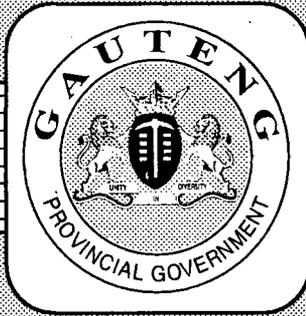


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**THE PROVINCE OF
GAUTENG**



**DIE PROVINSIE
GAUTENG**

Provincial Gazette Extraordinary Buitengewone Provinsiale Koerant

Selling price • Verkoopprys: R2,50
Other countries • Buitelands: R3,25

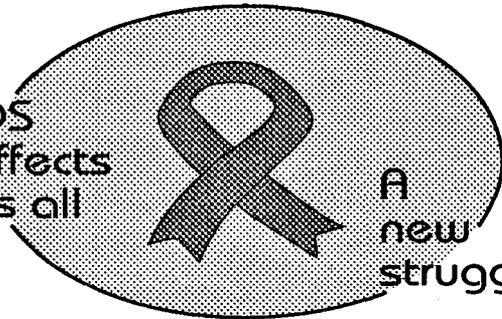
Vol. 8

PRETORIA, 1 MARCH
MAART 2002

No. 55

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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GENERAL NOTICES

NOTICE 551 OF 2002

DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

PUBLICATION FOR PUBLIC COMMENT: DRAFT REGULATIONS IN TERMS OF THE GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001)

The draft regulations which the Member of the Executive Council for Public Transport, Roads and Works proposes to prescribe in terms of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001), are published for public comment in the Gauteng Provincial Gazette No. dated February 2002 in compliance with section 154(2) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996). These draft regulations are:

1. Regulations on Advertising Visible from Provincial Roads, and
2. Other regulations in terms of the Act.

Interested parties are invited to lodge their written comments within 14 days of the date of publication hereof at the following address:

The Head of Department
Department of Public Transport, Roads and Works
Gauteng Provincial Government
11th Floor North Tower, Sage Life Building
Simmonds Street
JOHANNESBURG

or to fax them to no. 011 355 7163. or E-Mail them to malas@gpg.gov.za

Attention: Miss M. Somaru
Tel no. 011 355 7002

NOTICE 552 OF 2002

GAUTENG PROVINCIAL GOVERNMENT

DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

DRAFT REGULATIONS ON ADVERTISING VISIBLE FROM PROVINCIAL ROADS

Proposed Regulations on Advertising Visible from Provincial Roads in terms of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001), are hereby published for general information and comment. Any person or organisation wishing to comment on the draft regulations may lodge written comments within 14 days of the date of publication hereof by faxing or posting them, or handing them in, at the following addresses/numbers:

The Office of the Head of Department
Department of Public Transport, Roads and Works, Gauteng
11 th Floor, North Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG

Postal address:

The Head of Department: Public Transport, Roads and Works
Private Bag X83
Marshalltown
2107

Fax no. (011) 355 7163

Contact person: Miss M. Somaru

Tel. no. (011) 355 7002

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PART A: INTRODUCTORY PROVISIONS**1. Definitions**

In these regulations, a meaning that has been assigned to a word or expression in the Act has that meaning and, unless the context indicates otherwise—

"Act" or "the Act" means the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001);

"advertisement" means any visible representation of a word, name, letter, figure, object, mark or symbol or of an abbreviation of a word or name, or of any combination of such elements having the effect of transferring information or drawing attention to something, and includes a board or object normally used for such purposes, even though actual information is not transferred thereby, but does not include a road traffic sign;

"advertisement for sale of goods or livestock" means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms;

"advertising structure" means any physical structure erected to display an advertisement;

"advertiser" means the person or organisation whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement;

"aerial advertisement" means an advertisement painted on, attached to or produced by an aircraft, including a captive balloon, kite, unmanned free balloon, moored airship, parasailing craft, hang glider, model or radio controlled aircraft, an aircraft towed behind a vehicle or sailing vessel for the purpose of flight, and an aircraft towing banners or producing smoke signals;

"animated" means that the visibility or message of an advertisement is enhanced by means of moving units, flashing lights or similar devices, or that an advertisement contains a variable message;

"area" in relation to an advertisement means the area in square metres of the smallest rectangle that will encompass the extreme limits of the advertisement or combined advertisement, together with any material or colour forming an integral part of the background of the advertisement or used to differentiate the advertisement from the structure or building against which it is placed;

"areas of maximum control" means natural areas, rural areas and urban areas of maximum control;

"balcony or under-awning advertisement" means an advertisement—

- (a) affixed flat onto or painted on a parapet wall, balustrade or railing;
- (b) affixed flat onto or painted on a fascia;
- (c) affixed flat or painted on the fascia of a roof structure without walls;
- (d) affixed to or painted on a pillar, column or post supporting a roof structure without walls, or
- (e) painted or printed on the fabric of a blind;

"banner" means a piece of cloth or similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaves projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, but excludes banners carried as part of a procession;

"billboard" means any advertisement supported by a free-standing structure or affixed to an external wall of a building, or painted onto an external wall or roof of a building used for commercial, office, industrial or entertainment purposes, also known as a "custom-made billboard" or "spectacular", which may be paper-posted, sign written, posted with vinyl or covered, posted or written by a combination of such methods and may feature special effects such as internal illumination, specialist character cut-

outs or three-dimensional presentations and may include variable messages. The main function of a billboard is to display advertisements;

"bit" means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations. For the purposes of these regulations bit values are calculated as follows:

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bits
Numbers of up to four digits, inclusive:	0,5 bit
Numbers of five to eight digits:	1,0 bit
Numbers of more than eight digits	2,0 bits
Symbol or abbreviation:	0,5 bit
Large logos and graphics	2,0 bits

"candela" means a unit of luminance as determined from time to time by the International Commission on Illumination;

"centre of economic activity" means an enterprise or group of enterprises outside of urban areas and which may include farm stalls, service facilities, accommodation facilities, food services, industries, cottage industries, shops and other commercial facilities;

"clear height" means the minimum vertical distance from the ground, road or surface level, as the case may be, to the advertisement;

"combination advertisement" means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single structure specially designed to accommodate more than one advertisement;

"construction site advertisement" means an advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site;

"DACEL" means the Department of Agriculture, Conservation, Environment and Land Affairs of the Provincial Administration of Gauteng;

"Department" means the Department in the Provincial Administration of Gauteng responsible for road traffic regulation;

"development advertisement" means an advertisement describing the type of development being carried out on a construction site, including a pictorial representation thereof;

"electronic billboard" means a billboard which has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in different ways;

"engineer" means an engineer registered in terms of the Engineering Profession of South Africa Act, 1990 (Act No. 114 of 1990);

"entertainment area" means an area the main purpose of which is to be used as a park, sports field, barbecue area or for other recreational purposes;

"erf" means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry;

"estate agents' board" means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale or to let;

"flag" means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are

normally not readable in windless conditions, but excluding—

- (a) national flags that do not carry any advertisement or subject matter in addition to the design of the flag or flagstaff; and
- (b) flags carried as part of a procession;

"forecourt" means an outdoor area forming a functional part of a building housing an enterprise, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation;

"forecourt advertisement" means an advertisement on a forecourt of business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertisement at a filling station or roadside service area;

"freeway" means a road or section of a road designated as a freeway by the MEC by an appropriate road traffic sign in terms of section 11(6) of the Act or deemed to be a freeway under section 11(7) thereof;

"functional public advertisement" means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement;

"gore" means the area immediately beyond the divergence of two roadways, bounded by the edges of those roadways;

"height" means the maximum vertical distance from the ground, road surface or surface level, as the case may be, to the top of the advertisement;

"illuminated" in relation to an advertisement means that it has been installed with electrical or other power for the purpose of illuminating it, either continuously or intermittently;

"large billboard" means any billboard larger than 18 square metres in area;

"large electronic billboard" means an electronic billboard larger than 18 square metres in area;

"large poster" means an advertisement that is a self-supporting poster of between 1,5 and 2,2 square metres in area;

"light not intended for illumination" means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object;

"locality-bound" means an advertisement displayed on a specific erf or premises and referring to an activity, product, service or attraction located, rendered or provided on that erf or those premises or inside that building;

"m" means metre;

"MEC" means the Member of the Executive Council of the Province contemplated in section 132 of the Constitution responsible for provincial roads;

"mm" means millimetre;

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"natural area" means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, wilderness areas, areas of extensive agriculture and scenic areas;

"on-premises business advertisement" means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement;

"owner" in relation to an advertisement means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure.

