



Western Cape Government • Wes-Kaapse Regering • URhulumente weNtshona Koloni

PROVINCE OF THE WESTERN CAPE

PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

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IZIQLATHO

(*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

(*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewer-gebou, Waalstraat 7, Kaapstad 8001.)

(*Iikopi eziprintiweyo zifumaneka kwigumbi M21, kwiSakhiwo sePhondo seNdlu yoWiso Nthetho, 7 Wale Street, eKapa 8001.)

Provincial Notices

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The following Draft Amendment Bill and draft regulations are published for comment:

Die volgende Konsepwysigingswetsontwerp en konsepregulasies word vir kommentaar gepubliseer:

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Any person or organisation wishing to comment on the Draft Amendment Bill or the draft regulations is requested to submit the comments in writing before or on 31 October 2017—

Enige persoon of organisasie wat kommentaar wil lewer op hierdie Konsepwysigingswetsontwerp of konsepregulasies, word versoek om die kommentaar skriftelik in te dien voor of op 31 Oktober 2017—

Nawuphi na umntu okanye umbutho onomnqweno wokuphawula kolu qulunqo lwemigaqo uyacelwa ukuba athumele izimvo zakhe ezibhalwe phantsi phambi okanye ngomhla wama-31 kweyeDwarha 2017—

- (a) by posting the comments to:
Head of Department
Western Cape Department of Transport and Public Works
PO Box 2603
Cape Town 8000
(Attention: Mr M. Watters)
- (b) by delivering the comments to:
Mr M. Watters
Room No. 333
9 Dorp Street
Cape Town 8001
- (c) by e-mailing the comments to:
malcolm.watters@westerncape.gov.za
- (d) by faxing the comments to:
+27 21 483 2166
(Attention: Mr M. Watters).

- (a) deur die kommentaar te pos na:
Departementshoof
Wes-Kaapse Departement van Vervoer en Openbare Werke
Posbus 2603
Kaapstad 8000
(Aandag: Mnr M. Watters)
- (b) deur die kommentaar af te lewer by:
Mnr M. Watters
Kamer 333
Dorpstraat 9
Kaapstad 8001
- (c) deur die kommentaar per e-pos te stuur na:
malcolm.watters@westerncape.gov.za
- (d) deur die kommentaar te faks na:
+27 21 483 2166
(Aandag: Mnr M. Watters).

- (a) ngokuthumela izimvo zakho ngeposi ku-:
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+27 21 483 2166
(Inggale kuMnu. M. Watters).

Queries can be directed at Mr. M. Watters, tel.: 021 483 2203.

Navrae kan gerig word aan mnr. M. Watters, tel. 021 483 2203.

Imibuzo ingathunyelwa ngqo kuMnu. M. Watters, umnxeba: 021 483 2203.

PROVINCIAL NOTICES

The following Provincial Notices are published for comment.

ADV. B. GERBER,
DIRECTOR-GENERAL

Provincial Legislature Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir kommentaar gepubliseer.

ADV. B. GERBER,
DIREKTEUR-GENERAAL

Provinsiale Wetgewer-gebou,
Waalstraat,
Kaapstad.

IZAZISO ZEPHONDO

Ezi zaziso zilandelayo zipapashelwe ukunika izimvo.

ADV. B.GERBER,
UMLAWULI-JIKELELE

INdlu yoWiso-mthetho yePhondo,
Wale Street,
eKapa.

P.N. 161/2017

30 August 2017

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

**DRAFT WESTERN CAPE TRANSPORT INFRASTRUCTURE
AMENDMENT BILL, 2017**

To amend the Western Cape Transport Infrastructure Act, 2013, so as to amend certain definitions and to insert further definitions; to make different provision for certain matters to be prescribed; to remove architects as a category of persons who may be responsible for certain functions; to further regulate the alteration of the classification of roads, railway lines and ancillary transport infrastructure; to make different provision for joint assessments and agreements in respect of previously declared roads; to amend the provisions relating to records of transport infrastructure; to strengthen and clarify provisions relating to proposed changes in certain land uses; to amend the provisions relating to the withdrawal of the declaration of transport infrastructure; to make different provision for the payment of compensation in certain circumstances; to require the conclusion of subsidy agreements in respect of certain roads; to make different provision regarding advertisements on or visible from transport infrastructure; to repeal the power of the Minister to make certain regulations; to establish minimum standards for the regulation by municipalities of the display of advertisements on or visible from certain roads; to make further provision regarding presumptions relating to certain advertisements; to make further provision regarding the installation of certain infrastructure on or within transport infrastructure or within building lines or building restriction areas; to repeal a provision regarding by-laws on certain matters; to effect certain textual changes; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Amendment of section 1 of Act 1 of 2013

1. Section 1 of the Western Cape Transport Infrastructure Act, 2013 (the principal Act), is amended—

(a) by the substitution in subsection (1) for the definition of “advertisement” of the following definition:

“**advertisement**” means—

(a) any visible representation of a word, name, letter, figure, object, mark, logo 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]** including a board or object normally used for such purposes, as well as images displayed by laser beams or similar devices, even though actual information is not transferred thereby; and

(b) any physical structure built or capable of being used to display or support such a representation,

but does not include road traffic signs or traffic lights;”;

(b) by the substitution in subsection (1) for the definition of “prescribed” of the following definition:

“**prescribed**” means—

(a) in sections 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 43A(6), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) and 62(2), prescribed by regulation or by a municipality, as the case may be; and

(b) in all other provisions, prescribed by regulation;”;

(c) by the insertion in subsection (1) after the definition of “roadway” of the following definitions:

“**service infrastructure**” means pipelines, electricity lines or cables, telephone lines or cables, electronic communication facilities, conduit pipes formed by pipes, tunnels or tubes, or any other infrastructure of a similar nature, installed or to be installed by a service provider;

“**service infrastructure works**” means works to lay, construct, alter, modify, add to or change the location of service infrastructure;

“**service provider**” means any person or organ of state providing or authorised to provide services in connection with the provision of electricity, water, sewerage, gas, telephone lines, electronic communication facilities or similar services;”;

(d) by the deletion in subsection (1) of the definition of “street”.

Amendment of section 4 of Act 1 of 2013

2. Section 4 of the principal Act is amended—

(a) by the substitution for the heading of the following heading:

“**Professional engineers or town planners to be responsible for specific functions**”; and

(b) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

(b) a town planner **[or architect]** in terms of the relevant professional accreditation legislation;”.

Amendment of section 5 of Act 1 of 2013

3. Section 5 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The responsible authority must, in every notice issued in terms of section 19(1) in respect of a road or railway line—

(a) in the prescribed manner classify the road or railway line concerned to be one of the **[types]** categories listed in subsection (1);

- (b) state whether the Minister or a municipality is responsible for the road or railway line; and
 - (c) in the case of a district municipality, state whether the district municipality or a local municipality is responsible for the road or railway line.”;
- (b) by the substitution for subsection (7) of the following subsection:
 “(7) Subject to the consultation process set out in subsection (10), [The] the Minister may, after consultation with the affected municipalities, alter the classification of a provincial road or a provincial railway line by notice in the *Provincial Gazette*.”;
- (c) by the substitution for subsection (8) of the following subsection:
 “(8) Subject to the consultation process set out in subsection (10), [A] a municipality may alter the classification of a municipal road or a municipal railway line by notice in the *Provincial Gazette*.”;
- (d) by the insertion after subsection (8) of the following subsection:
 “(8A) When the Minister has altered the classification of a provincial road or railway line as contemplated in subsection (7), or a municipality has altered the classification of a municipal road or railway line as contemplated in subsection (8), the Minister or the municipality, as the case may be, must cause to publish the particulars of the alteration in each official language in at least one newspaper circulating in the area concerned.”;
- (e) by the addition of the following subsections:
 “(10) Before a change of classification contemplated in subsection (7) or (8), the Minister or the municipality, as the case may be, must cause a notice to be published in each official language in at least one newspaper circulating in the area concerned, containing—
 (a) details of the proposed change of classification;
 (b) particulars of the times and places at which documents indicating the effect of the proposed change in classification may be inspected; and
 (c) an invitation to interested and affected parties to comment in writing, before a date not less than 60 days after publication of the notice, on the implications of the proposed change in classification.
 (11) A notice contemplated in subsection (7) or (8) must inform the compilation of the records contemplated in section 12.”.

Amendment of section 7 of Act 1 of 2013

4. Section 7 of the principal Act is amended—

- (a) by the substitution for subsection (4) of the following subsection:
“(4) Subject to the consultation process set out in subsection (4B), the Minister may, after consultation with the affected municipality, alter the classification of ancillary transport infrastructure for which the Minister is responsible by notice in the *Provincial Gazette*.”;
- (b) by the insertion after subsection (4) of the following subsections:
 “(4A) Subject to the consultation process set out in subsection (4C), and subject to subsection (5) if applicable, a municipality may alter the classification of ancillary transport infrastructure for which it is responsible by notice in the *Provincial Gazette*.
 (4B) When the Minister has altered the classification of ancillary transport infrastructure as contemplated in subsection (4), or a municipality has altered the classification of ancillary transport infrastructure as contemplated in subsection (4A), the Minister or the municipality, as the case may be, must cause to publish the particulars of the alteration in each official language in at least one newspaper circulating in the area concerned.
 (4C) Before a proposed change of classification contemplated in subsection (4) or (4A), the Minister or the municipality, as the case may be, must cause a notice to be published in each official language in at least one newspaper circulating in the area concerned, containing—
 (a) details of the proposed change in classification;

- (b) particulars of the times and places at which documents indicating the effect of the proposed change in classification may be inspected; and
- (c) an invitation to interested and affected parties to comment in writing, before a date not less than 60 days after publication of the notice, on the implications of the proposed change in classification.”;
- (c) by the substitution for subsection (5) of the following subsection:

“(5) Where ancillary transport infrastructure in respect of which a municipality is the responsible authority is subsidised by the Province, the municipality must obtain **[consent]** written approval for the alteration of classification contemplated in subsection (4A) from the Minister before **[the commencement of the project planning process]** publication of a notice contemplated in subsection (4A) in the *Provincial Gazette*.”; and
- (d) by the insertion after subsection (5) of the following subsection:

“(5A) A notice contemplated in subsection (4) or (4A) must inform the compilation of the records contemplated in section 12.”.

Substitution of section 9 of Act 1 of 2013

5. The following section is substituted for section 9 of the principal Act:

“Assessment of previously declared roads

- (1) As soon as reasonably possible after the commencement of this Act, the Head of Department must enter into joint assessments with municipalities regarding previously declared roads in the respective areas concerned to determine in the prescribed manner—
- (a) the appropriateness of the classification of each such road in terms of subsection (8) or (9), as the case may be, or whether the declaration of the road should be withdrawn for the road to be simultaneously designated by a municipality as a street or public thoroughfare under the exclusive control of that municipality;
 - (b) the appropriateness of the existing road authority; and
 - (c) the condition of the road, and the current and future maintenance requirements, both physical and financial.
- (2) As part of the joint assessment contemplated in subsection (1), the Head of Department must cause a notice to be published in each official language in at least one newspaper circulating in each area concerned, containing—
- (a) details regarding the assessment of the roads in the area, including any proposed change in classification, any change in road authority, any proposed withdrawal of a declaration as a road and, in the case of a transfer, the authority from which the road is to be transferred and the authority to which it is to be transferred;
 - (b) particulars of the times and places at which the findings of the assessment may be inspected; and
 - (c) an invitation to interested and affected parties to comment in writing before a date not later than 60 days after publication of the notice, on the implications of the assessment.
- (3) Following the joint assessments contemplated in subsection (1) and the consideration of public comment received following the invitation published in terms of subsection (2)(c), the Head of Department and each municipality must enter into a written agreement in the prescribed manner, which must specify in respect of each road assessed—
- (a) the classification of the road as a particular category of road referred to in section 5(1) and any change in classification, or whether the declaration of the road should be withdrawn for the road to be simultaneously designated by the municipality as a street or public thoroughfare under the exclusive control of the municipality;
 - (b) the road authority and any change in road authority; and

- (c) whether a transfer agreement contemplated in section 10 is required in respect of the road.
- (4) If an agreement contemplated in subsection (3) is not reached, the matter must be dealt with in terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005).
- (5) If an agreement contemplated in subsection (3) is reached, the Minister must, to the extent necessary, on the recommendation of the Head of Department—
- (a) make a declaration altering the classification of the road concerned by notice in the *Provincial Gazette*; or
- (b) enter into a transfer agreement contemplated in section 10.
- (6) When the Minister has made a declaration contemplated in subsection (5)(a), the Minister must publish particulars of the declaration in each official language in at least one newspaper circulating in the area concerned.
- (7) A declaration contemplated in subregulation (5)(a) must inform the compilation of the records contemplated in section 12.
- (8) Every previously declared trunk road, main road, minor road and public path is regarded as a road of the same respective category under this Act, and all conditions relating to the previous declaration continue to apply, unless otherwise declared in terms of subsection (5)(a).
- (9) Every road previously declared as a divisional road is regarded as classified as a district road in terms of this Act, unless otherwise declared in terms of subsection (5)(a).”.

Amendment of section 10 of Act 1 of 2013

6. Section 10 of the principal Act is amended—

- (a) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:
 “After a joint assessment contemplated in section (9), **[The]** the Minister and a municipality may by agreement transfer responsibility for a previously declared road regarding-”;
- (b) by the substitution for subsection (2) of the following subsection:
 “(2) Despite a joint assessment contemplated in section (9) not having been conducted, but subject to subsection (2A), the Minister may by agreement with a municipality transfer responsibility for a road, with or without conditions, to that municipality.”;
- (c) by the insertion after subsection (2) of the following subsections:
 “(2A) Before a proposed transfer contemplated in subsection (2), the Minister must cause a notice to be published in each official language in at least one newspaper circulating in the area concerned, containing—
 (a) details of the proposed transfer; and
 (b) an invitation to interested and affected parties to comment in writing, before a date, not less than 60 days after publication of the notice, on the implications of the proposed transfer.
 (2B) An authority that transfers a road under subsection (1) or (2) must give notice of the transfer in—
 (a) the *Provincial Gazette*; and
 (b) each official language in at least one newspaper circulating in the area concerned.
 (2C) A notice contemplated in subsection (2B) must inform the compilation of records contemplated in section 12.”.

Amendment of section 12 of Act 1 of 2013

7. Section 12 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

- “(1) **[After completing the assessments of previously declared roads required in terms of section 9, the]** The Head of Department must compile a comprehensive list and associated data as prescribed of all declared transport infrastructure in the Province.”.

Amendment of section 15 of Act 1 of 2013

8. Section 15 of the principal Act is amended—

(a) by the substitution for the heading of the following heading:

“Planning process before withdrawal of declaration”; and

(b) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) in order to change its designation to a street or public thoroughfare under the exclusive control of a municipality; or”.

Amendment of section 16 of Act 1 of 2013

9. Section 16 of the principal Act is amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any person directly affected by existing or proposed transport infrastructure may apply to the responsible authority in [writing] the prescribed manner to have the transport infrastructure closed, relocated or altered.”; and

(b) by the deletion of subsection (2).

