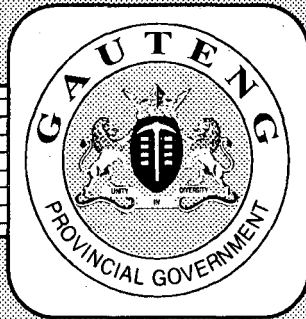


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**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE  
GAUTENG**

# Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

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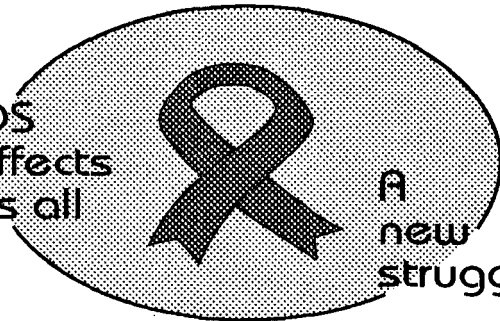
Vol. 9

PRETORIA, 29 JANUARY 2003  
JANUARIE

**No. 29**

**We all have the power to prevent AIDS**

AIDS  
affects  
us all



A  
new  
struggle

Prevention is the cure

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH



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**PROCLAMATION**

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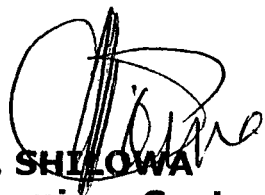
**PROCLAMATION BY THE PREMIER**

No. 2, 2003

**COMMENCEMENT OF THE GAUTENG  
TRANSPORT INFRASTRUCTURE ACT, 2001  
(ACT NO. 8 OF 2001)**

Under section 62 of the Gauteng Transport Infrastructure Act, 2001 (Act No.8 of 2001), I hereby determine 31 January 2003 as the date on which the Act, with the exception of section 44 shall come into operation.

Given under my Hand at Johannesburg this 23rd day of January Two Thousand and Three.



**M. SHILOWA**  
Premier: Gauteng Province



**E K MOSUNKUTU**  
Member of the Executive Council

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## GENERAL NOTICE

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NOTICE 219 OF 2003

**DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**

**GAUTENG PUBLIC TRANSPORT INFRASTRUCTURE ACT NO, 8 OF  
2001**

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### **GAUTENG TRANSPORT INFRASTRUCTURE REGULATIONS, 2002**

The Member of the Executive Council for Public Transport, Roads and Works in the Province of Gauteng has under section 54 of the Gauteng Transport Infrastructure Act (Act No 8 of 2001), made the regulations in the schedule hereto.



**E. K. MOSUNKUTU**

**MEC FOR PUBLIC TRANSPORT, ROADS AND WORKS**

**DATE: 23 . 01 . 03**

**DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**

**GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001**

(ACT NO. 8 OF 2001)

**GAUTENG TRANSPORT INFRASTRUCTURE REGULATIONS, 2002**

The Member of the Executive Council for Public Transport, Roads and Works in the Gauteng Province has made the regulations set out in the Schedule in terms of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001).

**SCHEDULE**

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**Definition**

1. In these regulations, unless the context indicates otherwise, a word or expression which is defined in the Act has the same meaning in these regulations, and "the Act" means the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001).

**Level of income to disqualify person as occupier**

2. For the purposes of section 1(xix)(c) of the Act insofar as it relates to the Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997), a person who has an income in excess of R5000 per month is excluded from the definition of "occupier", provided that this amount will change from time to time in line with the amount prescribed in terms of the definition of "occupier" in section 1 of that Act.

**Statutory width of provincial roads and railway lines**

3. (1) The statutory widths of the road reserves of provincial roads, railway lines and access roads as contemplated in section 2 of the Act are as follows, subject to section 11(1)(b) of the Act:

- (a) freeways, 80 metres;
- (b) provincial roads that are bus routes or in rural areas, 62 metres;
- (c) provincial roads that are dual carriageways, 48 metres;
- (d) provincial roads that are not dual carriageways:
  - (i) high order routes, 40 metres; and
  - (ii) low order routes, 30 metres; and
- (e) railway lines, between 10 and 40 metres, but may

be wider depending on the number of lines, services and passenger facilities to be installed.