"poster" means any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to Parliament, a provincial council, local government or any similar body or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property;

"product replica or three-dimensional advertisement" means a replica or device used for advertising that may be free-standing or attached to a structure, and includes an inflatable object that is not an aerial advertisement;

"project board" means an advertisement displaying the involvement of a contractor or consultant in a construction project;

"Province" means the Province of Gauteng;

"provincial street" means a provincial road which serves the purpose of a municipal street and is identified as such by the MEC by notice in the *Provincial Gazette*, as contemplated in section 44(1) of the Act ;

"relevant municipality" means the municipality in whose area of jurisdiction the relevant transport infrastructure is situated, and in the case of Category B and C municipalities contemplated in section 155(1)(b) and (c) of the Constitution, the municipality which by law or agreement between the Category B and category C municipalities, has control and supervision of the infrastructure in question;

"residential or community advertisements" includes a variety of small notices and advertisements displayed on premises used for residential-orientated purposes and for community services, and include advertisements in urban areas and also on places of residence in natural and rural areas, but are limited to—

- (a) identification, direction and warning signs with regard to residences, for example—
 - (i) names of houses, flat complexes, farms and smallholdings;
 - (ii) signs such as "beware of the dog", "no parking" and "close the gate";
 - (iii) signs indicating the nature of or main activity on farms and smallholdings;
- (b) signs showing the name or nature of the business, practice or enterprise or the owners or practitioners on small businesses, enterprises and practices in urban residential premises and buildings constructed or used for community purposes or premises on urban, but not rural, smallholdings;
- (c) signs showing the name and nature of the facility or of the proprietor or partners, on small scale accommodation facilities;
- (d) signs showing the name and nature of the institution, the names of practitioners and nature and extent of services on community services and institutions, such as religious, cultural, educational and recreational institutions and medical institutions related to those purposes;

"road island" means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of prohibiting vehicles from standing or being operated in that area;

"road median" means the area separating traffic lanes on a roadway;

"road reserve" means the full width of a provincial road, and includes roadways, shoulders and sidewalks and the air space above such roadways, shoulders and sidewalks and all other areas within the road reserve boundary;

"road reserve boundary" means the proclaimed boundary forming the outer edge of the road reserve;

"roadside service area" means an area with direct access from a provincial road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists;

"road traffic sign" means a road traffic sign as defined in the National Road Traffic Act;

"roadway" means that part of a road made and intended or used for traffic or reasonable usable by traffic in general;

"rural area" means an area forming a transition between urban areas and unspoilt natural areas and includes intensive agriculture, subsistence agriculture and peri-urban smallholdings of a predominantly rural nature and with relatively low population densities;

"security advertisement" means an outdoor advertisement for neighbourhood watch, farm watch and similar schemes, and an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisement is displayed;

"service facility advertisement" means an advertisement at a filling station or roadside rest and service area;

"shoulder" means the shoulder of a provincial road as defined in the National Road Traffic Act;

"sidewalk" means a sidewalk of a provincial road as defined in the National Road Traffic Act;

"sidewalk poster or notice" means a temporary advertisement attached to an electrical light standard to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature, and includes a poster displayed for an election or referendum campaign;

"small billboard" means a billboard 18 square metres or smaller in area;

"street furniture" means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights or any other road-related structures;

"streetscaping" or "streetscape" means the coherence between street furniture and other features on a provincial road;

"suburban advertisement" means a pole mounted location advertisement at the entrance to a town or suburb that carries an advertising sign beneath the road traffic sign bearing the name of the town or suburb;

"tourism direction sign" means a road traffic sign having a trapezoidal shape and white on brown colour, the main objective of which is to inform and guide tourists in the final stages of their journeys, as referred to in the Regulations made under the National Road Traffic Act;

"tower, bridge and pylon advertisement" means a billboard affixed to or painted on a tower, bridge or pylon that is not used primarily for advertising purposes;

"tower structure" means a structure used for advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station;

"urban area" means an area consisting of—

- (a) a township mentioned in paragraph (a) of the definition of "township" in the Act, but excluding land in that area—
 - (i) which is commonage land; or
 - (ii) which is used or destined to be used mainly for farming or horticulture or the

- keeping of animals or is an agricultural holding as defined in section 7 of the Agricultural Holdings (Transvaal) Registration Act, 1919 (Act No. 22 of 1919); or
- (iii) which consists of any other open space which has not been developed or reserved for public purposes; or
- (b) a township mentioned in paragraph (b) of the definition of "township" which the MEC by notice in the *Provincial Gazette* has declared to be an urban area for the purposes of the Act;

"urban areas of maximum control", subject to regulation 4(1)(b), include, but are not limited to, natural open spaces and urban conservation areas, interface of natural landscape with built-up areas, bodies of water, rivers, ridges, forests, open recreational areas, characteristic vistas, heritage sites or buildings, special tourist areas, skylines, residential areas, and visual zones along freeways in urban areas, unless the MEC after obtaining a strategic environmental assessment designates areas along such freeways as urban areas of partial or minimal control;

"urban areas of minimum control", subject to regulation 4(1)(b), are urban areas which require minimum control such as areas of concentrated economic activity where business is the main focus, commercial districts, central shopping centres, central office precincts, commercial enclaves and shopping centres in industrial areas and industrial parks, entertainment districts or complexes and prominent transport nodes excluding nodes of an exceptional historical or architectural value.

"urban areas of partial control", subject to regulation 4(1)(b), are urban areas characterised by a greater degree of integration and complexity of land use which require a lesser degree of control, such as high density mixed residential areas, medium density areas in transition and residential areas where office and commercial encroachment has taken place, small commercial enclaves in residential areas, suburban shopping centres and office parks, ribbon development along main streets, educational institutions, sports fields or stadia, commercialised squares, government enclaves and small-holdings of an urban nature with a higher population density than rural smallholdings;

"vehicle" means a motor vehicle as defined in the National Road Traffic Act;

"visual zone" means the road reserve of a provincial road and any area that is visible from any position on such road reserve, but does not include an area situated at a distance of more than 250 metres from the road reserve boundary of a provincial road in an urban area.

2. Scope of these regulations

- (1) These regulations are designed to regulate advertising visible from provincial roads, within the scope of section 44 of the Act, and apply only to provincial roads, as defined in the Act.
- (2) Subject to the Act and these regulations, the approval of the MEC is required for the erection of each advertisement visible from a provincial road, and all of the conditions of these regulations applicable to that type of advertisement must be complied with.
- (3) No advertising shall be permitted within the road reserve of a provincial road other than a provincial street.
- (4) These regulations do not apply to areas outside of visual zones.
- (5) Despite these regulations, advertisements are permitted without the approval of the MEC where such advertisements—
 - (a) are displayed on a building outside the road reserve in which a business or undertaking is carried on and contains no more than the name of the business or undertaking or description of its nature and the name of the proprietor;
 - (b) are displayed on a vehicle, machine or implement as long as the main purpose for which the vehicle, machine or implement is used is not the displaying of the advertisement.

3. Areas in relation to categories of advertisements

- (1) For the purpose of determining the places where advertisements may be displayed, the MEC may designate areas in which provincial roads are situated in accordance with the categories described in regulation 4.
- (2) For the purpose of determining the nature, content and size of advertisements, they are divided into the categories defined in regulations 14 to 34.
- (3) The advertisements which may be displayed so as to be visible from provincial roads in the various categories of areas, are regulated in regulations 14 to 34, subject to the general provisions in Part B.
- (4) Despite these regulations, the MEC may, by notice in the *Provincial Gazette*, make known areas along provincial roads, either individually or in respect of a class or type of such roads, where the erection or display of advertisements is not permitted.

4. Designation of areas

- (1) The MEC may, subject to sub-regulation (2):
 - (a) designate areas outside of urban areas in which provincial roads are situated into either rural areas or natural areas;
 - (b) in urban areas, after consultation with relevant municipalities, designate areas in which provincial roads are situated as—
 - (i) urban areas of maximum control;
 - (ii) urban areas of partial control;
 - (iii) urban areas of minimum control.
- (2) Where a provincial road falls within an area which has not been designated into a particular category under sub-regulation (1), the area in which it falls is deemed to be an area of maximum control.
- (3) The MEC must make details of a designation under sub-regulation (1), once available, with appropriate maps or diagrams, available for inspection by the public at the Department's offices during the Department's office hours.