Amendment of section 18 of Act 1 of 2013

10. Section 18 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) From the date on which the notice in terms of section 17(3) is published in the *Provincial Gazette* until the date on which the transport infrastructure has been declared in terms of section 19, and despite any law to the contrary, no person, including any service provider, may—

(a) lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure or service infrastructure on, over or under the area within the building lines of the transport infrastructure concerned; or

(b) construct, alter or add to any structure of any nature whatsoever on, over or under that area,

except in terms of an existing registered servitude or—

(i) with the prior written permission of the responsible authority;
[or]

(ii) under the authority of a wayleave issued by the responsible authority, and in terms of any conditions determined by the responsible authority[.]; or

(iii) in accordance with an agreement entered into in terms of section 43A(1).”;

(b) by the insertion after subsection (2) of the following subsection:

“(2A) Section 43A(16), (17), (18) and (19), with the changes required by the context, applies in the event of a contravention of subsection (2).”;

(c) by the substitution for subsection (3) of the following subsection:

“(3) From the date on which transport infrastructure has been declared in terms of section 19 until the completion of the transport infrastructure, and despite section 44 or any other law to the contrary, [no application] a person intending to apply for a change or intensification in land use in respect of a portion of land in an urban area within 250 metres of the boundary of the transport infrastructure concerned [may be granted by the authority empowered to grant changes in land use without first obtaining and considering the written comments of the responsible authority in the prescribed manner] must, in addition to obtaining the approval of the authority empowered to grant approval for such changes or intensification, obtain written permission for the proposed change or intensification of land use from the responsible authority on the basis of the impact of the proposed action on the transport infrastructure concerned, road traffic safety or transport operation.”; and

(d) by the addition of the following subsections after subsection (3):

“(4) The authority responsible for granting approval for changes or intensification of land use in respect of land referred to in subsection (3) may not do so without taking into consideration whether an application for approval in terms of that subsection has been submitted to the responsible authority, the decision of the responsible authority, if any, and any written comments of the responsible authority.

(5) Application for written permission contemplated in subsection (1), (2) or (3), as the case may be, must be submitted in the prescribed manner.”.

Amendment of section 19 of Act 1 of 2013

11. Section 19 of the principal Act is amended by the substitution for subsection (2) of the following subsection:

“(2) The responsible authority may, subject to subsection (4), by notice in the *Provincial Gazette*, withdraw a declaration issued under subsection (1) after having undertaken the applicable planning process in terms of section 15 or pursuant to an agreement contemplated in section 9(3).”.

Amendment of section 21 of Act 1 of 2013

12. Section 21 of the principal Act is amended—

(a) by the substitution for subsection (2) of the following subsection:

“(2) The responsible authority must compensate the owner of land who has suffered damages in consequence of action taken under this section in an amount not exceeding the actual financial loss suffered by the owner [, as agreed with the owner].”; and

(b) by the deletion of subsection (3).

Amendment of section 24 of Act 1 of 2013

13. Section 24 of the principal Act is amended—

(a) by the substitution for subsection (5) of the following subsection:

“(5)(a) Subject to a subsidy agreement being concluded between the Minister and the municipality concerned within 36 months of the commencement of this Act, [A] a municipal road which was wholly or partly funded or subsidised by the Province immediately before the commencement of this Act qualifies for a subsidy in terms of this Part.

(b) The subsidy agreement must be in the prescribed form and must contain the prescribed information.

(c) If a subsidy agreement is not so concluded in respect of a municipal road contemplated in paragraph (a), the municipality may apply to the Minister for the payment of a subsidy as contemplated in subsection (1).”; and

(b) by the insertion in subsection (6) of the following paragraph after paragraph (g):

“(gA) relaying of railway track or the refurbishment of rail ballast;”.

Amendment of section 34 of Act 1 of 2013

14. Section 34 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) transport infrastructure works or activities in connection therewith, including the temporary deviation of a road or railway line;”.

Amendment of section 35 of Act 1 of 2013

15. Section 35 of the principal Act is amended by the substitution for subsection (10) of the following subsection:

“(10) If any person has suffered damage as a result of the exercise of a power conferred by this section the responsible authority must repair the damage at its cost or **[pay damages or compensation in respect thereof to]** compensate that person **[in accordance with the Expropriation Act, 1975]** for his or her actual financial loss.”.

Substitution of section 36 of Act 1 of 2013

16. The following section is substituted for section 36 of the principal Act:

“**Prohibition of certain advertisements**

36. (1) No person may display or cause or permit to be displayed an advertisement if the advertisement is—

- (a) visible from a road outside an urban area—
 - (i) for which the Minister is the road authority; or
 - (ii) which has been designated in terms of subsection (5)(a);
- (b) within 50 metres from the boundary of the reserve of a road in an urban area other than a freeway—
 - (i) for which the Minister is the road authority; or
 - (ii) which has been designated in terms of subsection (5)(a), and is visible from that road;
- (c) within 250 metres from the boundary of the reserve of a road in an urban area that is a freeway—
 - (i) for which the Minister is the road authority; or
 - (ii) which has been designated in terms of subsection (5)(a), and is visible from that freeway,

unless the Minister has assessed the impact of such display on road traffic safety and transport operation and granted prior written permission on application in the prescribed manner.

(2) The Minister may refuse to grant such permission only if satisfied that the display of the advertisement is likely to lead to unsafe driving conditions or serious impairment of transport operation.

(3) The permission of the Minister may be subject to conditions.

(4) No person may in, on or above any transport infrastructure for which the Minister is the responsible authority, or a road designated in terms of subsection (5)(a), display or cause or permit to display an advertisement.

(5) The Minister may, after consultation with the relevant municipality, by notice in the *Provincial Gazette*—

- (a) designate a municipal road as a road in respect of which the Minister’s permission contemplated in subsection (1) is required; or
- (b) designate a road for which the Minister is the roads authority as a road in respect of which the Minister’s permission contemplated in subsection (1) is not required.

(6) Subsections (1) and (2) do not apply to the displaying of an advertisement—

- (a) that was lawfully displayed immediately before the commencement of this Act, or before the transport infrastructure concerned was declared under section 19, for as long as it is displayed continuously at the same place; or
- (b) that must be displayed in terms of a law and is displayed strictly in terms of that law.

(7) Permission by the Minister in terms of subsection (1) does not provide exemption from section 43(1) or any other applicable law.

(8) The Minister may make regulations prescribing—

- (a) in general or in relation to a specific road or portion of a road, the types of advertisements that are exempt from the application of subsection (1);

- (b) the criteria to be used to assess the impact of a display referred to in subsection (1) on road traffic safety and transport operation;
- (c) the general conditions of permission applicable to the display of all advertisements where permission has been granted in terms of subsection (1);
- (d) the technical requirements applicable to the display of advertisements, including advertisements which are exempt from the application of subsection (1) and advertisements contemplated in paragraph (a); and
- (e) the manner in which an application for permission in terms of subsection (1) must be submitted.”.

Repeal of section 37 of Act 1 of 2013

17. Section 37 of the principal Act is repealed.

Substitution of section 38 of Act 1 of 2013

18. The following section is substituted for section 38 of the principal Act:

“**Removal of unauthorised advertisements**

38. (1) If an advertisement contemplated in section 36(1)(a), (b) or (c) is displayed—

- (a) without the permission of the Minister in terms of section 36(1);
- (b) in contravention of section 36(4); or
- (c) in contravention of regulations made under section 36(8)(d), whether or not the advertisement type is exempt in terms of regulations made under section 36(8)(a),

the Minister may by written notice direct the owner or lessee of the advertisement, the person who erected the advertisement, the landowner on whose land the advertisement is displayed or the person whose product or services are advertised to remove the advertisement within a reasonable time stated in the notice.

(2) If the person to whom a notice referred to in subsection (1) has been directed fails to comply with it within the time stated therein, the Minister may apply to a court for authorisation to remove the advertisement.

(3) If an advertisement—

- (a) has been erected in contravention of section 36(4);
- (b) has been erected on property under the control of the Minister; or
- (c) poses an imminent danger to life or property,

the Minister may, after the expiry of the time period stated in the notice contemplated in subsection (1), remove the advertisement without a court order.

(4) On the removal of an advertisement in accordance with subsection (2) or (3) the Minister—

- (a) may recover from the person on whom the notice in terms of subsection (1) was served the costs of the removal and the costs of the return of the advertisement in terms of paragraph (b); and
- (b) must return the advertisement to the person on whom notice was served or to the owner or lessee of the advertisement, as the case may be.”.

Insertion of section 38A in Act 1 of 2013

19. The following section is inserted in the principal Act after section 38:

“Regulation of advertisements by municipalities

- 38A.** (1) A municipality must regulate the display of—
- (a) advertisements on or above a road; and
 - (b) advertisements visible from a road.
- (2) For the purposes of subsection (1), a municipality must at least establish a system for the submission and approval of applications for the display of advertisements, which must provide for—
- (a) the classification of roads into categories on the basis of their scenic, environmental or architectural importance or on other similar bases for the purpose of distinguishing between the types of advertisements permitted in each category;
 - (b) the classification of advertisements into categories for the purpose of regulating and controlling their display or erection;
 - (c) the procedures to be followed when applying for approval to display an advertisement and the fee payable on application for such approval;
 - (d) the assessment of the impact of such display on road traffic safety and transport operation;
 - (e) the assessment of the impact of such display on the environment;
 - (f) methods of display and illumination of advertisements;
 - (g) the assessment of the safety, amenity and decency of advertisements;
 - (h) the design and construction of advertisements and their supporting structures, their position, maintenance, alteration and future removal;
 - (i) categories of advertisements that may be erected or displayed without the permission of the municipality on the basis of specified criteria; and
 - (j) the removal of unauthorised advertisements.”.

Amendment of section 39 of Act 1 of 2013

20. Section 39 of the principal Act is amended by the substitution for the words preceding paragraph (a) of the following words:

“For the purposes of this Act, in the absence of evidence to the contrary that raises reasonable doubt, an advertisement is regarded as displayed or to have been permitted to be displayed—”.

Amendment of section 40 of Act 1 of 2013

21. Section 40 of the principal Act is amended—

- (a) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

“(c) construct an ingress to or an exit from transport infrastructure in any manner that permits vehicular or non-motorised transport access between the transport infrastructure and any other property unless the responsible authority, on application in the prescribed manner, has authorised in writing the construction thereof.”; and

- (b) by the substitution for subsection (5) of the following subsection:

“(5) In considering an application for access under subsection (1)(c) or an application for a subdivision under subsection (3), the authority must have regard to **[the requirements of]**—

- (a) a spatial development framework or arterial management plan that indicates the conditions under which an access may be approved; **[or]**

- (b) **[in the absence of such a plan,]** standards and guidelines on the provision of access to transport infrastructure prepared by the Head of Department or by the municipality concerned; and
- (c) requirements prescribed by the Minister.”.

Amendment of section 41 of Act 1 of 2013

22. Section 41 of the principal Act is amended by the substitution for subsection (5) of the following subsection:

“(5)(a) An owner of land with access to a road may apply to the responsible authority in the prescribed manner for permission to relocate the access.

(b) There is no liability on the responsible authority to contribute to the cost of such relocation.”.

Amendment of section 42 of Act 1 of 2013

23. Section 42 of the principal Act is amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) without the prior written permission of the responsible authority on application in the prescribed manner, or contrary to a condition imposed by that authority and set out in the written permission, deposit or leave a disused vehicle or machine or part thereof or any refuse within 200 metres from the centre line of any road or railway line where it is visible from that road or railway line.”.

Amendment of section 43 of Act 1 of 2013

24. Section 43 of the principal Act is amended—

(a) by the substitution for the heading of the following heading:

“Structures other than service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas”;

(b) by the substitution for the words preceding paragraph (a) of subsection (1) of the following words:

“Despite any other law, but subject to subsection [(5)] (3) or (3A), no person may, except with the prior written permission on application in the prescribed manner of, and in accordance with standards and specifications approved by, the responsible authority, undertake or cause or permit to be undertaken an activity mentioned in subsection (2)—”;

(c) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) on or within the reserve [or] of transport infrastructure;”;

(d) by the substitution for paragraph (b) of subsection (3) of the following paragraph:

“(b) any service infrastructure works.”;

(e) by the insertion after subsection (3) of the following subsection:

“(3A) Paragraphs (b) and (c) of subsection (1) do not apply to an enclosure, fence, wall or hedge which does not rise higher than 1,6 metres above the surface of the land on which it stands.”;

(f) by the substitution for subsection (4) of the following subsection:

“(4) A person may apply to the responsible authority in the prescribed manner [and on payment of the prescribed fee] for a departure from restrictions imposed by a building line or building restriction area referred to in subsection (1).”;

(g) by the substitution for subsection (5) of the following subsection:

“(5) [Such an] An application referred to in subsection (1) or (4) may be granted or refused having regard to the nature of the transport infrastructure involved, the development or proposed development adjacent to it and other factors regarded as relevant by [that] the responsible authority concerned.”;

- (h) by the substitution for subsection (11) of the following subsection:
 “(11) Where a person has erected, installed, constructed or laid a structure or object, or has undertaken preparatory excavations or any other work or activity contemplated in subsection (2), without the permission required by subsection (1) or contrary to such permission, the responsible authority may direct that person by written notice served on that person to remove it, or to take the necessary steps to restore or safeguard the transport infrastructure, within a reasonable time stated in the notice [**which may not be shorter than 30 days from the date of the notice**].”;
- (i) by the substitution for subsection (12) of the following subsection:
 “(12) If a person to whom a notice referred to in subsection (11) has been directed fails to comply with the notice within the time stated therein, the responsible authority may apply to a court for authorisation to remove the structure or object or take the necessary steps to restore or safeguard the transport infrastructure.”;
- (j) by the insertion after subsection (12) of the following subsections:
 (12A) Where a structure or object or preparatory excavations or any other work or activity contemplated in subsection (11)—
 (a) has been erected, or has commenced, on property under the control of the responsible authority; or
 (b) poses an imminent danger to life or property,
 the responsible authority may, after the expiry of the time period stated in the notice, without a court order, remove the structure or the object or take the necessary steps to restore or safeguard the transport infrastructure.
 (12B) On taking any steps referred to in subsection (12) or (12A), the responsible authority—
 (a) may recover from the person on whom notice referred to in subsection (11) was served the costs of the removal of the structure or object, of the steps taken to restore or safeguard the transport infrastructure and of the return of the structure or object contemplated in paragraph (b), as the case may be; and
 (b) where a structure or object was removed in terms of subsection (12) or (12A), must return that structure or object to the person on whom the notice was served.”;
- (k) by the substitution for subsection (13) of the following subsection:
 “(13) Despite subsection (3), the responsible authority may, without a court order, remove or shift to a place it determines a structure or object contemplated in subsection (2) that was installed, erected, constructed or laid before the date on which the transport infrastructure concerned was declared.”.