(2) For the purpose of subregulation (1), "bus route" means a provincial road which is used or designed for scheduled public transport services.

### **Written report for route determination**

4. A written report prepared for a preliminary route alignment as contemplated in section 6(1) of the Act must—

- (a) be prepared in accordance with the Department's Design Manual, which is available at any regional office of the Department; and
- (b) at least include, in addition to the matters mentioned in the Act—
  - (i) a description of the proposed route that is sufficient to enable interested and possibly affected persons to determine its general alignment; and
  - (ii) a statement of how the proposed route will affect provincial and municipal spatial frameworks and strategic development planning.

### **Public inquiry for route determination**

5. (1) Where the MEC intends to determine the route of a provincial road or railway line under section 6 of the Act, he or she must publish a notice in accordance with regulation 24(2), containing the particulars set out in section 6(4) of the Act in the form set out in Form 1 in Schedule 2.

(2) At the public inquiry contemplated in section 6(5) of the Act, the following procedures must be followed, in addition to those determined by the commission in terms of that subsection, provided that if this subregulation is in conflict with any regulations made under section 10(1)(b) of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), the latter shall prevail:

- (a) the chairperson of the commission or a member thereof designated by the chairperson must explain the purpose of the route determination and provide a summary of the preliminary route report;
- (b) persons present at the inquiry must be allowed to present their views regarding such report;
- (c) minutes must be kept of the proceedings at the

- inquiry;
- (d) an attendance register must be completed; and
- (e) if proceedings are held in English, interpreters must be available to translate into North Sotho, Afrikaans and Zulu if a request to that effect is submitted in writing not less than three days before the inquiry.

### **Referral of land use issue to Townships Board by commission**

6. (1) Where a commission fails to reach consensus on a land use issue as contemplated in section 6(7) of the Act, any member of the commission may refer the issue to the Townships Board in writing by delivering a notice to that Board by hand within 14 days after the commission has recorded the lack of consensus, and, where the member is not the chairperson of the commission, must deliver a copy of the notice to the chairperson.

(2) The notice must—

- (a) clearly and fully describe the issue referred to the Townships Board;
- (b) specify the date that the commission recorded its lack of consensus; and
- (c) clearly and fully set out the reasons for and grounds of the referral, but the member may not place before the Townships Board evidence, statements or other material that was not placed before the Commission.

(3) The chairperson of the commission must forward all documents relating to the referral and a written report on the relevant land use issue, including reasons why consensus could not be reached on the issue, to the Townships Board within seven days of receipt by it of the notice referred to in subregulation (1).

(4) After compliance with subregulations (1) to (3), the Townships Board must—

- (a) determine a day, time and place for hearing the issue; and
- (b) not less than seven days prior to such date, notify the members of the commission of the day, time and place so determined.

(5) At the hearing, the members of the commission may appear and state their case and present evidence in support of their case or authorise any other person to do so on their behalf.

(6) In considering the issue the Townships Board must consider—

- (a) the notice contemplated in subregulation (1);



- (b) the information and evidence submitted to it in terms of subregulation (3); and
- (c) evidence presented at the hearing as contemplated in subregulation (5).

(7) After the hearing the Townships Board may give any decision, which the commission was competent to give, and must notify the members of the commission in writing of its decision and the reasons therefor.

(8) The Department must pay any costs attached to the referral, as determined by the Townships Board, unless that Board finds that the matter was referred to it capriciously, without sufficient reason or maliciously, in which case the member referring the matter must pay such costs.

### **Notice in respect of preliminary design**

7. (1) Where the MEC intends to decide on a draft preliminary design of a provincial road or railway line under section 8 of the Act, he or she must publish a notice in accordance with regulation 24(2), containing the particulars set out in section 8(5) of the Act in the form set out in Form 2 in Schedule 2.