5. Approval by MEC

- (1) Subject to section 44(3) of the Act and these regulations, no one may erect or display an advertisement in a visual zone without first obtaining the written approval of the MEC.
- (2) An application for approval of an advertisement must be made by completing the application form prescribed in Annexure A and lodging the completed form with the application fee determined by the MEC from time to time, which fee is not refundable regardless of the outcome of the application.
- (3) The MEC may refuse to consider an application where the relevant form has not been completed properly or the relevant fee has not been paid.
- (4) An application in terms of sub-regulation (1) must be signed by the owner of the proposed advertising structure or device upon which the advertisement will be displayed and by the owner of the land on which it is to be erected or displayed, or by the agent of such persons authorised in writing, and must be accompanied by any additional information or documents requested by the MEC.
- (5) The MEC may, in respect of road safety considerations and before granting approval, require the applicant to submit letter sizes and length of the proposed message, and may impose the condition that the message may not be changed without the prior approval of the MEC.

- (6) The MEC, when granting approval for any advertisement or structure upon which an advertisement is to be displayed in an urban area, must make the approval conditional on the applicant also obtaining the approval of the relevant municipality.
- (7) The MEC may refuse to consider an application for approval unless or until a strategic environmental management plan has been prepared by the relevant municipality, and is available.
- (8) The MEC may grant approval subject to conditions, which must be complied with by the owner of the advertisement, the owner of the structure upon which the advertisement is to be displayed, the person or persons who erect or display it, the owner of the land on which it is displayed or erected and any occupier or other person in charge of such land. Such conditions may provide for the payment of an annual inspection fee.
- (9) Where the MEC has granted approval for the erection or display of an advertisement, the advertisement may not be moved or re-erected nor may any alteration be made to the electric wiring system thereof, except for the purpose of renovation or maintenance, without first obtaining the further written approval of the MEC.
- (10) Any approval granted in terms of this regulation must be valid for a specified period, which may not be longer than five years.
- (11) The MEC must register every advertisement approved by the MEC and allocate to it a registration number, which must be displayed on the advertisement in a clearly visible position by the owner of the advertisement, and, if so directed by the MEC, in more than one place on the advertisement, in a manner so directed and in a manner which will ensure that the number is not removed or obscured. The name and address of the advertiser must also appear on the advertisement in the manner directed by the MEC, in letters that conform with the sizes stipulated by the MEC.
- (12) Approvals granted in terms of these regulations may be renewed after expiry of the period for which the approval was granted by—
 - (a) making application for such renewal to the MEC on the form provided by the MEC, and
 - (b) lodging the completed form with the renewal fee determined by the MEC (which may include an inspection fee).
- (13) The MEC may reject an application for renewal of an approval that does not comply with sub-regulation (12).
- (14) Where an approval has lapsed, application may be made afresh on compliance with sub-regulations (2) and (4).
- (15) The owner of the land on which an advertisement is erected or displayed in terms of an approval obtained under this regulation, must retain certified copies of all documentation relating to the application and the approval issued by the MEC and any renewal thereof for as long as the advertisement is erected or displayed, and must present it to any person authorised by the MEC on request. The owner of the advertisement, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documentation.
- (16) Where a person fails to comply with sub-regulation (15), it shall be deemed that the relevant approval was not granted, unless the person proves the contrary.
- (17) Approvals granted in terms of the Act or these regulations are additional to, and not in substitution of, consent or approval required by any other law.
- (18) Where an application is made in terms of these regulations for the erection or display of an advertisement, in the absence of other specific criteria provided, the MEC must consider,

where applicable in each case—

- (a) the matters set out in these regulations, road safety considerations being the most important and overriding factor;
 - (b) environmental considerations, which must include aesthetic, ecological and traffic safety aspects;
 - (c) the visual content of the advertisement, with regard to letter sizes and length of messages, colours, impact etc.;
 - (d) whether the advertisement complies with the Act and these regulations and with the requirements and standards of the Department;
 - (e) requirements and guidelines published by the South African Advertising Standards Authority or similar regulatory bodies established by the industry.
- (19) The MEC may withdraw any approval given under this regulation where the relevant advertisement does not comply or ceases to comply with these regulations, or a condition imposed in such approval has not been complied with.

PART B: PROVISIONS APPLICABLE TO ALL ADVERTISEMENTS

6. Road safety and traffic considerations

- (1) Despite the other provisions of these regulations, no advertisement may—
- (a) constitute a danger to persons or property;
 - (b) be so placed as to distract, or contain an element which distracts, the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
 - (c) be illuminated to the extent that it causes discomfort to or inhibits the vision of approaching pedestrians or drivers of vehicles;
 - (d) be attached to road traffic signs, combined with road traffic signs (unless specifically authorised by the National Road Traffic Act), obscure road traffic signs, create confusion with road traffic signs, interfere with the functioning of road traffic signs or create road safety hazards;
 - (e) obscure the view of pedestrians or drivers, or obscure road or rail vehicles and road, railway or sidewalk features such as junctions, bends and changes in width;
 - (f) project over pedestrian or cycle circulation routes, unless the clear height of the advertisement exceeds 2,4 metres;
 - (g) be erected in the vicinity of signalised intersections which display the colours red, yellow or green if such colours will constitute a road safety hazard;
 - (h) be erected without approval where such approval is required by the Act or these regulations or any other law.
- (2) In considering applications for approval for advertisements that are visible from a provincial road, the MEC must evaluate whether, according to road traffic sign standards published under applicable road traffic legislation, prevailing traffic conditions and the roadside environment—
- (a) the size of the advertisement, together with other advertisements in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
 - (b) the size of the advertisement, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;
 - (c) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
 - (d) the colour, or combination of colours, contained in the advertisement correspond with the colours or combinations of colours specified for road traffic signs in the regulations promulgated under the National Road Traffic Act;
 - (e) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume,

- the average following headway and accident history of the road demand more stringent control of outdoor advertising;
 - (f) the amount of information contained in the advertisement, measured in bits, is within prescribed limits;
 - (g) the advertisement is suitably positioned and orientated;
 - (h) the position of the advertisement will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
 - (i) the advertisement could be mistaken to represent a road traffic sign;
 - (j) the illumination of advertisements is likely to distract drivers' attention from road traffic signs which are not illuminated;
 - (k) the position of an advertisement would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;
 - (l) the position of any advertisement would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety, but no advertisements are allowed closer than 200m from any point where lanes merge or diverge, from the yellow line break points;
 - (m) the distance of any advertisement before any road traffic sign, an advertisement's position in between road traffic signs or an advertisement's distance behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign.
- (3) The MEC may increase the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement considered necessary in the interests of road safety.
- (4) No advertisement may emit a noise, sound or smoke.
- (5) An advertisement shall not, except where specifically authorised by these regulations—
- (a) cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the
 - (b) be suspended across a provincial road;
 - (c) be erected within or suspended above a visual zone.
- (6) Except on a provincial street, no advertisement may be situated closer than—
- (a) five metres from a road reserve boundary; and
 - (b) if the advertisement exceeds five metres in height, a distance from the road reserve boundary equal to the height of the advertisement.

7. Amenity and decency

Despite the other provisions of these regulations, no advertisement may—

- (a) be detrimental to the environment or to the amenity of a human living environment by reason of size, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
- (b) be in its content objectionable, indecent, offensive or suggestive of indecency or prejudicial to public morals or be in conflict with the guidelines or standards laid down from time to time by the South African Outdoor Advertising Association or any similar body recognised by the MEC as representing the industry;
- (c) obscure, partially or wholly, an advertisement owned by another person that has been erected previously and legally displayed.

8. Advertisement to be concise

An advertisement visible from a provincial road must be concise and legible and comply with the following requirements:

- (a) No advertisement displaying a single message may exceed six bits of information in relation to a freeway and 10 bits in relation to a road other than a freeway.
- (b) No combination sign, or any other advertisement displaying more than one advertisement or message, may contain more than six bits of information per enterprise, service or property, or per individual advertisement or message displayed on a combination sign.
- (c) No telephone numbers may be displayed, except where specifically allowed in these regulations.
- (d) A street number indicating specific premises must have a minimum size of 150 millimetres and a maximum size of 350 millimetres.
- (e) No message may be spread across more than one advertisement.