Insertion of section 43A in Act 1 of 2013

25. The following section is inserted in the principal Act after section 43:

“Service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas

43A. (1) Despite the Electronic Communications Act, 2005 (Act 36 of 2005), the Eskom Conversion Act, 2001 (Act 13 of 2001), the Electricity Regulation Act, 2006 (Act 4 of 2006), the National Water Act, 1998 (Act 36 of 1998), the Water Services Act, 1997 (Act 108 of 1997), the Gas Act, 2001 (Act 48 of 2001), or any similar law relating to service infrastructure works, no service provider may perform any service infrastructure works—

- (a) on or within the reserve of transport infrastructure;
 (b) within the building lines of transport infrastructure; or
 (c) within a building restriction area,

except in terms of an agreement with the responsible authority and in accordance with standards and specifications approved by the responsible authority.

(2) Subject to subsection (3), a service provider must, not less than 90 days before it intends to commence service infrastructure works on or within any transport infrastructure or within any building line or building restriction area, submit written notice to the responsible authority providing at least the following information:

- (a) The details of the service provider, the details of the person duly authorised to serve notice on behalf of the service provider and proof of such authority;
- (b) mapping and plans prepared by a Professional Engineer or Professional Engineering Technologist registered as such in terms of the Engineering Profession Act, 2000, showing the location and horizontal and vertical alignment of the proposed service infrastructure in relation to the transport infrastructure and any applicable building lines or building restriction areas, including the position of the proposed service infrastructure in relation to existing or planned buildings, bridges or other structures;
- (c) in the case of a road, elements of the road structure, buildings, bridges or other structures, sidewalks, cycle paths, verges, boundary fences or walls and any other structures that may be affected by the service infrastructure;
- (d) detailed plans and specifications for the service infrastructure;
- (e) detailed plans and specifications identifying the standards and procedures for the repair and reconstruction of the transport infrastructure to its original condition necessitated by any damage caused to the transport infrastructure or any elements thereof by or arising from the installation of the service infrastructure; and
- (f) the proposed sequencing and programme dates of commencement and completion of the installation of the service infrastructure.

(3) The responsible authority may, on good cause shown, accept written notice of the intention to commence service infrastructure works—

- (a) which differs from the information specified in paragraphs (a) to (f) of subsection (2); or
- (b) submitted less than 90 days before commencement of the service infrastructure works concerned.

(4) Subsections (1) and (2) do not apply to the completion of service infrastructure works that started before the commencement of this Act or before the restriction imposed by a building line or building restriction area came into effect.

(5) The responsible authority and the service provider must co-operate and collaborate with one another to promote the provision of service infrastructure and at the same time protect the integrity and safety of transport infrastructure.

(6) Where the service provider is an organ of state, the responsible authority and the service provider must co-operate and collaborate with one another to promote the provision of service infrastructure and at the same time protect the integrity and safety of transport infrastructure, in accordance with section 41 of the Constitution.

(7) The agreement contemplated in subsection (1) must set out—

- (a) the standards and specifications contemplated in subsection (1);
- (b) the conditions on which the service provider may install the service infrastructure;
- (c) the manner in which the service provider must deal with future maintenance, changes, repairs or upgrading either to the service infrastructure or to the transport infrastructure; and
- (d) the compensation payable by the service provider to the responsible authority, if any.

(8) The service provider must—

- (a) take due precautions to safeguard the public and protect public and private property during the works;
- (b) restore the site on completion of the works; and
- (c) unless agreed otherwise with the responsible authority, bear the cost of—

- (i) the relocation of service infrastructure that may be necessitated as a result of any future repair, maintenance, rehabilitation or construction of or to transport infrastructure required by the responsible authority;
- (ii) any alteration or modifications to the transport infrastructure that may be necessitated by any future repair, maintenance, rehabilitation or construction of or to the service infrastructure that may be required by the service provider.

(9) The responsible authority may require service providers to share conduit pipes or manholes on agreed conditions.

(10) If an agreement contemplated in subsection (1) cannot be reached—

- (a) where the service provider is an organ of state, the matter must be dealt with in terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005);
- (b) where the service provider is not an organ of state, either the service provider or the responsible authority may approach a competent court for a decision or, by agreement, refer the dispute to arbitration, and the works may not commence until resolution of the dispute by agreement or by decision of the applicable court or arbitrator, as the case may be.

(11) The responsible authority may appoint, at the cost of the service provider, professional civil engineers or other experts in the design, construction or maintenance of transport infrastructure to advise the responsible authority or to oversee the service infrastructure works in order to safeguard the interests of the Province or municipality concerned in relation to the transport infrastructure, and ensure that the service provider undertakes the work in terms of the standards and procedures, and in accordance with the programme of installation, as agreed.

(12) The responsible authority may impose fees, as prescribed, payable by the service provider to cover the cost of entering into the agreement contemplated in subsection (1) and undertaking the procedures prescribed by this section.

(13) If an agreement is entered into pursuant to subsection (1) on condition that service infrastructure be removed at a later stage, no compensation for the removal is payable to the owner of the service infrastructure, or to his or her successors in title, unless otherwise agreed to by the responsible authority.

(14) The Registrar of Deeds having jurisdiction must, at the written request of the responsible authority, note the condition referred to in subsection (13) on the title deed of the land affected thereby and in the appropriate registers, and the costs in connection with that noting must be paid by the service provider concerned.

(15) A municipality must consult with the Head of Department before entering into an agreement pursuant to subsection (1) in respect of subsidised transport infrastructure.

(16) Where service infrastructure has been installed or service infrastructure works have commenced on or within transport infrastructure or within any building line or building restriction area notwithstanding that an agreement contemplated in subsection (1) has not been concluded, the responsible authority may direct the service provider by written notice to remove the service infrastructure or to take the necessary steps to restore or safeguard the transport infrastructure within a reasonable time stated in the notice.

(17) If a service provider to whom a notice referred to in subsection (16) has been directed fails to comply with it within the time stated therein, the responsible authority may apply to court for authorisation to take the necessary steps to remove the service infrastructure or to restore or safeguard the transport infrastructure.

(18) If the service infrastructure or service infrastructure works contemplated in subsection (16)—

- (a) have been erected, or have commenced, on property under the control of the responsible authority; and
 - (b) pose an imminent danger to life or property,
- the responsible authority may, without a court order, take the necessary steps to remove the service infrastructure or to restore or safeguard the transport infrastructure.

(19) On taking the steps referred to in subsection (17) or (18), the responsible authority—

- (a) may recover the costs of the steps taken and the cost of the return of the service infrastructure, if applicable, from the service provider on whom notice was served; and
- (b) must return the service infrastructure to the service provider.

(20) Despite subsection (4), the responsible authority may, at its own cost, remove or shift to a place it determines service infrastructure contemplated in subsection (1) that was installed, erected, constructed or laid before the date on which the transport infrastructure concerned was declared.

(21) Where a service provider is obliged in terms of a law to remove or shift a service infrastructure contemplated in subsection (20), the responsible authority may recover the cost of the removal or shifting from that service provider.”.

Amendment of section 44 of Act 1 of 2013

26. Section 44 of the principal Act is amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) A person intending to undertake a development involving a change or intensification in land use on land within an area referred to in paragraph (a) or (b) of subsection (2) must, where a traffic or transport impact assessment is required by the responsible authority, in addition to obtaining the approval of the authority empowered to grant approval for such changes or intensification—

- (a) on application in the prescribed manner, obtain written permission for the proposed development from the responsible authority on the basis of the impact of the proposed change or intensification in land use on the transport infrastructure concerned, road traffic safety or transport operation; and
- (b) implement any mitigating measures required by the responsible authority in granting that approval.”; and

- (b) by the insertion of the following subsection after subsection (1):

“(1A) An authority responsible for granting approval of a development involving a change or intensification of land use on land referred to in subsection (1) may not do so without taking into consideration whether an application contemplated in subsection (1)(a) has been submitted and the decision of the responsible authority pursuant thereto, if any.”.

Amendment of section 47 of Act 1 of 2013

27. Section 47 of the principal Act is amended—

- (a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) the removal, with the approval of that authority on application in the prescribed manner, of one or more gates from the transport infrastructure in terms of that section.”; and

- (b) by the substitution for subsection (5) of the following subsection:

“(5) No person other than the responsible authority may—

- (a) erect a fence on or within the boundaries of any transport infrastructure, except with the prior written permission on application in the prescribed manner of, and in accordance with standards and specifications determined by, that authority; or

- (b) without the prior written permission of that authority on application in the prescribed manner, remove a fence erected in accordance with this section on or within the boundaries of any transport infrastructure.”.

Amendment of section 48 of Act 1 of 2013

28. Section 48 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) No person may erect a gate across a road except with the prior written approval on application in the prescribed manner of, and in accordance with standards and specifications approved by, the responsible authority.”.

Amendment of section 50 of Act 1 of 2013

29. Section 50 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) No person may conduct any mining operations on or under any transport infrastructure or building restriction area, except with the written permission on application in the prescribed manner of the responsible authority, which may grant the permission subject to conditions that it considers appropriate.”.

Amendment of section 51 of Act 1 of 2013

30. Section 51 of the principal Act is amended by the substitution for subsection (1) of the following subsection:

“(1) Except as provided in subsection (3), no person may, without the written permission of the responsible authority on application in the prescribed manner or contrary to the terms of such permission, carry on a trade, sell goods or exhibit, offer or manufacture for sale goods on or in a transport infrastructure or building restriction area.”.

Amendment of section 54 of Act 1 of 2013

31. Section 54 of the principal Act is amended—

- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

“(b) prescribing—

- (i) the manner and form in which any application in connection with any authorisation, approval, permission or exemption contemplated by this Act must be made, the information to be submitted therewith and, where the Minister is the responsible authority, the fees, if any, to be paid for the application;
- (ii) requirements for the publishing and serving of notices and notifying interested and affected parties.”;

- (b) by the substitution for paragraph (d) of subsection (1) of the following paragraph:

“(d) where the Minister is the responsible authority, prescribing a fee or rent for any authorisation, approval or permission granted in terms of this Act over and above the application fees prescribed under paragraph (b) or in cases where no application fee is prescribed;”;

and

- (c) by the insertion of the following paragraphs after paragraph (f) of subsection (1):

“(fA) prescribing the planning process in respect of transport infrastructure;

“(fB) prescribing the categorisation of roadside development environments;”.

Substitution of section 56 of Act 1 of 2013

32. The following section is substituted for section 56 of the principal Act:

“By-laws

56. Before a municipality makes a by-law in respect of municipal transport infrastructure it must consult with the Minister.”.

Amendment of section 58 of Act 1 of 2013

33. Section 58 of the principal Act is amended by the substitution for the heading of the following heading:

“Agreements relating to road or public transport functions”.

Amendment of section 60 of Act 1 of 2013

34. Section 60 of the principal Act is amended by the substitution for subsection (3) of the following subsection:

“(3) A responsible authority may, on application in the prescribed manner, in writing authorise the doing of an act prohibited by subsection (2), subject to the conditions and for the period it determines **[and on payment of the prescribed fees or rentals]**, if it is satisfied that no damage to the transport infrastructure or prejudice to the public can result.”.

Amendment of section 61 of Act 1 of 2013

35. Section 61 of the principal Act is amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) contravenes section 4(2) or (3), 36(1) or (2), 40(1) or (3), 42(1), 43(1), 43A(1), 44(1), 47(5) or (11), 48(1), 50(1), 51(1) or 60(1) or (2);”.

Amendment of section 62 of Act 1 of 2013

36. Section 62 of the principal Act is amended by—

(a) the substitution for subsection (2) of the following subsection:

“(2) An appeal under subsection (1) must be **[noted and dealt with submitted in the manner prescribed [upon payment of the prescribed fee].**”; and

(b) the substitution for subsection (4) of the following subsection:

“(4) The Minister may, after considering an appeal, confirm, set aside or vary the decision, provision, conditions or directive appealed against or may make any other appropriate order **[, including an order that the prescribed fee paid by the appellant, or any part thereof, be refunded].**”.

Amendment of arrangement of sections of Act 1 of 2013

37. The arrangement of sections before section 1 of the principal Act is amended—

(a) by the substitution for the reference to section 4 of the following item:

“4. Professional engineers [,] or town planners [or architects] to be responsible for specific functions”;

(b) by the substitution for the reference to section 15 of the following item:

“15. Planning process before **[permanent closure]** withdrawal of declaration”;

(c) by the substitution for the reference to section 36 of the following item:

“36. Prohibition of certain advertisements **[on or visible from transport infrastructure]**”;

(d) by the deletion of the reference to section 37;

(e) by the insertion after the reference to section 38 of the following item:

“38A. Regulation of advertisements by municipalities”;

- (f) by the substitution for the reference to section 43 of the following item:
“43. Structures other than service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas”;
- (g) by the insertion after the reference to section 43 of the following item:
“43A. Service infrastructure within reserves or building lines of transport infrastructure or within building restriction areas”;
- (h) by the substitution of the reference to section 58 of the following item:
“58. [**Agency agreements for**] Agreements relating to road or public transport functions”.

Short title and commencement

38. This Act is called the Western Cape Transport Infrastructure Amendment Act, 2017, and comes into operation on a date determined by the Premier by proclamation in the *Provincial Gazette*.

**MEMORANDUM ON THE OBJECTS OF THE
DRAFT WESTERN CAPE TRANSPORT INFRASTRUCTURE
AMENDMENT BILL, 2017**

1. BACKGROUND

- 1.1 The Western Cape Transport Infrastructure Act, 2013 (Act 1 of 2013) (“the principal Act”), was assented to on 3 April 2013 and is due to commence on a date determined by the Premier by proclamation.
- 1.2 The Draft Western Cape Transport Infrastructure Amendment Bill, 2017 (“the Draft Amendment Bill”), arose from the need to amend sections 36 to 39 of the principal Act, which govern the display of advertisements visible from roads, due to the recent case law regarding the constitutional allocation of the functional areas between provinces and local government. Subsequently, the necessity for further amendments arose, in particular, the insertion of new provisions to regulate the installation of service infrastructure on, over or below road reserves or within building lines or building restriction areas in order to ensure the protection of transport infrastructure in the Province.

2. OBJECTS OF DRAFT BILL

The Draft Amendment Bill proposes to amend the principal Act to provide for the matters envisaged in paragraph 1.2 and to make further technical amendments. The proposed amendments are set out in detail hereunder.

3. CONTENTS OF DRAFT BILL

- 3.1 **Clause 1** provides for the amendment of the definitions set out in section 1 of the principal Act as follows:
- 3.1.1 the definition of “advertisement” is amended to include any physical structure built or capable of being used to display or support a representation referred to in paragraph (a) of the proposed new definition;
- 3.1.2 the definition of “prescribed” is amended to state the provisions in which it means prescribed by either regulations (made by the Minister) or by the municipality concerned, as the case may be, and, on the other hand, the provisions in which it means prescribed by regulation alone;

3.1.3 a new definition is inserted, namely, for “service infrastructure”, which defines it to mean pipelines, electricity lines or cables, telephone lines or cables, electronic communication facilities, conduit pipes formed by pipes, tunnels or tubes, or any other infrastructure of a similar nature installed or to be installed by a service provider;

3.1.4 a new definition is inserted, namely, for “service infrastructure works”, which defines it to mean works to lay, construct, alter, modify, add to or change the location of service infrastructure;

3.1.5 a new definition is inserted, namely, for “service provider”, which defines it to mean any person or organ of state providing or authorised to install services in connection with the provision of electricity, water, sewerage, gas, telephone lines, electronic communication facilities or similar services; and

3.1.6 the definition of “street” is repealed.