(2) Interested persons may submit comments with regard to the draft preliminary design, and environmental report, if any, in writing by hand or registered post to the address and within 21 days after the date stated in the notice.

### **Notification of reasons for MEC's acceptance of preliminary design**

8. Where the MEC gives notice of his or her acceptance of a preliminary design under section 8(7)(e) of the Act interested and affected parties must be notified in accordance with regulation 24(2) that they may request reasons for such acceptance within 21 days after the date stated in the notice.

### **Fee for application for amendment of preliminary design**

9. A person applying in writing under section 8(9) of the Act for amendment of a preliminary design must pay the fee prescribed in Schedule 1.

### **Inspection of list and plans of accepted routes and preliminary designs**

10. The list kept by the MEC of existing routes accepted by him or her under section 10(2) of the Act, and the list of preliminary designs

mentioned in section 10(4) of the Act, will be available for inspection during office hours at the address stated in the notice referred to in section 10(1) of the Act.

### **Application for reduction of building restriction area**

**11.** An application for the reduction of a building restriction area under section 12(2) of the Act, must be lodged with the Department by completing the form provided by the Department and be accompanied by the fees prescribed in Schedule 1.

### **Request to Registrar of Deeds to endorse proclamations on title deeds**

**12.** The MEC must, within 60 days after proclamation in the *Provincial Gazette* of a provincial road, railway line, access road, or of increase or decrease of a building restriction area, request the Registrar of Deeds to endorse the details of the proclamation on the title deeds of the relevant properties, as required by section 14(1) of the Act.

### **Time by which owners, occupiers and other interested persons must be notified of proclamations**

**13.** (1) Not less than 30 days before taking any action contemplated in section 15(3) of the Act, the MEC must notify the owners, occupiers and other interested and affected parties under section 15(1) thereof in writing by delivering the notice by hand or sending it by registered post to the last known address of such person available to the Department.

(2) The notice must contain—

- (a) a notification of the nature and purpose of the proposed action, with a clear statement thereof, and the reasons for such action in terms of section 15(1)(a) of the Act;
- (b) sufficient information, whether by way of a sketch or otherwise, as the Department deems sufficient to indicate, as the case may be, the general direction and situation of the road or railway line, or of the alteration or deviation thereof, or of the land expropriated or where material will be acquired or where storm water will be diverted;
- (c) a statement that a plan is available for inspection by any interested person at times and places stated in the notice or that the land in question has been demarcated by the erection of beacons

- or other means; and
- (d) a notification that the recipient of the notice may make comments and representations with regard thereto by a date being not less than 21 days after receipt of the notice, and where the notice was sent by registered post, the recipient will be deemed to have received it seven days after posting thereof.

**Emergency situations where traffic may be diverted onto a municipal road or street**

**14.** In terms of section 17(4) of the Act, the MEC may temporarily deviate traffic onto a municipal road or street in the following emergency situations:

- (a) where there is immediate danger of death of or injury to any person or of substantial damage to property; or
- (b) where the deviation will avoid an unacceptable build-up of traffic.

**Application to close or deviate road**

**15.** A person applying under section 38(1) of the Act to close or deviate a provincial road (other than a freeway), or an access road, must pay the fee prescribed in Schedule 1.

**Notice boards for closure or deviation of road**

**16.** (1) The notice boards to be erected under section 38(3) of the Act after application for closure or deviation of a road, must contain the following particulars:

- (a) the name of the applicant;
- (b) a statement that application has been made for the closure or deviation of the road and brief reasons for the closure or deviation; and
- (c) a reference to the notice mentioned in section 38(2) of the Act and the date by which comments or objections must be submitted under that section.

(2) The letters on the notice must be black on a white background and be not less than 25 millimetres in height.

(3) The notice must be fixed to a stout post with the lower edge of the board not less than 2,5 metres and not more than 2,8 metres from the ground.

(4) The notice must be made of durable material that will not be defaced in the case of rain and must be kept in position and in good order until a decision is made by the MEC as to whether or not to close or deviate the road.