9. Design and construction

(1) All advertisements must—

- (a) be neatly and properly constructed according to generally accepted design and construction standards;
 - (b) not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area by way of the design of the structure or device;
 - (c) have a neat appearance and consist of durable materials suited to the function, nature and permanence of the advertisement, and materials such as cloth, canvas, cardboard, paper or synthetic cardboard may be used only when essential to the nature and function of a particular advertisement;
 - (d) have a neat appearance in terms of advertisement content and sign writing, and may not contain untidy handwritten messages;
 - (e) not deface building facades with electrical services provisions and other accessories;
 - (f) be rigidly and securely attached, supported or anchored in a safe manner so that unwanted movement in any direction is prevented;
 - (g) be capable of effectively securing, supporting and maintaining not less than twice its mass with the addition of any force to which the advertisement may be subjected, including wind pressure;
 - (h) not be secured by water soluble adhesive, adhesive tape or similar material to display the advertisement;
 - (i) have all exposed metalwork painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;
 - (j) have measures taken to prevent entry of water into and the accumulation of water or moisture on or in the advertisement or any part of its supporting framework, brackets or other members.
- (2) No advertisement may be painted on any fence or boundary wall in an area of maximum control and regulations 2(3) and 6(6) apply in this regard in all areas,

10. Electrical

Every illuminated advertisement and every advertisement in which electricity is used, must—

- (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly;
- (b) be constructed of material that is not combustible;
- (c) be provided with an external switch in an accessible position and at a height of at least three metres from the ground whereby the electricity supply to the advertisement may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws.

11. Maintenance

- (1) All advertisements must be maintained in good repair and in a safe condition.

- (2) Any person who displays an advertisement or permits it to be displayed is responsible for the maintenance in a safe and proper condition of the advertisement and the repainting thereof.

12. Illumination and electronic advertisement

- (1) Illumination is permitted on an advertisement only if it does not lead to unsafe driving conditions.
- (2) The luminance level on any advertisement where illumination is permitted may not exceed the following:

Illuminated area	Maximum luminance
Less than 0,5 square metres	1000 candela per square metre
0,5 to 2,0 square metres	800 candela per square metre
2,0 to 10 square metres	600 candela per square metre
10 or more square metres in visual zones	350 candela per square metre
10 or more square metres in other areas	400 candela per square metre

- (3) In a visual zone an advertisement may not be illuminated unless the provincial road is lit by overhead lighting over the full distance within which the advertisement is visible from such road and the source of the illumination is concealed from oncoming traffic.
- (4) No variable or animated advertisements are allowed.
- (5) An electronic advertisement may not inhibit the view of a driver or pedestrian or be in the direct line of sight of a traffic light.
- (6) An electronic advertisement may not have subliminal flashes.
- (7) Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the relevant municipality.
- (8) No one may display light not meant for illumination in a visual zone, or in a natural area, or in an urban area of maximum control if it will be visible from a provincial road.
- (9) No one may display light not meant for illumination in a rural area of economic activity visible from a provincial road, or in an urban area of partial or minimum control visible from a provincial road, without the written approval of the MEC.
- (10) No light beam may be moved or directed in such a manner as to distract the attention of drivers of vehicles from the task of driving.
- (11) No light source or beam of light may be positioned or aimed so as to shine directly onto, or at, a provincial road.

13. Floodlighting

- (1) Subject to regulation 12, a light source for an advertisement must be positioned to ensure effective distribution and minimise light wastage or "spill".
- (2) Any light source for an advertisement must not be visible to traffic travelling in either direction.

PART C: TYPES OF ADVERTISEMENTS AND REGULATION OF THEIR ERECTION OR DISPLAY**14. Electronic billboards**

- (1) In deciding whether to grant or refuse approval for an electronic billboard the MEC must have regard to—
 - (a) the matters set out in regulation 6;
 - (b) whether it is allowed for in environmental plans of the relevant municipality.
 - (c) aesthetic and ecological aspects;
 - (d) the nature of the proposed messages;
 - (e) other factors specified in the Act or these regulations or that the MEC regards as relevant.
- (2) A large electronic billboard must be displayed perpendicular to oncoming traffic.
- (3) No large electronic billboard may be erected closer than five kilometres to another large electronic billboard on the same side of a provincial road, unless this is allowed for in the environmental plans of the relevant municipality.
- (4) An electronic billboard may not be erected within a radius of 200m from the centre of any intersection on a provincial road or from any ramp gore at an interchange on any portion of a provincial road.
- (5) No electronic billboard 18 square metres or smaller in area may be erected closer than 1,5 kilometres to another electronic billboard or large electronic billboard on a provincial road.

15. Large billboards

- (1) In deciding whether to grant or refuse approval for a large billboard the MEC must have regard to—
 - (a) the matters set out in these regulations;
 - (b) aesthetic and ecological aspects, after consultation with DACEL;
 - (c) other factors specified in the Act or these regulations or that the MEC regards as relevant.
- (2) The clear height of a large billboard shall be not less than 2,4 metres.
- (3) Large billboards must be spaced at least 250 metres apart and at least 250 metres from any product replica or three dimensional advertisement when in view of each other or of such product replica or three dimensional advertisement, and at least 200m from any road sign.
- (4) A large billboard may not be erected within a radius 200 metres from the centre of any intersection on a provincial road or from any ramp gore at an interchange on any portion of a freeway.
- (5) No one may erect a large billboard in a visual zone in an area other than an urban area of partial or minimum control.
- (6) Large billboards may not exceed 81 square metres in area.

16. Small billboards and tower structures

- (1) Small billboards may not exceed 18 square metres in area and 10m in height, and must have a clear height of not less than 2,4m. Tower structures may be pole-mounted units of not more than four panels. No panel or board on a tower structure may exceed 4,5 square metres. The clear height of a tower structure may not be less than 2,4m, while the maximum height shall not exceed five metres.
- (2) No one may erect a small billboard or tower structure in a visual zone in an area other than an urban area of partial and minimum control.
- (3) In deciding whether to grant or refuse approval for a small billboard or tower structure the

MEC must have regard to—

- (a) the matters set out in these regulations;
- (b) aesthetic and ecological aspects, after consultation with DACEL;
- (c) the consideration that tower mounted advertisements must be "internally oriented" and not be aimed at road users outside the shopping centre or transport node;
- (d) the consideration that tower structures must be of a high visual standard and harmonize with buildings and streetscapes;
- (e) other factors specified in the Act or these regulations or that the MEC regards as relevant.

17. Large posters and other advertising on street furniture

- (1) A large poster, other than a bus or taxi shelter incorporating posters—
 - (a) is not allowed in a natural or rural area;
 - (b) may not be used for the primary purpose of directing or guiding travellers;
 - (c) is not allowed on or next to a freeway;
 - (d) may not be closer than 120m to another large poster.
- (2) The size of a large poster and other advertising on street furniture facing in any one direction may not exceed 2,2 square metres in area. Street furniture carrying an advertisement shall not exceed three metres in height, except that a maximum height of four metres will be allowed where the structure serves as a visual focal point and is of a high visual quality.
- (3) A large poster and advertising on street furniture shall not be illuminated or animated in an urban area of maximum control, but may be illuminated but not animated in an urban area of partial or minimum control.
- (4) Before applying to the MEC for approval for a large poster or other advertising on street furniture, the applicant must first obtain the written approval of the relevant municipality.

18. Flags

- (1) A flag may be used only for—
 - (a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - (b) locality-bound advertisements displaying the name, corporate symbol and nature of enterprises;
 - (c) streetscaping urban areas such as pedestrian malls and gateways;
 - (d) non-locality bound advertisements of campaigns supported by government.
- (2) A flag is not permitted in a natural area.
- (3) A flag must be attached to or supported by poles or other supports on the site, or against the building where the function or event is to be held or where the enterprise is located.
- (4) A flag may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.

19. Suburban advertisements

- (1) A suburban advertisement is permitted only in an urban area, and only on a provincial street.
- (2) Before applying to the MEC for approval for a suburban advertisement, the applicant must

first obtain the written approval of the relevant municipality.