3.2 **Clause 2** amends section 4 of the principal Act to remove the word “architects” from the categories of persons who may be responsible for the oversight and approval of technical plans and strategies related to transport infrastructure.

3.3 **Clause 3** amends section 5 of the principal Act to provide that a road or railway line must be classified as a particular category in the prescribed manner. It further inserts provisions that require the Minister or municipality to undertake a consultation process before altering the classification of a road or railway line and sets out the manner in which the consultation process must be conducted. A further provision is inserted to require the Minister or a municipality to publish the details of the alteration in classification in at least one newspaper in the area after the change has been published in the *Provincial Gazette* and to ensure that any change in classification is reflected in the compilation of records as contemplated in section 12 of the principal Act.

3.4 **Clause 4** amends section 7 of the principal Act to require the Minister or municipality to undertake a consultation process before altering the classification of ancillary transport infrastructure and sets out the manner in which the consultation process must be conducted. A further provision is inserted that requires the Minister or a municipality to publish the details of the alteration in classification in at least one newspaper in the area after the change has been published in the *Provincial Gazette*. In addition, a provision is inserted to ensure that any change in classification is reflected in the compilation of records as contemplated in section 12 of the principal Act.

- 3.5 **Clause 5** substitutes section 9 of the principal Act with a provision that brings further clarity and detail on the joint assessment of previously declared roads that must take place between the Head of Department and municipalities. It is now expressly provided that the consultation process forms part of the joint assessment process. As in the principal Act, it further provides for the conclusion of written agreements that must be entered into pursuant thereto. Specific provision is now also made for the written agreements to include a recordable of whether the declaration of a road should be withdrawn for the road to be simultaneously declared by the municipality as a street or public thoroughfare under the exclusive control of the municipality.
- 3.6 **Clause 6** substitutes section 10 of the principal Act with a provision that distinguishes between the transfer of a road by agreement between the Minister and a municipality after a joint assessment has been conducted and such a transfer where a joint assessment has not been conducted. Provision is also included for the Minister to undertake a consultation process prior to the proposed transfer.
- 3.7 **Clause 7** amends section 12 of the principal Act by providing that the compilation of records of transport infrastructure by the Head of Department is a continuous responsibility rather than a once-off process undertaken only after the joint assessment of previously declared roads in terms of section 9.
- 3.8 **Clause 8** makes technical amendments to section 15 of the principal Act to align it with the amendment to section 9, relating to the scenario where the declaration of the road should be withdrawn for the road to be declared by the municipality as a street or public thoroughfare under the exclusive control of the municipality.
- 3.9 **Clause 9** amends section 16 of the Act by substituting the requirement that a person affected by existing or proposed transport infrastructure who wishes to apply for the closure, relocation or alteration to transport infrastructure must apply in writing to the responsible authority with the requirement that such a person must apply in the prescribed manner.
- 3.10 **Clause 10** amends section 18 of the principal Act to include the requirement that, from the date that a decision has been made to proceed with the declaration of a new, relocated or altered route or layout of transport infrastructure until the date the transport infrastructure is declared, a service provider intending to install service infrastructure as provided for in the new proposed section 43A, to be inserted by clause 25, may only do so in accordance with an agreement with the responsible authority as contemplated in the proposed section 43A(1). The enforcement provisions in the proposed section 43A, namely, proposed section 43A(16), (17), (18) and (19), are made applicable, with the changes required by the context, to a contravention of this provision.

This clause makes a further amendment to section 18 of the principal Act in respect of applications for a change or intensification in land use in respect of a portion of land in an urban area within 250 metres of the boundary of transport infrastructure. Hence, from the date of the declaration of transport infrastructure until the date of completion of the transport infrastructure, an applicant will, in addition to the approval of the authority empowered to grant approval for such changes or intensification, be required to obtain the written permission of the responsible authority on the basis of the impact of the proposed action on the transport infrastructure, road traffic safety or transport operation. In addition, it is provided that the authority responsible for granting approval for the changes or intensification of land use may not do so without considering whether an application for the aforementioned approval has been submitted to the responsible authority, the decision of the responsible authority, if any, and any written comments of the responsible authority.

- 3.11 **Clause 11** amends section 19 of the principal Act to add a provision that permits the withdrawal of the declaration of a road, pursuant to a written agreement between the Minister and municipality concerned as contemplated in section 9.
- 3.12 **Clause 12** amends section 21 of the principal Act to provide that an owner of land that suffers damages in consequence of action taken under section 21 should be compensated in an amount not exceeding the actual financial loss suffered by the owner. Reference to the Expropriation Act, 1975 (Act 63 of 1975), as the mechanism to determine compensation and the procedures for the determination thereof in the absence of agreement between the parties, is deleted.
- 3.13 **Clause 13** amends section 24 of the principal Act by providing that a municipality qualifies for a subsidy for a road that was wholly or partially funded or subsidised by the province immediately before the commencement of the Act as long as a new subsidy agreement between the Minister and the municipality is entered into within 36 months of the coming into operation of the Act. It further provides that if a new subsidy agreement is not entered into within this timeframe, the municipality may apply to the Minister for the payment of a subsidy in the normal course. It further adds a category of activity into which an application for a subsidy may be divided, namely, the “relaying of railway track or the refurbishment of rail ballast”.
- 3.14 **Clause 14** amends section 34 of the principal Act by expressly including the temporary deviation of a road or railway line with the category “transport infrastructure or activities in connection therewith”.
- 3.15 **Clause 15** amends section 35 by deleting reference to the Expropriation Act, 1975, as the mechanism to determine compensation if a person has suffered damage as a result of the exercise of a power conferred by that section. This section will now provide for compensation to be for the actual financial loss suffered by the person concerned.

- 3.16 **Clause 16** substitutes section 36 with a new provision in which the direct regulation of advertisements visible from specified distances from roads is limited to provincial roads or municipal roads designated by the Minister. Hence it is provided that no person may display or cause or permit to be displayed advertisements visible from these roads unless the Minister has assessed the impact of such display on road traffic safety and transport operation and granted prior written permission. In addition, provision is made for the Minister to make regulations on a limited range of matters relating to advertisements.
- 3.17 **Clause 17** proposes to repeal section 37 of the principal Act, which authorises the Minister to make regulations on a broad range of matters relating to advertisements.
- 3.18 **Clause 18** substitutes section 38 of the principal Act with more detailed provisions governing the procedures for the service of notice and removal of unauthorised advertisements and sets out the circumstances in which advertisements may be removed with and without a court order.
- 3.19 **Clause 19** inserts section 38A, which requires a municipality to regulate advertisements on or above roads and advertisements visible from a road. It further provides that, for that purpose, a municipality must at least establish a system for the submission and approval of applications for the display of advertisements and lists the matters this system must provide for.
- 3.20 **Clause 20** amends section 39 of the principal Act by providing that the presumption that an advertisement is regarded as displayed or to have been permitted to be displayed by a particular person in the listed circumstances only operates in the absence of evidence to the contrary that raises reasonable doubt.
- 3.21 **Clause 21** amends section 40 of the principal Act by providing that a person who wishes to construct an ingress or an exit from transport infrastructure must apply in the prescribed manner.
- 3.22 **Clause 22** amends section 41 of the principal Act by providing that an owner of land with access to a road who wishes to relocate the access, must apply for permission in the prescribed manner.
- 3.23 **Clause 23** amends section 42 of the principal Act by providing that the prior written permission of the responsible authority must be obtained on application in the prescribed manner before a person may deposit or leave a disused vehicle or machine or part thereof or any refuse within 200 metres from the centre line of any road or railway line.

- 3.24 **Clause 24** amends section 43 by providing that a person who wishes to install a structure or undertake other listed activities within the reserve of transport infrastructure, within the building lines of transport infrastructure or within a building restriction area, must apply to the responsible authority for permission to do so in the prescribed manner. Service infrastructure works that are regulated by the proposed section 43A are also specifically excluded from the application of this section. The enforcement provisions in this section are also amended to provide more detail regarding the procedures for the service of notice and removal of unauthorised structures and sets out the circumstances in which structures may be removed with and without a court order. In addition, further technical amendments are made to this section.
- 3.25 **Clause 25** inserts a new section 43A, which regulates service infrastructure works. It provides that, notwithstanding laws regulating service infrastructure works, a service provider may not perform service infrastructure works on or within the reserve of transport infrastructure, within the building lines of transport infrastructure or within a building restriction area except in terms of an agreement and in accordance with standards and specifications approved by the responsible authority. This provision further obliges a service provider to provide the responsible authority with a notice of intention to commence service infrastructure works and sets out the provisions that must be included in the agreement between the responsible authority and the service provider, the obligations of the service provider and the dispute resolution mechanisms in the event that agreement cannot be reached. Provision is also made for the responsible authority to appoint experts to oversee the service infrastructure works, for enforcement mechanisms the responsible authority may employ in the event that service infrastructure has been installed or service infrastructure works have commenced in the absence of an agreement with the responsible authority, and for related matters.
- 3.26 **Clause 26** substitutes section 44 of the principal Act by requiring that a person intending to undertake a development involving a change or intensification in land use within certain areas must, in certain circumstances, in addition to obtaining the approval of the authority empowered to grant approval for such changes or intensification, on application in the prescribed manner, obtain the approval of the responsible authority on the basis of the impact of the proposed change or intensification in land use on the transport infrastructure concerned, road traffic safety or transport operation. In addition, such person is required to implement any mitigating measures required by the responsible authority. It is further provided that an authority responsible for granting approval of a development involving a change or intensification of land use on land in the area in question, may not do so without taking into consideration whether an application to the responsible authority contemplated in this provision has been submitted and what the decision, if any, of the responsible authority is regarding that application.
- 3.27 **Clause 27** amends section 47 of the principal Act by providing that the approval for the removal of gates and the erection and removal of fences by the responsible authority must be on application in the prescribed manner.

- 3.28 **Clause 28** amends section 48 of the principal Act by providing that the approval of the responsible authority to erect a gate must be on application in the prescribed manner.
- 3.29 **Clause 29** amends section 50 of the principal Act by providing that a person who wishes to apply for the permission of the responsible authority to conduct mining operations on or under transport infrastructure or building restriction areas must do so in the prescribed manner.
- 3.30 **Clause 30** amends section 51 of the principal Act by providing that a person who wishes to carry on a trade or related activities on or in transport infrastructure or a building restriction area must apply for the permission of the responsible authority in the prescribed manner.
- 3.31 **Clause 31** amends section 54 of the principal Act to limit the power of the Minister to make regulations prescribing fees or rent for applications, authorisations, approvals or permissions for roads where the Minister is the responsible authority. Further provisions have been added that enable the Minister to make regulations on the requirements for the publishing and service of notices and for notifying interested and affected parties of the planning process in respect of transport infrastructure as well as the categorisation of the roadside development environment.
- 3.32 **Clause 32** amends section 56 of the principal Act to limit the obligation placed by this section on a municipality to consult with the Minister before making a by-law, to a by-law in respect of municipal transport infrastructure only. Furthermore, this clause deletes the provision in the principal Act that provides that the principal Act does not apply to any matter that is regulated by a by-law properly made by a municipality insofar as that by-law deals with a matter that is regulated by this Act.
- 3.33 **Clause 33** amends section 58 of the principal Act by deleting the word “agency” in the heading and making further minor word changes, for the new heading to read: “Agreements relating to road or public transport functions”.
- 3.34 **Clause 34** amends section 60 of the principal Act by providing that a responsible authority may authorise the doing of an act prohibited by subsection (2) on application in the prescribed manner. The clause also makes a further technical amendment by the deletion of the reference to the payment of prescribed fees or rentals.
- 3.35 **Clause 35** amends section 61 of the principal Act by inserting a new offence, namely, the contravention of section 43A(1).
- 3.36 **Clause 36** makes a technical amendment to section 62 of the principal Act by deleting the references to the payment of the prescribed fee and an order for the refund thereof.

3.37 **Clause 37** amends the principal Act by amending the arrangement of sections in order to align it to the amendments to the principal Act.

3.38 **Clause 38** provides for the short title and commencement of the Draft Amendment Bill.

4. CONSULTATION

Department of the Premier: Legal Services

5. PERSONNEL IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

None

7. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for transport and public works is satisfied that the provisions of the Draft Amendment Bill fall within the legislative competence of the Province.

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

 Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

**WES-KAAPSE KONSEPWYSIGINGSWETSONTWERP OP
VERVOERINFRASTRUKTUUR, 2017**

Tot wysiging van die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013, om sekere omskrywings te wysig en om verdere omskrywings in te voeg; om anders voorsiening te maak vir sekere aangeleenthede wat voorgeskryf moet word; om argitekde te verwyder as 'n kategorie persone wat vir sekere funksies verantwoordelik kan wees; om die verandering van die klassifikasie van paaie, spoorlyne en bykomstige vervoerinfrastruktuur verder te reguleer; om anders voorsiening te maak vir gesamentlike assesserings en ooreenkomste ten opsigte van voorheen verklaarde paaie; om die bepalings rakende rekords van vervoerinfrastruktuur te wysig; om bepalings rakende voorgestelde veranderinge in sekere grondgebruike te versterk en op te klaar; om die bepalings rakende die intrekking van die verklaring van vervoerinfrastruktuur te wysig; om anders voorsiening te maak vir die betaling van vergoeding in sekere omstandighede; om die sluiting van subsidie-ooreenkomste ten opsigte van sekere paaie te vereis; om anders te bepaal insake advertensies op, of sigbaar vanaf, vervoerinfrastruktuur; om die bevoegdheid van die Minister om sekere regulasies uit te vaardig te herroep; om minimum standarde te stel vir die regulering deur munisipaliteite van die vertoning van advertensies op, of sigbaar vanaf, sekere paaie; om verder voorsiening te maak rakende aannames ten opsigte van sekere advertensies; om verder voorsiening te maak rakende die installering van sekere infrastruktuur op of binne vervoerinfrastruktuur of binne boulyne of boubeperkingsgebiede; om 'n bepaling te herroep rakende verordeninge oor sekere aangeleenthede; om sekere tekstuele veranderinge aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Wysiging van artikel 1 van Wet 1 van 2013

1. Artikel 1 van die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013 (die Hoofwet), word gewysig—

(a) deur in subartikel (1) die omskrywing van “advertensie” deur die volgende omskrywing te vervang:

“‘**advertensie**’—

(a) enige sigbare voorstelling van 'n woord, naam, letter, syfer, voorwerp, merk, logo of simbool of van 'n afkorting van 'n woord of naam, of van enige kombinasie van sodanige elemente wat die effek het om inligting oor te dra of die aandag op iets te vestig, [**en ook**] insluitende 'n bord of voorwerp wat gewoonlik vir sodanige doel gebruik word, asook beelde wat deur laserstrale of soortgelyke

- toestelle vertoon word, selfs al word werklike inligting nie daardeur oorgedra nie; en
- (b) enige fisiese struktuur wat gebou is of in staat is om gebruik te word om so 'n voorstelling te vertoon of ondersteun, maar sluit nie padverkeerstekens of verkeersligte in nie;”;
- (b) deur in subartikel (1) die volgende omskrywings na die omskrywing van “deurpad” in te voeg:
- “**‘diensinfrastruktuur’** pyleidings, elektrisiteitsleidings of -kabels, telefoonlyne of -kabels, elektroniese kommunikasiefasiliteite, geleipype gevorm deur pype, tunnels of buise, of enige ander infrastruktuur van 'n soortgelyke aard, wat deur 'n diensverskaffer geïnstalleer is of gaan word; ‘diensinfrastruktuurwerke’ werke om diensinfrastruktuur te lê, te bou, te verander, aan te pas of daartoe by te voeg of die ligging daarvan te verander;”;
- (c) deur in subartikel (1) die volgende omskrywing na die omskrywing van “diensperseel met regstreekse toegang” in te voeg:
- “**‘diensverskaffer’** enige persoon of staatsorgaan wat dienste verskaf of gemagtig is om dienste te verskaf in verband met die verskaffing van elektrisiteit, water, riolering, gas, telefoonlyne, elektroniese kommunikasiefasiliteite of soortgelyke dienste;”;
- (d) deur in subartikel (1) die omskrywing van “straat” te skrap; en
- (e) deur in subartikel (1) die omskrywing van “voorgeskryf” deur die volgende omskrywing te vervang:
- “**‘voorgeskryf’**—
- (a) in artikels 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 43A(6), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) en 62(2), voorgeskryf by regulasie of deur 'n munisipaliteit, na gelang van die geval; en
- (b) in alle ander bepalings, by regulasie voorgeskryf;”.