### **Reporting of damage to gates and fences**

**17.** A person who damages a fence or gate on or along a provincial road or railway line as contemplated in section 39(8) of the Act, or an owner or occupier who discovers such damage as contemplated in section 39(9) of the Act, must report it to the Department as soon as possible by telephone or fax to the nearest Road Superintendent's office of the Department, or, if unable to do so for any reason, by means of a written notification delivered by hand to such office.

### **Application to connect road or path with provincial road**

**18.** An application to connect a road, pedestrian path or bicycle path with a provincial road under section 42(2) of the Act, must be lodged with the Department by completing the form provided by the Department and be accompanied by the fees prescribed in Schedule 1.

### **Fee for authorisation, approval or permission granted under the Act**

**19.** (1) Where application is made for any authorisation, approval or permission for—

- (a) construction of a gate, stile, bridge or other passage granting access to or exit from a provincial road or railway line under section 43(1) of the Act;
- (b) the erection, construction or laying of a structure or other object on, over or below a provincial road, railway line or other transport infrastructure or in a building restriction area or to make alterations or additions thereto under section 46(1) of the Act;
- (c) carrying on a trade or exposing goods for sale on a provincial road or railway line or on or in any transport infrastructure or in a building restriction area under section 47(1) of the Act: Provided that application is also made to the relevant municipality if required by its by-laws; or
- (d) providing service facilities or allowing the provision of filling stations, restaurants, playgrounds and

other facilities for the use of the travelling public within provincial roads under section 50(2)(o) of the Act,

an application fee is payable as prescribed in Schedule 1.

(2) Where permission is granted to provide service facilities or allow filling stations, restaurants, playgrounds and other facilities for the use of the travelling public within a provincial road, the additional fee prescribed in Schedule 1 is payable before the written permission is handed or delivered to the person entitled thereto, in terms of section 50(2)(j) of the Act.

### **Height of enclosure, fence or wall where permission not required**

**20.** In terms of section 46(2)(b) of the Act, the permission of the MEC shall not be required for the erection of an enclosure, fence or wall lower than 1,8 metres above the surface of the land on which it stands.

### **Inspection fee in connection with permission for structure**

**21.** Where the MEC has granted permission under section 46(3) of the Act to erect, construct or lay a structure or other object on, over or below a provincial road, railway line or other transport infrastructure or in a building restriction area or to make alterations or additions thereto the person to whom the permission was granted must pay the periodical inspection fee prescribed in Schedule 1 before such written permission is handed to that person.

### **Appeal against decision of MEC regarding permission for township or subdivision of land**

**22.** (1) An appeal to the Townships Board in terms of section 48(13) of the Act must—

- (a) be in writing and be delivered by hand to that Board within 14 days after the decision appealed against was taken;
- (b) clearly and fully describe the decision appealed against;
- (c) specify the date of the decision appealed against;
- (d) clearly and fully set out the reasons for and grounds of the appeal, but the appellant may not place before the Townships Board evidence, statements or other material that was not placed before the MEC; and
- (e) be accompanied by the fee prescribed in Schedule 1.

(2) The Townships Board must notify the MEC in writing of the appeal and the latter must forward all documents relating to the appeal and written reasons for the decision appealed against to that Board within 30 days of receipt of such notification.

(3) The Townships Board must forward the notice of appeal to other affected persons within 14 days of receiving the notice of appeal.

(4) The Townships Board must convey its decision in writing to the appellant and to all parties who are affected by the decision within 14 days after the decision was taken.

### **Impounding of livestock**

**23.** (1) Subject to subregulation (5), a traffic officer contemplated in section 3 of the National Road Traffic Act, 1996 (Act No. 93 of 1996) or an official of the Department may take charge of an animal impounded under section 50(2)(p) of the Act in the manner contemplated in regulation 313(6) of the National Road Traffic Regulations, 2000 published in Government Notice R.225 of 17 March 2000 (*Government Gazette* No. 20963).