- (3) A suburban advertisement must be rectangular, and must be not more than 0,4 metres in height and not wider than the suburb name sign. It must be less conspicuous than the suburb name sign.
- (4) A suburban advertisement may not bear colours that may cause confusion with road traffic signs and may not be illuminated or animated.
- (5) Suburban advertisements must comply with the requirements of the street name GL1 sign or suburb name GL2 sign, as the case may be, as prescribed in the regulations promulgated under the National Road Traffic Act.

20. Estate agents' boards

- (1) An estate agents' board may not contain information other than the words "for sale", "to let" or "sold" and the name and logo of the selling or letting agent, but may contain telephone numbers in the case of provincial streets.
- (2) An estate agents' board is permissible in any area, but not more than one such board per estate agent may be erected on any erf and not more than three agents may display their boards simultaneously on the same erf.
- (3) An estate agents' board may only be a single board or two duplicate boards joined together.
- (4) The maximum size of an estate agent's board, including direction boards indicating the position of a property (known as "trail blazer boards"), is—

Natural and rural areas:	2,0 square metres for single boards or 2,3 square metres in total for two joined boards
Urban areas of maximum or partial control	0,55 square metres for single boards or a total area of 0,65 square metres for two joined boards
Urban areas of minimal control	2,8 square metres for single boards or 3,2 square metres for two joined boards

- (5) An estate agents' board must be attached to the boundary fence of the property concerned or displayed within the boundaries of premises, subject to regulations 2(3) and 6(6).
- (6) An estate agents' board must be removed not later than 14 days after conclusion of a contract of sale or lease for the property in question.
- (7) Trail blazer boards are only allowed on provincial streets.
- (8) Estate agents' boards may not be displayed on road reserve boundaries of freeways.
- (9) No illumination or animation of estate agents' boards is allowed.

21. Advertisements for sale of goods or livestock

- (1) Only one advertisement for sale of goods or livestock per sale is allowed facing a provincial road, but not along a freeway.
- (2) The size of such an advertisement may not exceed two square metres in a natural or rural area or an urban area of maximum or partial control, and 2,8 square metres in an urban area of minimum control, and no part of the advertisement may be higher than three metres above the ground.
- (3) Such an advertisement may be displayed only on the premises or property where the advertised sale is to take place, or be attached to the boundary fence of such a property or premises.

- (4) No illumination or animation of such an advertisement is allowed.
- (5) Such an advertisement may be erected no earlier than one day before the sale in question and must be removed not later than one day after such sale, and advertisements of a permanent nature are not allowed.

22. Project boards

- (1) A project board must be approved by the relevant developer or employer, and may display only—
 - (a) a description of the building or structure being erected or other work or activity being carried out;
 - (b) the names and the company symbols or logos of the contractors or consultants;
 - (c) the branches of their industry or profession;
 - (d) a description of the development being carried out;
 - (e) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- (2) Only one combined project board listing contractors or consultants is allowed per street front of a site.
- (3) A project board may not exceed 1,5 square metres in area per consultant or contractor, and may not exceed a total area of nine square metres.
- (4) A project board may not be erected on a freeway.
- (5) A project board may be erected only if there is insufficient space on the development site.
- (6) A project board concerning road construction may be positioned in any road reserve of a provincial street.
- (7) A project board may not be illuminated or animated.
- (8) A project board may be displayed only while the relevant works are actually taking place on the site.

23. Security advertisements

- (1) A security advertisement must refer only to the existence and operation of a commercial security service, burglar alarm system, neighbourhood watch, farm watch or similar system or scheme.
- (2) A security advertisement may not exceed 0,35 square metres in area, except a farm advertisement, which may exceed that area but not exceed 1,5 metres in area. All such advertisements may not be more than three metres above ground level.
- (3) In an urban area in a visual zone only one security advertisement per street boundary of the premises may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street frontage or within the boundaries of the erf.
- (4) A security advertisement on a farm must be displayed at the intersection of a provincial road and private access road or at the entrance to the property, but not in the road reserve of a provincial road. Only one advertisement per farm or holding is allowed.
- (5) A security advertisement may not be illuminated or animated.

24. Product replicas and three-dimensional advertisements

- (1) A product replica or three-dimensional advertisement is allowed only in an urban area of partial or minimum control and then only in a shopping centre or other commercial area or in an entertainment or industrial area.
- (2) The highest point of a free-standing product replica or three-dimensional advertisement above ground level may not exceed three metres in an urban area of partial control and four metres in an urban area of minimum control.
- (3) A product replica or three-dimensional advertisement aimed at road users must be spaced at least 250 metres from any other product replica, three dimensional advertisement or large billboard when in view of another such replica or advertisement or of any large billboard.

25. Balcony and under-awning advertisements

- (1) A balcony and under-awning advertisement may be erected only on premises used for commercial, office, industrial or entertainment purposes.
- (2) A balcony and under-awning advertisement may be suspended above a sidewalk.
- (3) No illuminated advertisement or advertisement designed to reflect light may be attached to or displayed on a splayed or rounded corner of a balcony at a street intersection, unless the bottom of the advertisement is at least six metres above the street immediately below it.

26. Forecourt advertisements

- (1) A forecourt advertisement may be displayed in an urban area, and in any other area may only be displayed in a centre of economic activity.
- (2) An individual, free standing forecourt advertisement may not exceed 1,7 square metres in area for single sided advertisement and 3,4 square metres for a double-sided advertisement.
- (3) The total area of all free-standing forecourt advertisements may not exceed 5,0 square metres on each forecourt frontage, except in the case of filling stations and roadside service areas, where it may not exceed 8,0 square metres. In the case of filling stations and roadside service areas, additional non-free standing advertisements with a maximum area of 0,15 square metres per advertisement are allowed if attached to fuel pumps, vending machines and other non-advertising structures.
- (4) A forecourt advertisement must be free-standing, except for an advertisement attached to a fuel pump, vending machine or other non-advertising structure in a filling station or roadside service area.
- (5) A forecourt advertisement may not interfere with pedestrian circulation.
- (6) A forecourt advertisement may not be animated.

27. Residential or community advertisements

- (1) A residential or community advertisement may be affixed flat or painted on a gate or wall, or on a pole mounted advertisement or an advertisement with supporting structures forming a visual structure around the sign panel.
- (2) A direction or warning sign may not exceed 0,5 square metres in total area per premises, except where there is more than one entrance to the same premises on different road frontages, where a total sign area of one square metre and 0,5 square metres per frontage is permitted.
- (3) In the case of an advertisement showing the name and nature of an enterprise or place of

residence or the name of a proprietor or practitioner, one advertisement per premises is allowed, that may not exceed 1,5 square metres in area per premises, but where there is more than one entrance to the same premises on different road frontages, two advertisements with a total sign area of 1,5 square metres each may be displayed, each on a different frontage.

- (4) Despite sub-regulations (2) and (3), where the advertisement has a solid supporting structure other than a framework, the maximum area per advertisement may be three square metres.
- (5) Where more than one enterprise or property is involved, a combination advertisement must be provided with not more than one square metre per premises or per property.
- (6) The highest point of a free standing advertisement may not exceed three metres above ground level, except for a combination sign, where the highest point of the sign may not exceed four metres above ground level.
- (7) In the case of a residential or community advertisement, a name or logo of a sponsor of the advertisement may not be displayed except on the name of a farm or smallholding, and the sponsor advertisement may not exceed one third of the total area of the advertisement.
- (8) A residential or community advertisement may be displayed only on the premises to which it refers, or on the boundary wall, fence or gate of such premises.
- (9) A farm or smallholding name sign must be displayed next to the entrance of the access road thereto or affixed to the gate at the entrance of such access road, but where more than two farms or smallholdings share an unnumbered or private access road, a direction road traffic sign must be used to indicate the access road.
- (10) A free standing residential or community advertisement is allowed only where it is not aesthetically or practically acceptable to attach a sign to a building or boundary wall, fence or gate.
- (11) A residential or community advertisement may not be animated, and may be illuminated only in an urban area. It must harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character.