Wysiging van artikel 4 van Wet 1 van 2013

2. Artikel 4 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

- “(b) 'n stadsbeplanner [of **argitek**] ingevolge die betrokke professionele akkreditasiewetgewing.”.

Wysiging van artikel 5 van Wet 1 van 2013

3. Artikel 5 van die Hoofwet word gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Die verantwoordelike owerheid moet, in elke kennisgewing wat ingevolge artikel 19(1) ten opsigte van 'n pad of spoorlyn uitgereik word—
- (a) die betrokke pad of spoorlyn op die voorgeskrewe wyse klassifiseer as een van die [**tipes**] kategorieë in subartikel (1) genoem;
- (b) verklaar of die Minister of 'n munisipaliteit vir die pad of spoorlyn verantwoordelik is; en
- (c) in die geval van 'n distriksmunisipaliteit, verklaar of die distriksmunisipaliteit of 'n plaaslike munisipaliteit vir die pad of spoorlyn verantwoordelik is.”;
- (b) deur subartikel (7) deur die volgende subartikel te vervang:
- “(7) Behoudens die proses van oorlegpleging in subartikel (10) uiteengesit, kan [**Die**] die Minister [**kan**], na oorleg met die geaffekteerde munisipaliteite, die klassifikasie van 'n provinsiale pad of 'n provinsiale spoorlyn verander by kennisgewing in die *Provinsiale Koerant*.”;
- (c) deur subartikel (8) deur die volgende subartikel te vervang:
- “(8) Behoudens die proses van oorlegpleging in subartikel (10) uiteengesit, kan 'n [**Munisipaliteit**] munisipaliteit [**kan**] die klassifikasie van 'n munisipale pad of 'n munisipale spoorlyn verander by kennisgewing in die *Provinsiale Koerant*.”; en

- (d) deur die volgende subartikel na subartikel (8) in te voeg:
- “(8A) Wanneer die Minister die klassifikasie van ’n provinsiale pad of spoorlyn verander het soos in subartikel (7) beoog, of ’n munisipaliteit die klassifikasie van ’n munisipale pad of spoorlyn verander het soos in subartikel (8) beoog, moet die Minister of die munisipaliteit, na gelang van die geval, die besonderhede van die verandering in elke amptelike taal in ten minste een koerant wat in die betrokke gebied sirkuleer, laat publiseer.”; en
- (e) deur die volgende subartikels by te voeg:
- “(10) Voor ’n verandering van klassifikasie beoog in subartikel (7) of (8) moet die Minister of die munisipaliteit, na gelang van die geval, ’n kennisgewing in elke amptelike taal laat publiseer in ten minste een koerant wat in die betrokke gebied sirkuleer, bevattende—
- (a) besonderhede van die voorgestelde verandering van klassifikasie;
- (b) besonderhede van die tye en plekke waar insae in dokumente wat die uitwerking van die voorgestelde verandering in klassifikasie aandui, gekry kan word; en
- (c) ’n uitnodiging aan belanghebbende en geaffekteerde partye om voor ’n datum van nie minder as 60 dae na publikasie van die kennisgewing skriftelik kommentaar te lewer op die implikasies van die voorgestelde verandering in klassifikasie.
- (11) ’n Kennisgewing beoog in subartikel (7) of (8) moet in ag geneem word by die samestelling van die rekords beoog in artikel 12.”.

Wysiging van artikel 7 van Wet 1 van 2013

4. Artikel 7 van die Hoofwet word gewysig—

- (a) deur subartikel (4) deur die volgende subartikel te vervang:
- “(4) Behoudens die proses van oorlegpleging in subartikel (4B) uiteengesit kan die Minister, na oorleg met die geaffekteerde munisipaliteit, die klassifikasie van bykomstige vervoerinfrastruktuur waarvoor die Minister verantwoordelik is, verander by kennisgewing in die *Provinsiale Koerant*.”;
- (b) deur die volgende subartikels na subartikel (4) in te voeg:
- “(4A) Behoudens die proses van oorlegpleging in subartikel (4C) uiteengesit, en behoudens subartikel (5) indien van toepassing, kan ’n munisipaliteit die klassifikasie van bykomstige vervoerinfrastruktuur waarvoor hy verantwoordelik is, verander by kennisgewing in die *Provinsiale Koerant*.
- (4B) Wanneer die Minister die klassifikasie van bykomstige vervoerinfrastruktuur verander het soos in subartikel (4) beoog, of ’n munisipaliteit die klassifikasie van bykomstige vervoerinfrastruktuur verander het soos in subartikel (4A) beoog, moet die Minister of die munisipaliteit, na gelang van die geval, die besonderhede van die verandering in elke amptelike taal laat publiseer in ten minste een koerant wat in die betrokke gebied sirkuleer.
- (4C) Voor ’n voorgestelde verandering van klassifikasie in subartikel (4) of (4A) beoog, moet die Minister of die munisipaliteit, na gelang van die geval, ’n kennisgewing in elke amptelike taal laat publiseer in ten minste een koerant wat in die betrokke gebied sirkuleer, bevattende—
- (a) besonderhede van die voorgestelde verandering in klassifikasie;
- (b) besonderhede van die tye en plekke waar insae in dokumente wat die uitwerking van die voorgestelde verandering in klassifikasie aandui, gekry kan word; en
- (c) ’n uitnodiging aan belanghebbende en geaffekteerde partye om skriftelik kommentaar te lewer, voor ’n datum van nie minder as 60 dae na publikasie van die kennisgewing, op die implikasies van die voorgestelde verandering in klassifikasie.”;

- (c) deur subartikel (5) deur die volgende subartikel te vervang:
 “(5) Waar bykomstige vervoerinfrastruktuur ten opsigte waarvan ’n munisipaliteit die verantwoordelike owerheid[,] is, deur die Provinsie gesubsidieer word, moet die munisipaliteit **[toestemming]** skriftelike goedkeuring vir die verandering van klassifikasie in subartikel (4A) beoog van die Minister kry voor **[die aanvang van die projek-beplanningsproses]** publikasie van ’n kennisgewing in subartikel (4A) beoog in die *Provinsiale Koerant*.”; en
- (d) deur die volgende subartikel na subartikel (5) in te voeg:
 “(5A) ’n Kennisgewing beoog in subregulasie (4) of (4A) moet ten grondslag lê aan die samestelling van die rekords beoog in artikel 12.”.

Wysiging van artikel 9 van Wet 1 van 2013

5. Artikel 9 van die Hoofwet word deur die volgende artikel vervang:

“Assessering van voorheen verklaarde paaie

- (1) So gou redelik moontlik na die inwerkingtreding van hierdie Wet moet die Departementshoof gesamentlike assesserings met munisipaliteite onderneem oor voorheen verklaarde paaie in die onderskeie betrokke gebiede om op die voorgeskrewe wyse die volgende te bepaal:
- (a) die geskiktheid van die klassifikasie van elke sodanige pad ingevolge subartikel (8) of (9), na gelang van die geval, of dat die verklaring van die pad ingetrek behoort te word vir die pad om tegelykertyd deur ’n munisipaliteit aangewys te word as ’n straat of openbare deurgang onder die uitsluitlike beheer van daardie munisipaliteit;
- (b) die geskiktheid van die bestaande padowerheid; en
- (c) die toestand van die pad, en die huidige en toekomstige instandhoudingsvereistes, sowel fisies as finansiële.
- (2) As deel van die gesamentlike assessering beoog in subartikel (1) moet die Departementshoof ’n kennisgewing in elke amptelike taal laat publiseer in ten minste een koerant wat in elke betrokke gebied sirkuleer, bevattende—
- (a) besonderhede rakende die assessering van die paaie in die gebied, insluitende enige voorgestelde verandering van klassifikasie, enige verandering in padowerheid, enige voorgestelde intrekking van ’n verklaring as ’n pad en, in die geval van ’n oordrag, die owerheid waarvan die pad oorgedra word en die owerheid waarheen dit oorgedra staan te word;
- (b) besonderhede van die tye en plekke waar insae in die bevindings van die assessering gekry kan word; en
- (c) ’n uitnodiging aan belanghebbende en geaffekteerde partye om voor ’n datum van nie later as 60 dae nie na publikasie van die kennisgewing skriftelik kommentaar te lewer op die implikasies van die assessering.
- (3) Na die gesamentlike assesserings in subartikel (1) beoog en die oorweging van die kommentaar ontvang van die publiek na aanleiding van die uitnodiging wat ingevolge subartikel (2)(c) gepubliseer is, moet die Departementshoof en elke munisipaliteit op die voorgeskrewe wyse ’n skriftelike ooreenkoms aangaan wat ten opsigte van elke geassesseerde pad die volgende moet spesifiseer:
- (a) die klassifikasie van die pad as ’n bepaalde kategorie pad in artikel 5(1) bedoel en enige verandering in klassifikasie, of dat die verklaring van die pad ingetrek moet word vir die pad om tegelykertyd deur die munisipaliteit aangewys te word as ’n straat of openbare deurgang onder die uitsluitlike beheer van die munisipaliteit;
- (b) die padowerheid en enige verandering in padowerheid; en
- (c) of ’n oordragooreenkoms in artikel 10 beoog ten opsigte van die pad nodig is.

(4) Indien 'n ooreenkoms in subartikel (3) beoog nie bereik word nie, moet die aangeleentheid hanteer word ingevolge die Intergovernmental Relations Framework Act, 2005 (Wet 13 van 2005).

(5) Indien 'n ooreenkoms in subartikel (3) beoog bereik word, moet die Minister, in soverre dit nodig is, op aanbeveling van die Departementshoof—

- (a) 'n verklaring maak wat die klassifikasie van die betrokke pad verander, by kennisgewing in die *Provinsiale Koerant*; of
- (b) 'n oordragooreenkoms in artikel 10 beoog, aangaan.

(6) Wanneer die Minister 'n verklaring in subartikel (5)(a) beoog gemaak het, moet die Minister besonderhede van die verklaring in elke amptelike taal laat publiseer in ten minste een koerant wat in die betrokke gebied sirkuleer.

(7) 'n Verklaring beoog in subregulasie (5)(a) moet ten grondslag lê aan die samestelling van die rekords in artikel 12 beoog.

(8) Elke voorheen verklaarde primêre pad, hoofpad, kleinpad en openbare voetpad word beskou as 'n pad van dieselfde onderskeie kategorie kragtens hierdie Wet, en alle voorwaardes rakende die vorige verklaring geld steeds, tensy anders verklaar ingevolge subartikel (5)(a).

(9) Elke pad wat voorheen as 'n afdelingspad verklaar is, word geag geklassifiseer te wees as 'n distrikspad ingevolge hierdie Wet, tensy anders verklaar ingevolge subartikel (5)(a).".

Wysiging van artikel 10 van Wet 1 van 2013

6. Artikel 10 van die Hoofwet word gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Na 'n gesamentlike assessering beoog in artikel 9 kan [Die] die Minister en 'n munisipaliteit [kan] by ooreenkoms verantwoordelikheid vir 'n voorheen verklaarde pad oordra betreffende—”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Ondanks die feit dat 'n gesamentlike assessering in artikel 9 beoog nie gedoen is nie, maar behoudens subartikel (2A), kan die Minister by ooreenkoms met 'n munisipaliteit die verantwoordelikheid vir 'n pad aan daardie munisipaliteit oordra, met of sonder voorwaardes.”; en

- (c) deur die volgende subartikels na subartikel (2) in te voeg:

“(2A) Voor 'n voorgestelde oordrag beoog in subartikel (2) moet die Minister 'n kennisgewing in elke amptelike taal laat publiseer in ten minste een koerant wat in elke betrokke gebied sirkuleer, bevattende—

- (a) besonderhede van die voorgestelde oordrag; en
- (b) 'n uitnodiging aan belanghebbende en geaffekteerde partye om skriftelik kommentaar te lewer, voor 'n datum van nie minder nie as 60 dae na publikasie van die kennisgewing, op die implikasies van die voorgestelde oordrag.

(2B) 'n Owerheid wat 'n pad ingevolge subartikel (1) of (2) oordra, moet kennis van die oordrag gee in—

- (a) die *Provinsiale Koerant*; en
- (b) elke amptelike taal in ten minste een koerant wat in die betrokke gebied sirkuleer.

(2C) 'n Kennisgewing in subartikel (2B) beoog moet in ag geneem word by die samestelling van die rekords in artikel 12 beoog.”.

Wysiging van artikel 12 van Wet 1 van 2013

7. Artikel 12 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) [Na voltooiing van die assesserings van voorheen verklaarde paaie ingevolge artikel 9 moet die] Die Departementshoof moet 'n omvattende lys en gepaardgaande data van alle verklaarde vervoer-infrastruktuur in die Provinsie opstel soos voorgeskryf.”.

Wysiging van artikel 15 van Wet 1 van 2013

8. Artikel 15 van die Hoofwet word gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“Beplanningsproses voor intrekking van verklaring”; en

(b) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) ten einde die benaming daarvan te verander na ’n straat of openbare deurgang onder die uitsluitlike beheer van ’n munisipaliteit; of”.