(2) Where the traffic officer or official is satisfied that such an animal is posing a direct danger to motorists or other persons using the road or railway line, he or she may have the animal suitably restrained or destroyed, as required by the circumstances.

### **Notices required by the Act and Regulations**

**24.** (1) Where the Act requires notice to be given to the MEC the notice must be delivered by hand or sent by registered post to the nearest regional office of the Department unless otherwise specified.

(2) Where notice must be given by the MEC in terms of regulations 5, 7 and 8, the notice must be published in the *Provincial Gazette* and in at least three newspapers circulating widely in the Province, one such newspaper being in English and the others in two different official languages.

### **Fees**

**25.** All fees payable in terms of these regulations are not refundable, regardless of the outcome of the application or appeal in question.

**Offences and penalties**

**26.** A person who fails to report damage to a fence or gate in contravention of regulation 17 is guilty of an offence and is liable on conviction to a fine not exceeding R500.

**Short title**

**27.** These regulations are called the Gauteng Transport Infrastructure Regulations, 2002.

**SCHEDULE 1****Schedule of Fees**

<b>Item</b>	<b>Sec. of Act</b>	<b>Reg. no.</b>	<b>Description</b>	<b>Fee</b>
1	8(9)	9	Application to amend preliminary design	R1000
2	12(2)	11	Application for reduction of a building restriction area	R1000
3	38(1)	15	Application to close or deviate a provincial road or access road	R1000
4	42(2)	18	Application fee to connect a road or path with a provincial road: private premises	R1000
5	42(2)	18	Application fee to connect a road or path with a provincial road: business premises	R5000
6	43(1)	19(1)(a)	Application fee to grant access to a provincial road or railway line: private premises	R1000
7	43(1)	19(1)(a)	Application fee to grant access to a provincial road or railway line: business premises	R5000
8	46(1)	19(1)(b)	Application fee for permission to erect, construct or lay a structure or other object on, over or below a provincial road, railway line or other transport infrastructure or in a building restriction area or to make alterations or additions thereto	R2000
9	46(6)	21	Inspection fee in connection with permission to erect, construct or lay a structure or other object on, over or below a provincial road, railway line or other transport infrastructure or in a building restriction area or to make alterations or additions thereto (where inspection required)	R1000
10	48(13)	22	Fee for appeal to Townships Board	R1000
11	47(1)	19(1)(c)	Application fee for permission to carry on a trade or expose goods for sale in provincial transport infrastructure or in a building restriction area	No fee
12	50(2)(o)	19(1)(e)	Application fee to provide service facilities or allow filling stations, restaurants etc. for the use of the travelling public within a provincial road	R5000



**SCHEDULE 2**

**Forms**

**GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001)**

**GAUTENG DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**

**FORM 1: NOTICE OF PUBLIC INQUIRY CONCERNING PROPOSED ROUTE DETERMINATION OF PROVINCIAL ROAD OR RAILWAY LINE**

The Member of the Executive Council for Public Transport, Roads and Works of Gauteng Province hereby gives notice of a public inquiry concerning the determination of the route of a provincial road/railway line to be held at ..... on ..... 20.... at ...h..... The inquiry will be held in terms of section 6(4) of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) ("the Act").

The following is a broad description of the route:

.....  
.....  
.....

A preliminary route report and environmental report may be inspected at the following address during office hours from 8:00 to 16:00 on weekdays:

.....  
.....  
.....  
.....

Interested and affected parties are invited to submit written comments on the recommended route within 21 days from .....  
 20..... by hand to the abovementioned address or by fax to number ..... or by E-Mail to the following address:  
 .....or by post to .....  
 ....., for attention:  
 Director: Planning, quoting reference number: .....

Interested and affected parties that have submitted written comments may appear at the abovementioned inquiry and motivate their comments or present oral comments.