28. On-premises business advertisements

- (1) An on-premises business advertisement must be locality bound and may provide information only of the name and nature of the enterprise, the nature of goods sold or services provided and the name of the proprietor(s) or practitioner(s) and may be erected as a free-standing advertisement.
- (2) An on-premises business advertisement may not be displayed unless—
 - (a) the building housing the enterprise is situated in relation to the road which it faces such that passing pedestrians or motorists may have difficulty noticing advertisements affixed to the building;
 - (b) it is not structurally possible or visually feasible to affix appropriate advertisements to a building;
 - (c) the advertisement is needed to locate the entrance to business premises or the private access road to a business;
 - (d) there are no tourism direction signs reducing the need for such advertisements.
- (3) In deciding whether to grant or refuse approval for an on-premises business advertisement, the MEC must have regard to the manner and type of illumination of the advertisement, if applicable, and the consideration that—
 - (a) a proliferation of advertisements must be prevented and that combination advertisements must be promoted;

- (b) the design of combination advertisements must harmonise with the architecture of shopping centres or other buildings or structures;
 - (c) messages on individual panels of combination advertisements must be concise and legible;
 - (d) advertisements at access roads to farms and smallholdings must be co-ordinated with residential and community advertisements to form combination advertisements;
 - (e) combination advertisements must be harmonious in terms of form, letter types and colour.
- (4) Only one on-premises business advertisement is allowed per enterprise, unless there is more than one entrance on different road frontages, where two will be allowed, one per frontage.
 - (5) An on-premises business advertisement in areas of maximum control may not exceed six square metres in area and a height of seven metres. In an urban area of partial or minimum control the advertisement may not exceed 12 square metres in area and a height of 10m.
 - (6) In the case of an on-premises business advertisement, the name or logo of the sponsor of the advertisement may be displayed but may not occupy more than one third of the total area of the advertisement.
 - (7) An on-premises business advertisement may not have letters, figures or symbols or similar features that exceed 0,35m in height in a natural or rural area and an urban area of maximum control, and 0,75m in an urban area of partial or minimum control.
 - (8) An on-premises business advertisement may not be closer than five metres to the road reserve boundary.
 - (9) An on-premises business advertisement may be illuminated, subject to regulation 12, but may not be animated.
 - (10) An on-premises business advertisement may refer only to the name and nature of the business on the premises, the brand name and nature of goods for sale or produced or the nature of the service provided and the name of the person(s) or firm(s) who own the business or provide the goods or services.

29. Tower, bridge and pylon advertisements

- (1) Subject to section 44(1) of the Act, no one may erect or display a tower, bridge or pylon advertisement in a visual zone in a natural or rural area, or an urban area of maximum control, or over a freeway in any area. In granting approval for such an advertisement in another area the MEC must consider the matters set out in regulation 5(18) and whether such advertisements are allowed for in the environmental plans of the relevant municipality.
- (2) The maximum area of such advertisements per structure may not exceed 36 square metres.
- (3) The clear height of a pylon advertisement may not be less than 2,4m.
- (4) No one may erect or display a tower, bridge or pylon advertisement that is illuminated or animated except in an urban area of minimum or partial control, subject to regulation 12, and then only if—
 - (a) it is not a safety hazard;
 - (b) it does not cause undue disturbance; and
 - (c) the source of the illumination is concealed from oncoming traffic.
- (5) No one may attach an advertisement to a pylon unless the pylon is independently supported without the aid of guys, stays, brackets or other restraining devices, and is properly secured to an adequate foundation in the ground.

30. Service facility advertisements

- (1) A service facility advertisement may refer only to the name or logo of a business providing a service, and the type of service provided.
- (2) A service facility advertisement must be locality-bound and may be erected or displayed only in service facilities adjacent to and directly accessible from a provincial road at which the advertisement is directed, and may be double sided, but is not allowed on both sides of the road only one such advertisement per direction of traffic flow is allowed.
- (3) An applicant for approval for a service facility advertisement must submit with the application a location plan, detailed drawings of the advertisement and a certificate issued by an engineer verifying that it was designed by such engineer.
- (4) No service facility advertisement may exceed the following dimensions:

Natural areas and urban freeways	6 square metres
Other urban areas	4,5 square metres
Rural areas	18 square metres

- (5) A service facility advertisement may not be animated, and illumination is allowed only while the services concerned are being provided.
- (6) No advertisement is allowed in a roadside service area except a service facility advertisement permitted under this regulation, unless used for internal direction and orientated and aimed at motorists within the facility.

31. Banners

- (1) A banner may be used only for—
 - (a) locality-bound advertising of functions or events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes or functions or events relating to municipal, provincial or parliamentary elections or referenda;
 - (b) locality-bound advertisements displaying the name, corporate symbol and nature of enterprises;
 - (c) streetscaping urban areas such as pedestrian malls and gateways.
- (2) No banner is permitted in a natural area.
- (3) No banner may be larger than five square metres in a rural or urban area of maximum control and six square metres in an urban area of partial or minimum control.
- (4) The total area of the advertisement per event, function or enterprise may not exceed 10 square metres in a rural area or an urban area of maximum control and 15 square metres in an urban area of partial and minimum control.
- (5) A banner must be attached to or supported by poles or other supports on the site, or against the building where the function or event is to be held or where the enterprise is located.
- (6) A banner may not be attached in such a manner as to interfere with or constitute a danger to passing pedestrians or traffic.
- (7) A banner for a function or event contemplated in sub-regulation (1)(a) may be erected no earlier than one day before the function or event in question and must be removed not later than one day after such function or event.

32. Development advertisements

- (1) A development advertisement board must be approved by the relevant developer or

employer, and may display only—

- (a) a description of the building or structure being erected or other work or activity being carried out;
 - (b) a description of the development being carried out;
 - (c) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- (2) Only one advertisement describing the type of development is allowed.
 - (3) An advertisement describing a type of development may not exceed three metres in height and may not exceed six square metres in area in an area of maximum control and 12 square metres in any other area.
 - (4) Development advertisements may be illuminated but not animated.
 - (5) A development advertisement may be displayed only while the relevant works are actually taking place on the site.

33. Aerial advertisements

- (1) No one may display an aerial advertisement in a natural or rural area, and in an urban area no one may do so in a visual zone.
- (2) An aerial advertisement may not be illuminated or animated, except that an airship may be illuminated.
- (3) With the exception of a moored airship, an aerial advertisement may be displayed only in daylight hours.

34. Trailer advertising

- (1) Trailer advertising consists of advertisements displayed on trailers that are designed or adapted for the sole purpose of advertising (referred to herein as advertising trailers).
- (2) No advertising trailer may be parked in a road reserve.
- (3) Advertising trailers may be parked only in urban areas of partial and minimal control and on sites designated by the relevant municipality in advance, and must be properly secured at both ends to withstand strong winds.
- (4) Where the MEC grants consent for an advertising trailer, the MEC must issue an identifying disc to the applicant with the written consent.
- (5) No advertising trailer may be towed on a provincial road for the primary purpose of advertising, and where such a trailer is towed on such a road between the hours of 0700 and 1800 the relevant advertisements must be covered so as not to be visible by anyone using the road.
- (6) Signs on advertising trailers may not exceed a vertical dimension of three metres and a horizontal dimension of six metres.
- (7) Advertising on trailers may not be animated and may not be illuminated except for retroreflective signs with the colours red to the back, yellow to the side and white to the front of the trailer.
- (8) The name and telephone number of the owner of the trailer and the identifying disc referred to in sub-regulation (3) must be displayed on all advertising trailers in a place that is clearly visible.

PART G: GENERAL PROVISIONS

35. Transitional provisions

- (1) Subject to section 44 of the Act, any advertisement that was erected or displayed on the date of commencement of these regulations that is prohibited by the Act or these regulations, must be removed within 90 days of such date of commencement.
- (2) Where an advertisement, other than one mentioned in sub-regulation (1), has been erected or displayed on the date of commencement of these regulations, the owner of the advertisement must apply to the MEC for such approval within 90 days of such date of commencement, failing which the advertisement must be removed forthwith as required by section 44(11) of the Act.
- (3) If approval for an advertisement contemplated in sub-regulation (2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal.
- (4) Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof.

36. Short title

These regulations are known as the Gauteng Regulations on Advertising Visible From Provincial Roads, 2002.