Wysiging van artikel 16 van Wet 1 van 2013

9. Artikel 16 van die Hoofwet word gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige persoon wat regstreeks deur bestaande of voorgestelde vervoerinfrastruktuur geraak word, kan [skriftelik] op die voorgeskrewe wyse by die verantwoordelike owerheid aansoek doen om die vervoerinfrastruktuur te sluit, te verskuif of te verander.”; en

(b) deur subartikel (2) te skrap.

Wysiging van artikel 18 van Wet 1 van 2013

10. Artikel 18 van die Hoofwet word gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Vanaf die datum waarop die kennisgewing ingevolge artikel 17(3) in die *Provinsiale Koerant* gepubliseer is tot die datum waarop die vervoerinfrastruktuur ingevolge artikel 19 verklaar is, en ondanks enige andersluidende wet, mag geen persoon, insluitende enige diensverskaffer—

(a) enige pypleiding, elektrisiteitsleiding of -kabel, telefoonlyn of -kabel of enige ander struktuur of diensinfrastruktuur op, oor of onder die gebied binne die boulyne van die betrokke vervoerinfrastruktuur lê, bou, verander of daartoe byvoeg nie; of

(b) enige struktuur van enige aard hoegenaamd op, oor of onder daardie gebied oprig, verander of daartoe byvoeg nie, uitgesonderd ingevolge ’n bestaande geregistreerde serwituut of—

(i) met die skriftelike toestemming vooraf van die verantwoordelike owerheid; **[of]**

(ii) kragtens ’n padverlofreg uitgereik deur die verantwoordelike owerheid, en ingevolge enige voorwaardes wat deur die verantwoordelike owerheid gestel is[.]; of

(iii) ooreenkomstig ’n ooreenkoms wat ingevolge artikel 43A(1) aangegaan is.”;

(b) deur die volgende subartikel na subartikel (2) in te voeg:

“(2A) Artikel 43A(16), (17), (18) en (19), met die veranderinge wat die samehang vereis, is van toepassing in die geval van ’n oortreding van subartikel (2).”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Vanaf die datum waarop vervoerinfrastruktuur ingevolge artikel 19 verklaar is tot voltooiing van die vervoerinfrastruktuur, en ondanks artikel 44 of enige ander andersluidende wet, [mag geen aansoek] moet ’n persoon wat wil aansoek doen vir ’n verandering of intensivering in grondgebruik ten opsigte van ’n stuk grond in ’n stedelike gebied binne 250 meter van die grens van die betrokke vervoerinfrastruktuur [deur die owerheid wat gemagtig is om veranderinge in grondgebruik toe te staan, toegestaan word nie sonder om eers die skriftelike kommentaar van die verantwoordelike owerheid op die voorgeskrewe wyse te verkry en te oorweeg], benewens die verkryging van die goedkeuring van die owerheid wat by magte is om goedkeuring vir sodanige veranderinge of intensivering te verleen, skriftelike toestemming vir die voorgestelde verandering of intensivering van grondgebruik van die verantwoordelike owerheid verkry op grond van

die impak van die voorgestelde optrede op die betrokke vervoer-infrastruktuur, padverkeersveiligheid of vervoerbedrywighe.”; en

(d) deur die volgende subartikels na subartikel (3) by te voeg:

“(4) Die owerheid verantwoordelik vir die verlening van goedkeuring vir veranderinge of intensivering van grondgebruik ten opsigte van grond in subartikel (3) bedoel, mag dit nie doen nie sonder om in ag te neem of ’n aansoek vir goedkeuring ingevolge daardie subartikel aan die verantwoordelike owerheid voorgelê is en wat die besluit van die verantwoordelike owerheid, indien enige, en enige skriftelike kommentaar van die verantwoordelike owerheid is.

(5) Aansoek vir skriftelike toestemming beoog in subartikel (1), (2) of (3), na gelang van die geval, moet op die voorgeskrewe wyse ingedien word.”.

Wysiging van artikel 19 van Wet 1 van 2013

11. Artikel 19 van die Hoofwet word gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die verantwoordelike owerheid kan, behoudens subartikel (4), by kennisgewing in die *Provinsiale Koerant*, ’n verklaring wat ingevolge subartikel (1) uitgereik is, intrek nadat hy die toepaslike beplanningsproses ingevolge artikel 15 onderneem het of na aanleiding van ’n ooreenkoms in artikel 9(3) beoog.”.

Wysiging van artikel 21 van Wet 1 van 2013

12. Artikel 21 van die Hoofwet word gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die verantwoordelike owerheid moet die eienaar van grond wat skade gely het as gevolg van optrede ingevolge hierdie artikel, vergoed tot ’n bedrag van hoogstens die werklike finansiële verlies wat deur die eienaar gely is [, soos met die eienaar ooreengekom].”; en

(b) deur subartikel (3) te skrap.

Wysiging van artikel 24 van Wet 1 van 2013

13. Artikel 24 van die Hoofwet word gewysig—

(a) deur subartikel (5) deur die volgende subartikel te vervang:

“(5)(a) Behoudens die aangaan van ’n subsidie-ooreenkoms tussen die Minister en die betrokke munisipaliteit binne 36 maande na die inwerkingtreding van hierdie Wet kom ’n [Munisipale] munisipale pad wat in geheel of gedeeltelik deur die Provinsie befonds of gesubsidieer is onmiddellik voor die inwerkingtreding van hierdie Wet, [kwalifiseer] in aanmerking vir ’n subsidie ingevolge hierdie Deel.

(b) Die subsidie-ooreenkoms moet in die voorgeskrewe vorm wees en moet die voorgeskrewe inligting bevat.

(c) Indien ’n subsidie-ooreenkoms nie aldus aangegaan word ten opsigte van ’n munisipale pad beoog in paragraaf (a) nie kan die munisipaliteit by die Minister aansoek doen vir die betaling van ’n subsidie soos beoog in subartikel (1).”; en

(b) deur in subartikel (6) die volgende paragraaf na paragraaf (g) in te voeg:

“(gA) herlegging van spoorbane of die opknapping van spoorballas.”.

Wysiging van artikel 34 van Wet 1 van 2013

14. Artikel 34 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) vervoerinfrastruktuurwerke of aktiwiteite wat daarmee in verband staan, insluitende die tydelike verlegging van ’n pad of spoorlyn.”.

Wysiging van artikel 35 van Wet 1 van 2013

15. Artikel 35 van die Hoofwet word gewysig deur subartikel (10) deur die volgende subartikel te vervang:

“(10) Indien enige persoon skade gely het as gevolg van die uitoefening van ’n bevoegdheid wat by hierdie artikel verleen is, moet die verantwoordelike owerheid die skade op sy koste herstel of **[skadevergoeding of vergoeding ten opsigte daarvan ingevolge die Onteieningswet, 1975, aan]** daardie persoon **[betaal]** vir sy of haar werklike finansiële verlies vergoed.”.

Wysiging van artikel 36 van Wet 1 van 2013

16. Artikel 36 van die Hoofwet word deur die volgende artikel vervang:

“Verbod op sekere advertensies

36. (1) Niemand mag ’n advertensie vertoon of laat vertoon of toelaat dat dit vertoon word nie indien die advertensie—

- (a) sigbaar is vanaf ’n pad in ’n stedelike gebied—
 - (i) waarvoor die Minister die padowerheid is; of
 - (ii) wat ingevolge subartikel (5)(a) aangewys is;
- (b) binne 50 meter van die grens van die reserwe van ’n pad in ’n stedelike gebied is, uitgesonderd ’n deurpad—
 - (i) waarvoor die Minister die padowerheid is; of
 - (ii) wat ingevolge subartikel (5)(a) aangewys is, en vanaf daardie pad sigbaar is;
- (c) binne 250 meter van die grens van die reserwe van ’n pad in ’n stedelike gebied wat ’n deurpad is—
 - (i) waarvoor die Minister die padowerheid is; of
 - (ii) wat ingevolge subartikel (5)(a) aangewys is, en vanaf daardie deurpad sigbaar is,

teny die Minister die impak van sodanige vertoning op pad-verkeersveiligheid en vervoerbedrywighede geassesseer het en vooraf op aansoek skriftelik toestemming op die voorgeskrewe wyse verleen het.

(2) Die Minister kan weier om sodanige toestemming te verleen slegs as hy of sy oortuig is dat die vertoning van die advertensie waarskynlik tot onveilige bestuurstoestande sal lei of vervoerbedrywighede ernstig sal belemmer.

(3) Die toestemming van die Minister kan aan voorwaardes onderhewig wees.

(4) Niemand mag in, op of oor enige vervoerinfrastruktuur waarvoor die Minister die verantwoordelike owerheid is, of ’n pad wat ingevolge subartikel (5)(a) aangewys is, ’n advertensie vertoon of laat vertoon of toelaat dat dit vertoon word nie.

(5) Die Minister kan, na oorleg met die betrokke munisipaliteit, by kennisgewing in die *Provinsiale Koerant*—

- (a) ’n munisipale pad aanwys as ’n pad ten opsigte waarvan die Minister se toestemming beoog in subartikel (1) vereis word; of
- (b) ’n pad waarvoor die Minister die padowerheid is, aanwys as ’n pad ten opsigte waarvan die Minister se toestemming beoog in subartikel (1) nie vereis word nie.

(6) Subartikels (1) en (2) is nie van toepassing nie op die vertoon van ’n advertensie—

- (a) wat wettig vertoon is onmiddellik voor die inwerkingtrekking van hierdie Wet, of voor die betrokke vervoerinfrastruktuur kragtens artikel 19 verklaar is, vir solank as wat dit ononderbroke op dieselfde plek vertoon word; of
- (b) wat ingevolge ’n wet vertoon moet word en streng ingevolge daardie wet vertoon word.

(7) Toestemming deur die Minister ingevolge subartikel (1) verleen nie vrystelling van artikel 43(1) of enige ander toepaslike wet nie.

- (8) Die Minister kan regulasies uitvaardig wat die volgende voorskryf:
- (a) In die algemeen of met betrekking tot 'n spesifieke pad of deel van 'n pad, die tipes advertensies wat van die toepassing van subartikel (1) vrygestel is;
 - (b) die kriteria wat gebruik moet word om die impak van 'n vertoning in subartikel (1) bedoel op padverkeersveiligheid en vervoerbedrywighe te assessee;
 - (c) die algemene voorwaardes van toestemming van toepassing op die vertoning van alle advertensies waar toestemming ingevolge subartikel (1) verleen is;
 - (d) die tegniese vereistes van toepassing op die vertoon van advertensies, insluitende advertensies wat vrygestel is van die toepassing van subartikel (1) en advertensies in paragraaf (a) beoog; en
 - (e) die wyse waarop 'n aansoek vir toestemming ingevolge subartikel (1) ingedien moet word.”.

Herroeping van artikel 37 van Wet 1 van 2013

17. Artikel 37 van die Hoofwet word herroep.

Vervanging van artikel 38 van Wet 1 van 2013

18. Artikel 38 van die Hoofwet word deur die volgende artikel vervang:

“Verwydering van ongemagtigde advertensies

38. (1) Indien 'n advertensie beoog in artikel 36(1)(a), (b) of (c) vertoon word—

- (a) sonder die toestemming van die Minister ingevolge artikel 36(1);
- (b) strydig met artikel 36(4); of
- (c) strydig met regulasies uitgevaardig kragtens artikel 36(8)(d), ongeag of die advertensietipe vrygestel is ingevolge regulasies uitgevaardig kragtens artikel 36(8)(a),

kan die Minister die eienaar of huurder van die advertensie, die persoon wat die advertensie opgerig het, die grondeienaar op wie se grond die advertensie vertoon word of die persoon wie se produk of dienste geadverteer word, by skriftelike kennisgewing gelas om die advertensie te verwyder binne 'n redelike tyd wat in die kennisgewing vermeld word.

(2) Indien die persoon aan wie 'n kennisgewing bedoel in subartikel (1) gerig is, versuim om daaraan te voldoen binne die tyd wat daarin vermeld word, kan die Minister by 'n hof aansoek doen vir magtiging om die advertensie te verwyder.

(3) Indien 'n advertensie—

- (a) strydig met artikel 36(4) opgerig is;
- (b) opgerig is op eiendom onder die beheer van die Minister; of
- (c) 'n dreigende gevaar vir lewe of eiendom inhou,

kan die Minister, na verstryking van die tydperk vermeld in die kennisgewing in subartikel (1) beoog, die advertensie sonder 'n hofbevel verwyder.

(4) By die verwydering van 'n advertensie ooreenkomstig subartikel (2) of (3)—

- (a) kan die Minister die koste van die verwydering en die koste van die terugbesorging van die advertensie ingevolge paragraaf (b) verhaal van die persoon aan wie die kennisgewing ingevolge subartikel (1) beteken is; en
- (b) moet die Minister die advertensie terugbesorg aan die persoon aan wie die kennisgewing beteken is of aan die eienaar of huurder van die advertensie, na gelang van die geval.”.

Invoeging van artikel 38A in Wet 1 van 2013

19. Die volgende artikel word na artikel 38 in die Hoofwet ingevoeg:

“Regulering van advertensies deur munisipaliteite

- 38A.** (1) ’n Munisipaliteit moet die vertoning reguleer van—
- (a) advertensies op of bo ’n pad; en
 - (b) advertensies wat vanaf ’n pad sigbaar is.
- (2) Vir doeleindes van subartikel (1) moet ’n munisipaliteit ten minste ’n stelsel vir die indiening en goedkeuring van aansoeke vir die vertoning van advertensies instel, wat voorsiening moet maak vir—
- (a) die klassifikasie van paaie in kategorieë op grond van hul belang ten opsigte van natuurskoon, die omgewing of argitektuur of op ander soortgelyke gronde met die doel om te onderskei tussen die tipes advertensies wat in elke kategorie toegelaat word;
 - (b) die klassifikasie van advertensies in kategorieë met die doel om die vertoning of oprigting daarvan te reguleer en te beheer;
 - (c) die prosedures wat gevolg moet word wanneer aansoek gedoen word vir goedkeuring om ’n advertensie te vertoon en die gelde betaalbaar op aansoek vir sodanige goedkeuring;
 - (d) die assessering van die impak van sodanige vertoning op pad-verkeersveiligheid en vervoerbedrywighede;
 - (e) die assessering van die impak van sodanige vertoning op die omgewing;
 - (f) metodes van vertoning en verligting van advertensies;
 - (g) die assessering van die veiligheid, aangenaamheid en welvoeglikheid van advertensies;
 - (h) die ontwerp en konstruksie van advertensies en hul steunstrukture, hul posisie, instandhouding, verandering en toekomstige verwydering;
 - (i) kategorieë advertensies wat sonder die toestemming van die munisipaliteit opgerig of vertoon kan word op grond van vermelde kriteria; en
 - (j) die verwydering van ongemagtigde advertensies.”.