Notice is also given that the regulatory measures contemplated in section 7 of the Act will take effect on publication of the route. These measures include that every application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme as well as for any authorisation contemplated in section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), in respect of the areas mentioned in subsection (1) of section 8 of the Act, must be accompanied by a written report by a consulting civil engineering firm specialising in road design and transportation engineering, reporting on the matters set out in that section. These measures appear from that section, which is quoted below for convenience:

#### **"Regulatory measures in respect of routes**

7. (1) After the publication of the notice contemplated in subsection (7) of section 6 and despite any law to the contrary, every application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme as well as for any authorisation contemplated in section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), in respect of the areas mentioned in subsection (1) of section 8, must be accompanied by a written report by a consulting civil engineering firm specialising in road design and transportation engineering, reporting on the following matters:

- (a) The effect and impact that the granting of the application may have in respect of—
  - (i) the route contemplated in subsection (7) of section 6;
  - (ii) the future preliminary design of the provincial road or railway line in respect of which the said route has been determined; and
  - (iii) any other route published or deemed to have been published in terms of subsection (7) of section 6, any preliminary design in

respect of which the acceptance has been published or deemed to have been published in terms of subsection (7) of section 8 and any other provincial road or railway line;

(b) the feasibility of amending the said route and the costs in respect thereof, should the application be granted;

(i) the additional cost in respect of future preliminary design if an amended route should be found to be feasible, should the application be granted; and

(ii) any other relevant matter pertaining to the said route, design and construction of the provincial road or railway line which may be relevant should the application be granted.

(2) The consulting civil engineering firm referred to in subsection (1) must be approved by the MEC as having members with the necessary specialisation and competence as contemplated in subsection (1) and with at least ten years experience in the said disciplines.

(3) On receipt of any the application accompanied by the said report, the municipality, or any other authority or body to which the application has been made, must, despite the provisions of any other law, forward a copy of the said application and accompanying report to the MEC, or the applicant may, instead of the municipality, other authority or body and with its consent, forward a copy of the application and accompanying report to the MEC and submit proof to the satisfaction of the municipality, other authority or body that he, she or it has done so.

(4) The MEC may comment in writing on the said application and accompanying report to the said municipality, other authority or body to whom the application has been made, within a period of 60 days after having received the said application and accompanying report, or such shorter period as may be prescribed in terms of any other law.

(5) No such application may be granted without due consideration having being given to— (a) the comments as the MEC may have submitted in respect of the said application;

(b) the written report and matters contemplated in subsection (1) above;

(c) the additional costs which the granting of the application may cause directly and indirectly to the State and the community concerned, weighed against the advantage to the applicant and the community of granting the application; and

(d) the extent to which the granting of the application promotes sustainable development that integrates transport planning and land use planning in view of transportation engineering requirements.

(6) After having made its decision on the said application, the municipality or other authority must inform the MEC in writing of its decision within 14 days after having made such decision and in the event of the application having been granted, must furnish full reasons for the decision in writing to the MEC within the said period.

(7) Within 28 days after having received the said decision and reasons for having granted the said application, the MEC is entitled to appeal against the said decision, in accordance with the procedure prescribed in the applicable law with the necessary changes being made, to the appeal authority or appeal tribunal provided for in the relevant law, provided that where the applicable law prescribes an appeal to the Premier, any member of the Executive Committee, or Government official of the Province, the appeal must be heard and finally disposed of by the Townships Board for the Province as though the said Townships Board had the final appellate jurisdiction with regard to the appeal.

(8) The Townships Board of the Province referred to in subsection (7)

means the Townships Board established by section 3 of the Town Planning and Townships Ordinance, 1986 (Ordinance No. 15 of 1986) and in the event of that Board being disestablished, any appeal tribunal established to hear appeals on decisions of the nature contemplated in subsection (1).

(9) After the publication of the notice contemplated in subsection (7) of section 6 and despite any law to the contrary, no service provider may after commencement of this Act, lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure on, over or under the areas described in subsection (1) of section 8 or may construct, alter or add to any structure of any nature whatsoever on, over or under such areas, except—

- (a) in terms of the written permission of the MEC first having been obtained and then only in terms of such conditions as the MEC may lay down; or
- (b) in terms of an existing registered servitude.