ANNEXURE A

APPLICATION FORM FOR APPROVAL OF AN ADVERTISEMENT IN TERMS OF THE REGULATIONS ON ADVERTISING VISIBLE FROM PROVINCIAL ROADS, 2002

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

1. *This application must be accompanied by an application fee in the amount determined by the MEC from time to time.*
2. *The MEC may refuse to consider the application if this form has not been completed properly or if the application fee has not been paid.*
3. *Applications must be submitted to one of the following addresses:*
 - (a) *The Plan Room
Department of Public Transport, Roads and Works, Gauteng
First Floor, South Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG*
 - (b) *Directorate: Construction and Maintenance
Department of Public Transport, Roads and Works, Gauteng
1215 Michael Brink Street
Koedoespoort
PRETORIA*
4. *A separate application form must be submitted for each advertisement and a separate application fee paid for each form submitted.*

Locational information

Route number Section number Kilometre distance

Advertisement is located on the side of the road on which traffic is travelling in direction
(N, S, E, W)

Details of advertisement

Description of property on which advertisement will be situated

Category of advertisement (e.g. large billboard, tower, bridge or pylon advertisement etc. - see regulations 14 to 35):
.....

Agent of applicant (if applicable)

Name of representative or agent

Identity number/registration number of agent

Street address and code

Postal address and code

Telephone number(s)

Fax number

E-Mail address

Signature of or on behalf of agent Date:

Applicant (owner of advertisement structure)

Name of applicant or representative of applicant

Identity number/registration number of applicant

Trade name (if applicable)

Type of business

Street address and code

Postal address and code

Telephone number(s)

Fax number

E-Mail address

Signature of or on behalf of applicant Date:

Land owner (if different from applicant)

Name of land owner

Identity number/registration number of land owner

Street address and code

Postal address and code

Telephone number(s)

Fax number

E-Mail address

Signature of or on behalf of land owner Date:

Relevant municipality

Name of representative of municipality

Name of municipality

Postal address and code

Telephone number(s)

Fax number

E-Mail address

Name of local by-law dealing with advertisement

Area designation by municipality (not allowed, natural, rural, urban area of maximum control, urban area of partial control or urban area of minimum control)

This application must be accompanied by the following:**1. Letter of approval from the relevant municipality**

If required by the regulations or requested by the MEC.

2. Advertisement structure

Detailed information regarding the size, height, width and clearance height of the advertisement as well as areas to be illuminated or animated.

3. Site sketch plan

A sketch plan of the site on which the advertisement is to be erected or displayed, drawn to a scale of roughly 1:500 and for a distance not less than 200m upstream and downstream of the advertisement, indicating all the road signs in the road reserve and showing all natural features, buildings and structures which may affect sight distances, roads and streets, the provincial road reserve boundary, street names, route and section numbers, kilometre distances along the provincial road, all existing advertisements in the area, road traffic signs and traffic signals, the approximate extent of the visual zone and the dimensional position of the advertisement for which application is made.

4. Elevation plan or photographs *[Only required for large and small electronic billboards, large and small billboards, tower structures, product replicas and three-dimensional advertisements, balcony and under-awning advertisements, forecourt advertisements, tower and pylon advertisements and aerial advertisements.]*

Elevations of the proposed advertisement to a scale of not less than 1:500, or photographs of a size not less than 200 x 250 mm, taken from points on the road reserve from which the advertisement will be visible, at 50 metre intervals along the left hand-most lane of the roadway over a distance of 500 metres upstream of the advertisement, showing the

proposed advertisement superimposed thereon. Details of the position from which an elevation plan is provided or a photograph has been taken, the distance from the advertisement, the position of the advertisement and its structure in relationship to its surroundings and the provincial road must be provided, as well as any other information subsequently required by the MEC.

5. Additional information to be submitted when requested

If required, the MEC will request the applicant to submit any or all of the following additional information:

5.1 Layout plan

A layout plan drawn to scale of at least 1:2000 and showing a distance of not less than 500m upstream and downstream of the proposed site of the advertisement for which application is made. The plan must accurately show all the information as required for the site sketch plan, the positions from which elevations or photographs are provided, horizontal curve positions, road gradients, speed limits, street and road lighting poles, as well as any other information required by the MEC, which will allow a detailed evaluation of any factor which could affect road safety. Such layout plan may be prepared using 1:2000 completion survey drawings obtainable, when available, from the Department.

5.2 Electrical engineer's certificate

When electricity is used, an electrical certificate signed by a licensed electrical engineer or by an inspector duly authorised by a municipality must be submitted stating that the advertisement will comply with the requirements of these Regulations, as well as any other regulations and requirements related to the use of electricity. The certificate must also show the engineer's name, registration number, postal address, telephone number, fax number and E-Mail address.

5.3 Structural engineer's certificate

If required by the MEC, additional drawings, calculations and other information and a certificate by an engineer giving details to the MEC's satisfaction to enable the Department to establish the adequacy of the proposed means of securing, fixing or supporting the advertisement, to resist all loads and forces to which the advertisement may be exposed and the sufficiency of the margin of safety against failure to comply with the national building regulations contemplated in section 17 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977). The certificate must also show the engineer's name, registration number, postal address, telephone number, fax number and E-Mail address.

5.4 Additional information on advertisement contents

When required, the MEC will request the applicant to submit a drawing or photograph at a suitable scale of the advertisement, showing all details of the contents of the advertisement, including words, numbers, symbols, colours, graphics, illumination and animation.

The MEC may also require the applicant to submit an electronic photograph of the erected advertisement, showing the advertisement structure and the contents of the advertisement.

5.5 Letter of approval by municipality

A letter of approval of the advertisement structure and contents from the relevant municipality must be submitted when requested by the MEC.

5.6 Other information

The MEC may request the applicant to submit additional information or documents.

NOTICE 553 OF 2002

GAUTENG PROVINCIAL GOVERNMENT

DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

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

DRAFT REGULATIONS TO BE MADE BY THE MEC FOR PUBLIC TRANSPORT, ROADS AND WORKS IN TERMS OF THE GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001

[Note: Regulations on outdoor advertising in terms of section 44 of the Act have been drafted in a separate document]

The MEC for Public Transport, Roads and Works intends to make regulations, a draft of which is set out in the Schedule hereto.

Any person or organisation wishing to comment on the draft regulations may lodge written comments within 14 days of date of publication hereof by faxing or posting them, or handing them in, at the following addresses/numbers:

The Office of the Head of Department
 Department of Public Transport, Roads and Works, Gauteng
 11 th Floor, North Tower
 Sage Life Towers
 41 Simmonds Street
 JOHANNESBURG

Postal address: Private Bag X83, MARSHALLTOWN, 2107

Fax no. (011) 355 7163

Contact person: Miss M. Somaru

Tel no. (011) 355 7002

SCHEDULE

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Definitions

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. ... of 2001).

Statutory width of provincial roads and railway lines

2. (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) other provincial roads that are dual carriageways, 48 metres;
- (d) other provincial roads that are not dual carriageways:
 - (i) high order routes, 40 metres;
 - (ii) low order routes, 30 metres;
- (e) railway lines, minimum 10 and maximum 40 metres, depending on the number of lines and the services to be installed.

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

Notice of public inquiry for route determination

3. (1) Where the MEC wishes to determine the route of a provincial road or railway line under section 6 of the Act, he or she must cause to be published a notice in the *Provincial*

Gazette and in at least one newspaper circulating widely in the Province, containing the particulars set out in section 6(4) of the Act.

(2) The notice mentioned in sub-regulation (1) must be in the form set out in Form 1 in Annexure B.

Referral of land use issue to Townships Board by commission

4. (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 such member is not the chairperson of the commission, must deliver a copy of such notice to the chairperson.

(2) Such a 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;
- (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 and should have been 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 to the Townships Board within seven days of receipt of the notice referred to in sub-regulation (1).

(4) The Townships Board may request the member referring the issue or the chairperson of the commission to collect information on matters arising from the issue and submit it to that Board, or to specify reasons why consensus could not be reached on the issue.

(5) On receipt of such a referral, the Townships Board must allow other members of the commission to submit written submissions on the issue.

(6) After compliance with sub-regulations (1) to (5), 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.

(7) 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.

(8) In considering the issue the Townships Board must consider all of the information and evidence submitted to it by the members of the commission and the chairperson, and may in its discretion—

- (a) inspect places or objects relating to the issue;
- (b) make inquiries or investigations related to the issue.

(9) 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.

(10) 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

5. (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 cause to be published a notice in the *Provincial Gazette* and in at least one newspaper circulating widely in the Province, containing the particulars set out in section 8(5) of the Act.

(2) The notice mentioned in sub-regulation (1) must be in the form set out in Form 2 in Annexure B.