Wysiging van artikel 39 van Wet 1 van 2013

20. Artikel 39 van die Hoofwet word gewysig deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Vir die doeleindes van hierdie Wet, by gebrek aan bewyse tot die teendeel wat redelike twyfel wek, word ’n advertensie geag vertoon te word of toegelaat te wees om vertoon te word—”.

Wysiging van artikel 40 van Wet 1 van 2013

21. Artikel 40 van die Hoofwet word gewysig—

- (a) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) ’n ingang tot of uitgang uit vervoerinfrastruktuur bou op enige manier wat aan voertuig- of niegemotoriseerde vervoer toegang tussen die vervoerinfrastruktuur en enige ander eiendom verleen nie, tensy die verantwoordelike owerheid, op aansoek op die voorgeskrewe wyse, die bou daarvan skriftelik gemagtig het.”; en
- (b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) By die oorweging van ’n aansoek vir toegang ingevolge subartikel (1)(c) of ’n aansoek vir onderverdeling ingevolge subartikel (3) moet die owerheid ag slaan op **[die vereistes van]**—

 - (a) ’n ruimtelike ontwikkelingsraamwerk of verkeersaarbestuursplan wat die voorwaardes aandui waarop so ’n toegang goedgekeur kan word; **[of]**

- (b) **[by gebrek aan so 'n plan,]** standaard en riglyne oor die verlening van toegang tot vervoerinfrastruktuur wat deur die Departementshoof of deur die betrokke munisipaliteit opgestel is; en
- (c) vereistes wat deur die Minister voorgeskryf word.”.

Wysiging van artikel 41 van Wet 1 van 2013

22. Artikel 41 van die Hoofwet word gewysig deur subartikel (5) deur die volgende subartikel te vervang:

“(5)(a) 'n Eienaar van grond met toegang tot 'n pad kan op die voorgeskrewe wyse by die verantwoordelike owerheid aansoek doen vir toestemming om die toegang te verskuif.

(b) Daar is geen las op die verantwoordelike owerheid om tot die koste van sodanige verskuiwing by te dra nie.”.

Wysiging van artikel 42 van Wet 1 van 2013

23. Artikel 42 van die Hoofwet word gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) sonder die vooraf skriftelike toestemming van die verantwoordelike owerheid op aansoek op die voorgeskrewe wyse of strydig met 'n voorwaarde gestel deur daardie owerheid en in die skriftelike toestemming uiteengesit, 'n voertuig, masjien of onderdeel daarvan in onbruik of enige vullis binne 200 meter van die middellyn van 'n pad of spoorlyn plaas of laat sodat dit van daardie pad of spoorlyn sigbaar is nie.”.

Wysiging van artikel 43 van Wet 1 van 2013

24. Artikel 43 van die Hoofwet word gewysig—

(a) deur die opskrif deur die volgende opskrif te vervang:

“Ander strukture as diensinfrastruktuur binne reserwes of boulyne van vervoerinfrastruktuur of binne boubeperringsgebiede”;

(b) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Ondanks enige ander wet, maar behoudens subartikel [(5)] (3) of (3A), mag niemand, behalwe met die vooraf skriftelike toestemming op aansoek op die voorgeskrewe wyse van, en ooreenkomstig standaard en spesifikasies goedgekeur deur, die verantwoordelike owerheid, 'n aktiwiteit in subartikel (2) genoem, verrig of veroorsaak of toelaat dat dit verrig word nie—”;

(c) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang: “(a) op of binne die reserwe van vervoerinfrastruktuur;”;

(d) deur in die Engels paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:

“(b) enige diensinfrastruktuurwerke.”;

(e) deur die volgende subartikel na subartikel (3) in te voeg:

“(3A) Paragrafe (b) en (c) van subartikel (1) is nie van toepassing nie op 'n omheining, heining, muur of heg wat nie hoër as 1,6 meter bo die oppervlak van die grond is waarop dit staan nie.”;

(f) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) 'n Persoon kan op die voorgeskrewe wyse **[en teen betaling van die voorgeskrewe geld]** by die verantwoordelike owerheid aansoek doen vir 'n afwyking van beperkings wat deur 'n boulyn of boubeperringsgebied in subartikel (1) bedoel gestel is.”;

(g) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) **[So 'n aansoek]** 'n Aansoek in subartikel (1) of (4) bedoel, kan toegestaan of geweier word met inagneming van die aard van die betrokke vervoerinfrastruktuur, die ontwikkeling of voorgestelde

- ontwikkeling aangrensend daaraan en ander faktore wat deur **[daardie die betrokke verantwoordelike owerheid as tersaaklik beskou word.]**”;
- (h) deur subartikel (11) deur die volgende subartikel te vervang:
- “(11) Waar ’n persoon ’n struktuur of voorwerp opgerig, geïnstalleer, gebou of gelê het, of voorbereidende uitgrawings of enige ander werk of aktiwiteit in subartikel (2) beoog gedoen het, sonder die toestemming wat by subartikel (1) vereis word of strydig met sodanige toestemming, kan die verantwoordelike owerheid daardie persoon by skriftelike kennisgewing op daardie persoon beteken, gelas om dit te verwyder, of om die nodige stappe te doen om die vervoerinfrastruktuur te herstel of te beveilig, binne ’n redelike tyd wat in die kennisgewing vermeld word **[maar wat nie korter as 30 dae na die datum van die kennisgewing mag wees nie]**.”;
- (i) deur subartikel (12) deur die volgende subartikel te vervang:
- “(12) Indien ’n persoon aan wie ’n kennisgewing in subartikel (11) bedoel gerig is, versuim om aan die kennisgewing te voldoen binne die tyd daarin vermeld, kan die verantwoordelike owerheid by ’n hof aansoek doen vir magtiging om die struktuur of voorwerp te verwyder of die nodige stappe te doen om die vervoerinfrastruktuur te herstel of te beveilig.”;
- (j) deur die volgende subartikels na subartikel (12) in te voeg:
- “(12A) Waar ’n struktuur of voorwerp of voorbereidende uitgrawings of enige ander werk of aktiwiteit in subartikel (11) beoog—
- (a) opgerig is of begin het op eiendom onder beheer van die verantwoordelike owerheid; en
- (b) ’n dreigende gevaar vir lewe of eiendom inhou,
- kan die verantwoordelike owerheid, na verstryking van die tydperk in die kennisgewing vermeld, sonder ’n hofbevel die struktuur of die voorwerp verwyder of die nodige stappe doen om die vervoerinfrastruktuur te herstel of te beveilig.
- (12B) By die doen van enige stappe in subartikel (12) of (12A) bedoel—
- (a) kan die verantwoordelike owerheid die koste van die verwydering van die struktuur of voorwerp, van die stappe wat gedoen is om die vervoerinfrastruktuur te herstel of te beveilig en van die terugbesorging van die struktuur of voorwerp in paragraaf (b) beoog, na gelang van die geval, verhaal van die persoon aan wie die kennisgewing in subartikel (11) bedoel beteken is; en
- (b) moet die verantwoordelike owerheid, waar ’n struktuur of voorwerp ingevolge subartikel (12) of (12A) verwyder is, daardie struktuur of voorwerp terugbesorg aan die persoon aan wie die kennisgewing beteken is.”; en
- (k) deur subartikel (13) deur die volgende subartikel te vervang:
- “(13) Ondanks subartikel (3) kan die verantwoordelike owerheid ’n struktuur of voorwerp in subartikel (2) beoog wat geïnstalleer, opgerig, gebou of gelê is voor die datum waarop die betrokke vervoerinfrastruktuur verklaar is, sonder ’n hofbevel verwyder of verskuif na ’n plek wat hy bepaal.”.

Invoeging van artikel 43A in Wet 1 van 2013

25. Die volgende artikel word na artikel 43 in die Hoofwet ingevoeg:

“Diensinfrastruktuur binne reserwes of boulyne van vervoerinfrastruktuur of binne boubeperkingsgebiede

43A. (1) Ondanks die Wet op Elektroniese Kommunikasie, 2005 (Wet 36 van 2005), die Wet op die Omskepping van Eskom, 2001 (Wet 13 van 2001), die Electricity Regulation Act, 2006 (Wet 4 van 2006), die Nasionale Waterwet, 1998 (Wet 36 van 1998), die Wet op Waterdienste, 1997 (Wet 108 van 1997), die Gas Act, 2001 (Wet 48 van 2001), of enige soortgelyke wet rakende diensinfrastruktuurwerke mag geen diensverskaffer enige diensinfrastruktuurwerke verrig—

- (a) op of binne die reserwe van vervoerinfrastruktuur nie;
 (b) binne die boulyne van vervoerinfrastruktuur nie; of
 (c) binne 'n boubeperkingsgebied nie,
 behalwe ingevolge 'n ooreenkoms met die verantwoordelike owerheid en in ooreenstemming met standarde en spesifikasies wat deur die verantwoordelike owerheid goedgekeur is.
- (2) Behoudens subartikel (3) moet 'n diensverskaffer, nie minder as 90 dae voordat hy beoog om met diensinfrastruktuurwerke te begin op of binne enige vervoerinfrastruktuur of binne enige boulyn of boubeperkingsgebied, skriftelike kennis aan die verantwoordelike owerheid gee wat ten minste die volgende inligting bevat:
- (a) Die besonderhede van die diensverskaffer, die besonderhede van die persoon wat behoorlik gemagtig is om namens die diensverskaffer kennis te gee en bewys van sodanige magtiging;
 (b) kaarte en planne opgestel deur 'n professionele ingenieur of professionele ingenieurstechnoloog wat as sodanig geregistreer is ingevolge die Wet op die Ingenieursweseprofessie, 2000, wat die ligging en horisontale en vertikale belyning van die voorgestelde diensinfrastruktuur toon met betrekking tot die vervoerinfrastruktuur en enige toepaslike boulyne of boubeperkingsgebiede, insluitende die posisie van die voorgestelde diensinfrastruktuur met betrekking tot bestaande of beplande geboue, brûe of ander strukture;
 (c) in die geval van 'n pad, elemente van die padstruktuur, geboue, brûe of ander strukture, syaadpaaie, fietspaaie, padsome, grensheinings of -mure en enige ander strukture wat deur die diensinfrastruktuur geraak kan word;
 (d) gedetailleerde planne en spesifikasies vir die diensinfrastruktuur;
 (e) gedetailleerde planne en spesifikasies wat die standarde en prosedures identifiseer vir die herstel en rekonstruksie van die vervoerinfrastruktuur tot sy oorspronklike toestand, wat genoodsaak is deur enige skade wat aan die vervoerinfrastruktuur of enige elemente daarvan aangerig is deur of wat voortspruit uit die installering van die diensinfrastruktuur; en
 (f) die voorgestelde opeenvolging en programdatums van begin en voltooiing van die installering van die diensinfrastruktuur.
- (3) Die verantwoordelike owerheid kan, by aanvoering van grondige redes, skriftelike kennisgewing aanvaar van die voorneme om met diensinfrastruktuurwerke te begin, welke kennis—
- (a) verskil van die inligting in paragrawe (a) tot (f) van subartikel (2) gespesifiseer; of
 (b) minder as 90 dae voor die begin van die betrokke diensinfrastruktuurwerke ingedien is.
- (4) Subartikels (1) en (2) is nie van toepassing op die voltooiing van diensinfrastruktuurwerke wat voor die inwerkingtreding van hierdie Wet of voordat die beperking van 'n boulyn of boubeperkingsgebied van krag geword het, begin het nie.
- (5) Die verantwoordelike owerheid en die diensverskaffer moet met mekaar saamwerk om die verskaffing van diensinfrastruktuur te bevorder en terselfdertyd die integriteit en veiligheid van vervoerinfrastruktuur te beskerm.
- (6) Waar die diensverskaffer 'n staatsorgaan is, moet die verantwoordelike owerheid en die diensverskaffer met mekaar saamwerk om die verskaffing van diensinfrastruktuur te bevorder en terselfdertyd die integriteit en veiligheid van vervoerinfrastruktuur te beskerm, ooreenkomstig artikel 41 van die Grondwet.
- (7) Die ooreenkoms wat in subartikel (1) beoog word, moet die volgende uiteensit:
- (a) die standarde en spesifikasies in subartikel (1) beoog;
 (b) die voorwaardes waarop die diensverskaffer die diensinfrastruktuur kan installeer;

- (c) die wyse waarop die diensverskaffer toekomstige instandhouding, veranderinge, herstelwerk of opgradering aan die diensinfrastruktuur of aan die vervoerinfrastruktuur moet hanteer; en
- (d) die vergoeding, indien enige, wat deur die diensverskaffer aan die verantwoordelike owerheid betaalbaar is.
- (8) Die diensverskaffer moet—
- (a) behoorlike voorsorgmaatreëls tref om gedurende die werke die publiek te beveilig en openbare en privaat eiendom te beskerm;
- (b) die terrein by voltooiing van die werke herstel; en
- (c) tensy anders ooreengekom met die verantwoordelike owerheid, die koste dra van—
- (i) die verskuiwing van diensinfrastruktuur wat genoodsaak word as gevolg van enige toekomstige herstelwerk, instandhouding, rehabilitasie of konstruksie van of aan vervoerinfrastruktuur wat deur die verantwoordelike owerheid vereis word;
- (ii) enige verandering of modifikasies aan die vervoerinfrastruktuur wat moontlik genoodsaak kan word deur enige toekomstige herstelwerk, instandhouding, rehabilitasie of konstruksie van of aan die vervoerinfrastruktuur wat deur die diensverskaffer vereis word.
- (9) Die verantwoordelike owerheid kan van diensverskaffers vereis om geleipype of mangate op ooreengekome voorwaardes te deel.
- (10) Indien 'n ooreenkoms in subartikel (1) beoog nie bereik kan word nie—
- (a) waar die diensverskaffer 'n staatsorgaan is, moet die aangeleentheid hanteer word ingevolge die Intergovernmental Relations Framework Act, 2005 (Wet 13 van 2005);
- (b) waar die diensverskaffer nie 'n staatsorgaan is nie, kan die diensverskaffer of die verantwoordelike owerheid 'n bevoegde hof nader vir 'n beslissing of, by ooreenkoms, die geskil na arbitrasie verwys, en die werke mag nie begin nie totdat die geskil besleg is by ooreenkoms of deur 'n beslissing van die toepaslike hof of arbiter, na gelang van die geval.
- (11) Die verantwoordelike owerheid kan, op die koste van die diensverskaffer, professionele siviele ingenieurs of ander kundiges in die ontwerp, konstruksie of instandhouding van vervoerinfrastruktuur aanstel om die verantwoordelike owerheid te adviseer of om oor die diensinfrastruktuurwerke toesig te hou ten einde die belange van die Provinsie of betrokke munisipaliteit te beveilig met betrekking tot die vervoerinfrastruktuur en om toe te sien dat die diensverskaffer die werk verrig ingevolge die standarde en prosedures en ooreenkomstig die program van installering soos ooreengekom.
- (12) Die verantwoordelike owerheid kan gelde hef, soos voorgeskryf, wat deur die diensverskaffer betaalbaar is om die koste van die aangaan van die ooreenkoms in subartikel (1) beoog en van die uitvoering van die prosedures wat by hierdie artikel voorgeskryf word, te dek.
- (13) Indien 'n ooreenkoms ooreenkomstig subartikel (1) aangegaan word op voorwaarde dat diensinfrastruktuur in 'n latere stadium verwyder word is geen vergoeding vir die verwydering aan die eienaar van die diensinfrastruktuur of aan sy of haar opvolgers in titel betaalbaar nie, tensy anders ooreengekom deur die verantwoordelike owerheid.
- (14) Die Registrateur van Aktes met jurisdiksie moet, op skriftelike versoek van die verantwoordelike owerheid, die voorwaarde in subartikel (13) bedoel op die titelakte van die grond wat daardeur geraak word en in die gepaste registers aanteken, en die koste in verband met daardie aantekening moet deur die betrokke diensverskaffer betaal word.
- (15) 'n Munisipaliteit moet met die Departementshoof oorleg pleeg voordat die munisipaliteit 'n ooreenkoms na aanleiding van subartikel (1) ten opsigte van gesubsidieerde vervoerinfrastruktuur aangaan.

