains, water pipes or water mains, electric power or gas pipes or mains, storm water or other drainage systems (hereinafter referred to as "the works") as may now or hereafter be necessary or desirable for use by the City of Johannesburg, at all times to enter upon and use the servitude areas for the purposes aforesaid, and to carry out, in, on or under the servitude areas all or such part of the works as may in the opinion of the City of Johannesburg or its duly authorised representatives be necessary or desirable from time to time for the purpose of the City of Johannesburg.
- 10.1.2 The works and all appurtenances thereto shall be constructed in such manner and of such materials as in the opinion of the City of Johannesburg or its authorised representatives shall be necessary or desirable.
- 10.1.3 The City of Johannesburg shall be entitled to bring upon the servitude areas all such workmen, vehicles, equipment, conveyances, tools, machinery and materials as in the opinion of the City of Johannesburg or its authorised representatives may be necessary or desirable for the erection, installation, construction and laying of the works or for the cleansing, inspection, repairing, maintaining, renewing, replacing or removal of the same and from time to time to make such excavations of the servitude areas of such depth and in such manner as may be necessary or desirable for the purposes aforesaid.
- 10.1.4 The City of Johannesburg shall be entitled to deposit temporarily on the land adjoining the servitude areas such materials as may be excavated by the City of Johannesburg during the course of construction, repair, maintenance, removal or replacement of the works as the City of Johannesburg in its discretion may deem necessary.
- 10.1.5 The City of Johannesburg shall at all times before and after the completion of the works or any part thereof, as aforesaid, have full and free access by its officials, assistants, workmen, employees, vehicles or agents to the servitude areas for the purpose of carrying out, construction, laying down, examining, cleaning, clearing, maintaining, repairing and removing or replacing the works or portions thereof.
- 10.1.6 The City of Johannesburg shall not be obliged to proceed immediately with the construction of the works, or any part thereof, and the registered Owner shall not be entitled to compel the City of Johannesburg to proceed with such construction.
- 10.1.7 The registered Owner shall not erect or cause or permit to be erected any buildings or other structures on or over the servitude areas, or plant or permit to be planted thereon any large rooted trees, or dump or permit to be dumped any soil or rubbish thereon, or do or permit to be done anything in or on the servitude areas or in the immediate vicinity thereof which will or is likely to interfere with or prejudice the rights conferred upon the City of Johannesburg under this Deed. Any

damage which may be caused to the works constructed by the City of Johannesburg on the servitude areas or to any breach by the registered Owner of obligations hereunder or any laws shall be made good by the registered Owner at his own expense.

10.1.8 The City of Johannesburg shall be entitled to remove from the servitude areas all trees, fences and other obstructions and to carry out, construct or lay down any such other works as may in opinion of the City of Johannesburg be necessary or desirable to place the servitude areas in a trafficable condition.

10.1.9 Should the registered Owner at any time obtain any extension or alteration to the existing titles to the said Property, then and in such case the extended or substituted titles shall be issued subject to these servitudes, it being the intention to secure to the City of Johannesburg in perpetuity the rights to the aforementioned servitudes.

B. Including the following which only affects Erf 727

(a) *The 6m wide servitude for gasline purposes registered in terms of Notarial Deed of Servitude No. K4207/2013S vide diagram S.G. No.: 11500/2004.*

(b) *The Lease Area registered in terms of Notarial Deed of Lease No.: K4208/2013L as amended by Notarial Amendment of Notarial Lease No. K2318/2015L vide diagram S.G. No.: 1078/2015.*

C. Including the following which only affects Erf 728

The 6m wide servitude for gasline purposes registered in terms of Notarial Deed of Servitude No. K4207/2013S vide diagram S.G. No.: 11500/2004.

3. CONDITIONS OF TITLE.

A. Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986).

(1) ALL ERVEN

(a) Each 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 process 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.

(d) The erf lies in an area where soil conditions can affect buildings and structures and result in damage to them. Building plans submitted to the local authority must indicate the measures to be taken, in accordance with the recommendations contained in the Engineering-Geological Report for the township, to limit possible damage to buildings and structures as a result of detrimental foundation conditions, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means. The NHBRC coding for foundations is classified as 2(H1-H2-H3/C/S-S1-R) Soil Zone III.

(e) As this erf (stand, land, etc.) forms part of land which may be undermined and which may be likely to subsidence, settlement, shock and cracking due to mining operations in future, the owner thereof accepts all liability and damage thereto or any structure thereon which may result from such subsidence, settlement shock or cracking.

(2) ERF 727

(a) The erf is subject to a servitude for Sewer and Stormwater purposes in favour of the local authority as indicated on the General Plan.

(b) The local authority has limited the electrical supply to the erf to 6 MVA and should the registered owner of the erven exceed the supply or should an application to exceed such supply be submitted to the Local Authority, additional electrical contributions as determined by the local authority, shall become due and payable by such owner/s to the local authority.

B. Conditions of Title imposed by the Department of Roads and Transport (Gauteng Provincial Government) in terms of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001), as amended.

(1) ERVEN 727 AND 728

(a) The registered owner of the erf shall maintain, to the satisfaction of the Department of Roads and Transport (Gauteng Provincial Government), the physical barrier erected along the erf boundary abutting Swartkoppies Road (R554) and Klipriviersberg Drive (R556).

(b) Except for the physical barrier referred to in clause (a) above, a swimming bath or any essential stormwater drainage structure, no building, structure or other thing which is attached to the land, even though it does not form part of that land, shall be erected neither shall anything be constructed or laid under or below the surface of the erf within a distance less than 16m/20m/30m from the boundary of the erf abutting Swartkoppies Road (R554) and Klipriviersberg Drive (R556) neither shall any alteration or addition to any existing structure or building situated within such distance of the said boundary be made, except with the written consent of the Department of Roads and Transport (Gauteng Provincial Government).

Hector B. Makhubo

Deputy Director: Legal Administration
City of Johannesburg Metropolitan Municipality
Notice No. 656/2015

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



eGazette



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