Notification of reasons for MEC's acceptance of preliminary design

6. 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 that they may request reasons for such acceptance within 14 days after the date of publication of the notice.

Fee for application for amendment of preliminary design

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

Inspection of list and plans of accepted routes and preliminary designs

8. 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 following address:

The Plan Room
Department of Public Transport, Roads and Works, Gauteng
First Floor, South Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG.

Application for reduction of building restriction area

9. 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 Annexure A.

Request to Registrar of Deeds to endorse proclamations on title deeds

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

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

11. (1) Not less than 30 days before proclaiming a provincial road, access road or provincial railway line or taking another action contemplated in section 15(3) of the Act, the MEC must notify the owners, occupiers and other interested persons 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) Such 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;
- (b) 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;
- (c) 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

12. In terms of section 17(4) of the Act, the MEC may 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;
- (b) where it is not possible in the circumstances to consult the municipality in time and the

deviation will avoid an unacceptable build-up of traffic.

Application to close or deviate road

13. 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 Annexure A.

Notice boards for closure or deviation of road

14. (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;
- (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 such notice must be black on a white background and be not less than 25 millimetres in height.

(3) Such 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) Such 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

15. 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 who discovers such damage as contemplated in section 39(9) of the Act, must report it to the Department within seven days by a written notification delivered by hand to the Department at an address mentioned in regulation 8, or by telephone to the nearest Road Superintendent's office of the Department.

Application to connect road or path with provincial road

16. 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 Annexure A.

Height of enclosure, fence or wall where permission not required

17. 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 which does not rise higher than 1,8 metres above the surface of the land on which it stands.

Inspection fee in connection with permission for structure

18. (1) Where the MEC has granted permission under section 46(3) of the Act in connection with a structure on, over or below a provincial road or railway line or land in a building restriction area, the person to whom the permission was granted must pay the annual inspection fee prescribed in Annexure A before such written permission is handed to that person, which fee is payable *per annum* for each year of the period for which the permission is granted, subject to sub-regulation (2).

(2) Where such inspection fee is payable for less than a completed year, the amount must be reduced accordingly on a *pro rata* basis.

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

19. (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 and should have been placed before the MEC;
 - (e) be accompanied by the fee prescribed in Annexure A.
 - (2) The said fee is non-refundable, regardless of the outcome of the appeal.
 - (3) 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 21 days of receipt of such notification.
 - (4) The Townships Board may request the MEC to collect information on matters arising from the appeal and submit it to that Board, or to specify reasons for the decision against which the appeal has been brought in greater detail.
 - (5) The Townships Board must forward the notice of appeal to other affected persons within 14 days of receiving the notice of appeal.
 - (6) In considering appeals the Townships Board must consider all of the information submitted to it by the MEC, and may in its discretion—
 - (a) inspect places or objects relating to the appeal;
 - (b) make inquiries or investigations related to the appeal.
 - (7) 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.

Fee for authorisation, approval or permission granted under the Act

- 20.** (1) Where application is made for any authorisation, approval or permission for—
- (a) connecting a road, pedestrian path or bicycle path with a provincial road under section 42(1) of the Act;
 - (b) 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;
 - (c) the erection, construction or laying of a structure or other object on, over or below a provincial road, railway line or other transport infrastructure under section 46(1)(a) of the Act;
 - (c) making a structural alteration or addition to a structure or object situated on, over or below the surface of a provincial road or railway line or land in a building restriction area under section 46(1)(b) of the Act;
 - (d) 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;
 - (e) 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 Annexure A, in terms of section 50(2)(j) of the Act, which is not refundable whether the application is granted or not.

(2) Where an authorisation, approval or permission contemplated in sub-regulation (1) is granted the additional fee prescribed in Annexure A is payable before the written authorisation, approval or permission is handed to the person in whose favour it has been granted, in terms of section 50(2)(j) of the Act.

Impounding of livestock

21. (1) Subject to sub-regulation (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 and may deliver it to the nearest municipal pound and must be retained there and released to the person concerned only after—

- (a) the fine for the offence contemplated in section 52(2) of the Act has been paid, if such a fine has been imposed; or
- (b) such person satisfies an official authorised by the Department that the animal was lawfully on the provincial road in question and such official has certified this in writing; or
- (c) all charges for offences in connection with the latter section have been withdrawn or the persons charged with such offences have been acquitted.

(2) Where the animal has not been released within 30 days of its impoundment, it will be

forfeited to the Province, unless it is shown that delays in obtaining its release are not due to the fault of the person requiring such release.

(3) A forfeiture under subsection (3) does not affect any rights which a person has to the animal if it is proved that he or she did not know that the animal was on the road unlawfully or that he or she could not prevent its being there.

(4) Section 35 (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), applies with the necessary changes to a forfeiture under subsection (2).

(5) Despite this regulation, where the traffic officer or official is satisfied that 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

22. Where the Act requires notice to be given to the MEC, the notice must be delivered by hand to the address mentioned in regulation 8 or sent by registered post to—

The Head of Department: Public Transport, Roads and Works
Private Bag X83,
MARSHALLTOWN 2107.

Offences and penalties

23. A person who fails to report damage to a fence or gate in contravention of regulation 15 is guilty of an offence and is liable on conviction to imprisonment for a maximum of three months or to a fine, or to both such fine and imprisonment.

Short title

24. These regulations are called the Gauteng Transport Infrastructure Regulations, 2001.

ANNEXURE A

Schedule of Fees

Item	Sec. of Act	Reg. no.	Description	Fee
1	8(9)	7	Application to amend preliminary design	*
2	12(2))	9	Application for reduction of a building restriction area	R
3	38(1)	13	Application to close or deviate a road	R
4	42(2)	16 and 21(1)(a)	Application fee to connect a road or path with a provincial road	R
5	46(6)	18	Annual inspection fee for permission in connection with structures	R
6	48(13)	20(1)	Fee for appeal to Townships Board	R
7	50(2)(j)	21(2)	Fee for granting permission to connect road or path with a provincial road	*
8	43(1)	21(1)(b)	Application fee to grant access to a provincial road or railway line	R
9	50(2)(j)	21(2)	Fee for granting authorisation to construct a gate, stile or bridge granting access to a provincial road or railway line	*
10	46(1)(a)	21(1)(c)	Application fee for erection, construction or laying of a structure etc. on, over or below a provincial road, railway line or other transport infrastructure	R
11	50(2)(j)	21(2)	Fee for granting permission for a structure etc. on, over or below a provincial road etc.	*
12	47(1)	21(1)(d)	Application fee for permission to carry on a trade or expose goods for sale in provincial transport infrastructure	R
13	50(2)(j)	21(2)	Fee for granting permission to carry on a trade or expose goods for sale on a provincial road etc.	*
14	50(2)(o)	21(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	R
15	50(2)(j)	21(2)	Fee for granting permission to provide service facilities or allow filling stations, restaurants etc. within a provincial road	*

* Fee will depend on the circumstances of each individual case, and will be based on the following:

- (a) The estimated increase of traffic on the provincial road or provincial roads in general;
- (b) Inspections that may have to be carried out;
- (c) Plans or designs that have to be amended.

ANNEXURE B

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:

(a) Department of Public Transport, Roads and Works, Gauteng
1215 Michael Brink Street
Koedoespoort, PRETORIA

or

(b) The Plan Room
Department of Public Transport, Roads and Works, Gauteng
First Floor, South Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG

Interested and affected parties are invited to submit written comments on the recommended route by not later than 20.... [not less than 30 days after publication] by hand to the abovementioned address or by fax to 011 355 or by E-Mail to the following address: or by post to Private Bag X1, Totiusdal, 0134, 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 which the granting of such 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 such application accompanied by the said report, the municipality, or any other authority or body to which such 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 been given to—
 - (a) such 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 which 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 such 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:

- (a) Department of Public Transport, Roads and Works, Gauteng
1215 Michael Brink Street
Koedoespoort, PRETORIA

or

- (b) The Plan Room
Department of Public Transport, Roads and Works, Gauteng
First Floor, South Tower
Sage Life Towers
41 Simmonds Street
JOHANNESBURG

Interested and affected parties are invited to submit written comments on the preliminary design and environmental report (if applicable) by not later than 20..... by hand to the abovementioned address or by fax to 011 355 or by E-Mail to the following address: or by post to Private Bag X1, Totiusdal, 0134, 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 such 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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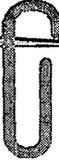
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