

**THE PROVINCE OF  
GAUTENG**



**DIE PROVINSIE VAN  
GAUTENG**

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**GENERAL NOTICES • ALGEMENE KENNISGEWINGS**

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**NOTICE 254 OF 2019****ERRATUM****ERRATUM OF NOTICE 1459 OF 2018 DATED 3 OCTOBER 2018.****PROPOSED ACCEPTANCE OF THE AMENDED PRELIMINARY DESIGN OF A SECTION OF PROVINCIAL ROAD PWV13.**

The Member of the Executive Council for Roads and Transport of Gauteng Province ("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 8 of 2000) 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:

***Realignment of the preliminary design of PWV13 through Magagula Heights, between N3 Section 11 and road D64. .***

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

Department of Roads and Transport  
1215 Nico Smit street  
Koedoespoort

Interested and affected parties are invited to submit written comments on the preliminary design and environmental report (if applicable) within 21 days after the date of this notice by hand or by post for attention: Director: Design: Department of Roads and Transport, Private Bag X83, Marshalltown, 2107, or 45 Commissioner street, Life Centre, 27<sup>th</sup> floor, Room 7, Marshalltown, 2000 or email [petro.janjetich@gauteng.gov.za](mailto:petro.janjetich@gauteng.gov.za) or by fax 086 720 3893.

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 the preliminary design as contemplated in section 8(7), 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 from any authorisation contemplated in the ECA or NEMA 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 provision 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 access road;*
    - (bb) *a condition for amending the preliminary design requiring the applicant to pay all or any of the cost 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) *sections 46, 48 and 49 apply, with the necessary changes, to a building restriction area which exists in respect of the road and rail reserve boundaries, as shown in the preliminary design, inasmuch as these sections are applicable to building restriction areas, but section 6 (4), (5) and (9) and sections 48(7) and (8), do not apply; and.*
  - (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 section 8(7) and despite any law to the contrary, no service provider may after commencement of this section, 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 or any nature whatsoever on, over or under such area, except-*
- (a) *in terms of the written permission of the MEC has been obtained and in terms of such conditions as the MEC may determine; or*
  - (b) *in terms of an existing registered servitude.*

**Reference: 12/1/1/2/3/1-PWV13**







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