(10) On the publication of the notice in respect of the acceptance of the preliminary design contemplated in subsection (7) of section 8, this section ceases to apply in respect of the said route."

**GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001)**

**GAUTENG DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS**

**FORM 2: NOTICE OF PRELIMINARY DESIGN OF A PROVINCIAL ROAD OR RAILWAY LINE**

The Member of the Executive Council for Public Transport, Roads and Works of Gauteng Province ("the MEC") hereby gives notice that a preliminary design of the route of a provincial road/railway line has been prepared in terms of section 8(4)(a) of the Gauteng Transport Infrastructure Act, 2001 (Act No.8 of 2001) ("the Act"), and, if applicable, an environmental report in terms of section 8(4)(b) thereof.

Notice is also given that the MEC intends to take a decision on the draft preliminary design.

The following is a broad description of the route:

.....  
.....  
.....

The preliminary design and environmental report may be inspected at the following address during office hours from 8:00 to 16:00 on weekdays:

.....  
.....  
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Interested and affected parties are invited to submit written comments on the preliminary design and environmental report (if applicable) within 21 days from..... 20..... by hand to the abovementioned address or by fax to number ..... or by E-Mail to the following address: ..... or by post to ....., for attention: Director: Design,

quoting reference number: .....

Notice is also given that the regulatory measures contemplated in section 9 of the Act will take effect on publication of the acceptance of the preliminary design. These measures appear from that section, which is quoted below for convenience:

**"Regulatory measures in respect of accepted preliminary designs**

**9.** (1) As from the publication of the notice in respect of the acceptance of a preliminary design as contemplated in subsection (7) of section 8, and despite the provisions of any law to the contrary—

(a) no application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme or for any authorisation contemplated in section 22 of the Environment Conservation Act, 1989 (Act No. 73 of 1989) may be granted —

(i) in respect of an area within the road or rail reserve boundaries of the preliminary design, provided that the MEC may on written application by the applicant relax the provisions of this subsection in respect of an access road on such conditions as the MEC may deem fit, including—

(aa) a condition that the access road be substituted by another road or street serving the same function as the said access road;

(bb) a condition for amending the preliminary design requiring the applicant to pay all or any of the costs incurred by the MEC in the process, in which case section 38 applies;

(ii) on the basis of future access to the provincial road to which the said preliminary design relates, except on the basis of access provided for in the said preliminary design, or amendment thereof on application in terms of subsection (9) of section 8 or otherwise.

(b) A building restriction area exists in respect of the road and rail reserve boundaries, as shown in the preliminary design and the provisions of sections 46, 48 and 49 apply, with the necessary changes, in respect of the building restriction area inasmuch as these sections are applicable to building restriction areas, but with the exception of subsection (4) of section 46, subsection (5) of section 46, subsection (9) of section 46, subsection (7) of section 48, and subsection (8) of section 48, which do not apply.

(c) No application for a change in land use in respect of a portion of land adjacent to the road reserve boundary of a preliminary design in an urban area may be granted without the written comments of the MEC first having been obtained and considered in accordance with the applicable planning procedure by the authority empowered to grant changes in land use, which must duly consider such comments, and section 7(6), (7) and (8) applies in such a case, with the necessary changes.

(2) After the publication of the notice contemplated in subsection (7) of section 8 and despite any law to the contrary, no service provider may after commencement of this Act, lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure on, over or under the area within the road or rail reserve boundaries as shown in the preliminary design or may construct, alter or add to any structure of any nature whatsoever on, over

or under such area, except—

- (a) in terms of the written permission of the MEC first having been obtained and then only in terms of such conditions as the MEC may lay down; or
- (b) in terms of an existing registered servitude.

(3) This section ceases to apply on the proclamation in terms of subsection (1) of section 11 of the provincial road or railway line in respect of which the preliminary design has been accepted by the MEC."

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