(16) Waar diensinfrastruktuur geïnstalleer is of diensinfrastruktuurwerke begin is op of binne vervoerinfrastruktuur of binne enige boulyn of boubeperkingsgebied niesteaande die feit dat 'n ooreenkoms in subartikel (1) beoog nie aangegaan is nie, kan die verantwoordelike owerheid die diensverskaffer by skriftelike kennisgewing gelas om die diensinfrastruktuur te verwyder of om die nodige stappe te doen om binne 'n redelike tyd wat in die kennisgewing vermeld word, die vervoerinfrastruktuur te herstel of te beveilig.

(17) Indien 'n diensverskaffer aan wie 'n kennisgewing bedoel in subartikel (16) uitgereik is, versuim om daaraan te voldoen binne die tyd daarin vermeld, kan die verantwoordelike owerheid by 'n hof aansoek doen vir magtiging om die nodige stappe te doen om die diensinfrastruktuur te verwyder of om die vervoerinfrastruktuur te herstel of te beveilig.

(18) Indien die diensinfrastruktuur of diensinfrastruktuurwerke in subartikel (16) beoog—

(a) opgerig is of begin het op eiendom onder die beheer van die verantwoordelike owerheid; en

(b) 'n dreigende gevaar vir lewe of eiendom inhou, kan die verantwoordelike owerheid, sonder 'n hofbevel, die nodige stappe doen om die diensinfrastruktuur te verwyder of die vervoerinfrastruktuur te herstel of te beveilig.

(19) By die doen van enige stappe in subartikel (17) of (18) bedoel—

(a) kan die verantwoordelike owerheid die koste van die stappe wat gedoen is en die koste van die terugbesorging van die diensinfrastruktuur, indien van toepassing, verhaal van die diensverskaffer aan wie kennis beteken is; en

(b) moet die verantwoordelike owerheid die diensinfrastruktuur aan die diensverskaffer terugbesorg.

(20) Ondanks subartikel (4) kan die verantwoordelike owerheid, op sy eie koste, diensinfrastruktuur in subartikel (1) beoog wat geïnstalleer, opgerig, gebou of gelê is voor die datum waarop die betrokke vervoerinfrastruktuur verklaar is, verwyder of verskuif na 'n plek wat hy bepaal.

(21) Waar 'n diensverskaffer ingevolge 'n wet verplig is om 'n diensinfrastruktuur in subregulasie (20) beoog te verwyder of te verskuif kan die verantwoordelike owerheid die koste van die verwydering of verskuiwing van daardie diensverskaffer verhaal.”.

Wysiging van artikel 44 van Wet 1 van 2013

26. Artikel 44 van die Hoofwet word gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Enige persoon wat van voorneme is om 'n ontwikkeling te onderneem wat 'n verandering of intensivering van grondgebruik behels op grond binne 'n gebied in paragraaf (a) of (b) van subartikel (2) bedoel, moet, waar 'n verkeersimpakbepaling deur die verantwoordelike owerheid vereis word, benewens die verkryging van die goedkeuring van die owerheid wat by magte is om goedkeuring vir sulke veranderinge of intensivering te verleen—

(a) op aansoek op die voorgeskrewe wyse, skriftelike toestemming vir die voorgestelde verandering of intensivering van grondgebruik van die verantwoordelike owerheid verkry op grond van die impak van die voorgestelde optrede op die betrokke vervoerinfrastruktuur, padverkeersveiligheid of vervoerbedrywighe; en

(b) enige versagtingsmaatreëls implementeer wat by die verlening van daardie goedkeuring deur die verantwoordelike owerheid vereis word.”; en

(b) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) 'n Owerheid wat verantwoordelik is vir die verlening van goedkeuring van 'n ontwikkeling wat 'n verandering of intensivering van grondgebruik behels op grond in subartikel (1) bedoel, mag dit nie doen nie sonder om in ag te neem of 'n aansoek in subartikel (1)(a) beoog

ingedien is en wat die besluit, indien enige, van die verantwoordelike owerheid na aanleiding daarvan is.”.

Wysiging van artikel 47 van Wet 1 van 2013

27. Artikel 47 van die Hoofwet word gewysig—

(a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang:

“(b) die verwydering met die goedkeuring van daardie owerheid op aansoek op die voorgeskrewe wyse van een of meer hekke van die vervoerinfrastruktuur ingevolge daardie artikel.”; en

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Niemand anders as die verantwoordelike owerheid mag—

(a) ’n heining op of binne die grense van enige vervoerinfrastruktuur oprig nie, behalwe met die vooraf skriftelike toestemming op aansoek op die voorgeskrewe wyse van, en ooreenkomstig standarde en spesifikasies bepaal deur, daardie owerheid; of

(b) sonder die skriftelike toestemming vooraf van daardie owerheid op aansoek op die voorgeskrewe wyse ’n heining wat ooreenkomstig hierdie artikel op of binne die grense van enige vervoerinfrastruktuur opgerig is, verwyder nie.”.

Wysiging van artikel 48 van Wet 1 van 2013

28. Artikel 48 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Niemand mag ’n hek oor ’n pad oprig nie, behalwe met die vooraf skriftelike goedkeuring op aansoek op die voorgeskrewe wyse van, en ooreenkomstig standarde en spesifikasies goedgekeur deur, die verantwoordelike owerheid.”.

Wysiging van artikel 50 van Wet 1 van 2013

29. Artikel 50 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Niemand mag enige mynbedrywighede op of onder enige vervoerinfrastruktuur of boubeperkingsgebied uitvoer nie, behalwe met die skriftelike toestemming op aansoek op die voorgeskrewe wyse van die verantwoordelike owerheid, wat die toestemming kan verleen onderhewig aan voorwaardes wat hy gepas ag.”.

Wysiging van artikel 51 van Wet 1 van 2013

30. Artikel 51 van die Hoofwet word gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Behalwe soos in subartikel (3) bepaal, mag niemand sonder die verantwoordelike owerheid se skriftelike toestemming op aansoek op die voorgeskrewe wyse of strydig met die bepaling van sodanige toestemming op of in ’n vervoerinfrastruktuur of boubeperkingsgebied handel dryf of goedere verkoop of uitstal, aanbied of vervaardig vir verkoop nie.”.

Wysiging van artikel 54 van Wet 1 van 2013

31. Artikel 54 van die Hoofwet word gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

“(b) wat—

(i) die wyse en vorm voorskryf waarin enige aansoek in verband met enige magtiging, goedkeuring, toestemming of vrystelling gedoen moet word wat by hierdie Wet beoog word, die inligting wat daarmee voorgelê moet word en, waar die Minister die verantwoordelike owerheid is, die gelde, indien wel, wat vir die aansoek betaal moet word;

- (ii) vereistes vir die publiserings en betekening van kennisgewings en verwittiging van belanghebbende en geaffekteerde partye voorskryf;”;
- (b) deur paragraaf (d) van subartikel (1) deur die volgende paragraaf te vervang:
 “(d) waar die Minister die verantwoordelike owerheid is, wat gelde of huurgeld voorskryf vir enige magtiging, goedkeuring of toestemming wat ingevolge hierdie Wet verleen word bo en behalwe die aansoekgelde ingevolge paragraaf (b) voorgeskryf of in gevalle waar geen aansoekgelde voorgeskryf word nie;” en
- (c) deur die volgende paragraawe na paragraaf (f) van subartikel (1) in te voeg:
 “(fA) wat die beplanningsproses ten opsigte van vervoerinfrastruktuur voorskryf;
 “(fB) wat die kategorisering van padkantontwikkelingsomgewings voorskryf;”.

Vervanging van artikel 56 van Wet 1 van 2013

32. Artikel 56 van die Hoofwet word deur die volgende artikel vervang:

“Verordeninge

56. Voordat ’n munisipaliteit ’n verordening ten opsigte van munisipale vervoerinfrastruktuur uitvaardig, moet hy met die Minister oorleg pleeg.”.

Wysiging van artikel 58 van Wet 1 van 2013

33. Artikel 58 van die Hoofwet word gewysig deur die opskrif deur die volgende opskrif te vervang:

“Ooreenkomste rakende pad- of openbarevervoerkunsies”.

Wysiging van artikel 60 van Wet 1 van 2013

34. Artikel 60 van die Hoofwet word gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) ’n Verantwoordelike owerheid kan, op aansoek op die voorgeskrewe wyse, die verrigting van ’n handeling wat by subartikel (2) verbied word, skriftelik magtig, behoudens die voorwaardes[,] en vir die tydperk **[en by betaling van die voorgeskrewe gelde of huurgeld]** wat hy bepaal, indien hy oortuig is dat geen skade aan die vervoerinfrastruktuur of benadeling van die publiek daaruit kan voortvloei nie.”.

Wysiging van artikel 61 van Wet 1 van 2013

35. Artikel 61 van die Hoofwet word gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) artikel 4(2) of (3), 36(1) of (2), 40(1) of (3), 42(1), 43(1), 43A(1), 44(1), 47(5) of (11), 48(1), 50(1), 51(1) of 60(1) of (2) oortree;”.

Wysiging van artikel 62 van Wet 1 van 2013

36. Artikel 62 van die Hoofwet word gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) ’n Appèl ingevolge subartikel (1) moet op die voorgeskrewe wyse **[en by betaling van die voorgeskrewe gelde aangeteken en hanteer]** ingedien word.”; en

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Die Minister kan, na oorweging van ’n appèl, die besluit, bepaling, voorwaardes of lasgewing bevestig, ter syde stel of wysig of enige ander gepaste bevel gee [, **insluitende ’n bevel dat die voorgeskrewe gelde betaalbaar deur die appellant, of enige deel daarvan, terugbetaal word**].”.

Wysiging van indeling van artikels van Wet 1 van 2013

37. Die indeling van artikels voor artikel 1 van die Hoofwet word gewysig—
- (a) deur die verwysing na artikel 4 deur die volgende item te vervang:
“4. Professionele ingenieurs [,] of stadsbeplanners [of argitek] verantwoordelik vir spesifieke funksies”;
 - (b) deur die verwysing na artikel 15 deur die volgende item te vervang:
“15. Beplanningsproses voor [permanente sluiting] intrekking van verklaring”;
 - (c) deur die verwysing na artikel 36 deur die volgende item te vervang:
“36. Verbod op sekere advertensies [op of sigbaar vanaf vervoerinfrastruktuur]”;
 - (d) deur die verwysing na artikel 37 te skrap;
 - (e) deur die volgende item na die verwysing na artikel 38 in te voeg:
“38A. Regulering van advertensies deur munisipaliteit”;
 - (f) deur die verwysing na artikel 43 deur die volgende item te vervang:
“Ander strukture as diensinfrastruktuur binne reserwes of boulyne van vervoerinfrastruktuur of binne boubeperkingsgebiede”;
 - (g) deur die volgende item na die verwysing na artikel 43 in te voeg:
“43A. Diensinfrastruktuur binne reserwes of boulyne van vervoerinfrastruktuur of binne boubeperkingsgebiede”;
 - (h) deur die verwysing na artikel 58 deur die volgende item te vervang:
“58. [Agentskapsoreenkomste vir] Ooreenkomste rakende pad- of openbarevervoerfunksies”.

Kort titel en inwerkingtreëding

38. Hierdie Wet heet die Wes-Kaapse Wysigingswet op Vervoerinfrastruktuur, 2017, en tree in werking op 'n datum wat die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

MEMORANDUM OOR DIE OOGMERKE VAN DIE WES-KAAPSE KONSEPWYSIGINGSWETSONTWERP OP VERVOERINFRASTRUKTUUR, 2017

1. AGTERGROND

- 1.1 Die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013 (Wet 1 van 2013) (“die Hoofwet”), is op 3 April 2013 bekragtig en tree mettertyd in werking op ’n datum wat die Premier by proklamasie bepaal.
- 1.2 Die Wes-Kaapse Konsepwysigingswetsontwerp op Vervoerinfrastruktuur, 2017 (“die Konsepwysigingswetsontwerp”), het ontstaan uit die behoefte om artikels 36 tot 39 van die Hoofwet te wysig, wat die vertoon van advertensies sigbaar vanaf paaie reguleer, na aanleiding van die onlangse hofbeslissings rakende die grondwetlike toewysing van die funksionele gebiede tussen provinsies en plaaslike regering. Gevolglik het daar ’n behoefte aan verdere wysigings ontstaan, in die besonder die invoeging van nuwe bepalings om die installing van diensinfrastruktuur op, oor of onder padreserwes of binne boulyne of boubeperkingsgebiede te reguleer ten einde die beskerming van vervoerinfrastruktuur in die Provinsie te verseker.

2. OOGMERKE VAN KONSEPWETSONTWERP

Die Konsepwysigingswetsontwerp beoog om die Hoofwet te wysig om voorsiening te maak vir die aangeleenthede wat in paragraaf 1.2 beoog word en om verdere tegniese wysigings aan te bring. Die voorgestelde wysigings word hieronder in besonderhede uiteengesit.

3. INHOUD VAN DIE KONSEPWETSONTWERP

- 3.1 **Klousule 1** maak soos volg voorsiening vir die wysiging van die omskrywings uiteengesit in artikel 1 van die Hoofwet:

3.1.1 die omskrywing van “advertensie” word gewysig om enige fisiese struktuur in te sluit wat gebou is of gebruik kan word om ’n voorstelling bedoel in paragraaf (a) van die voorgestelde nuwe omskrywing te vertoon of te ondersteun;

3.1.2 'n nuwe omskrywing word ingevoeg, naamlik vir “diensinfrastruktuur”, wat volgens die beskrywing pyleidings, elektrisiteitsleidings of -kabels, telefoonlyne of -kabels, elektroniese kommunikasiefasiliteite, geleipype gevorm deur pype, tunnels of buise, of enige ander infrastruktuur van 'n soortgelyke aard wat deur 'n diensverskaffer geïnstalleer is of gaan word, beteken;

3.1.3 'n nuwe omskrywing word ingevoeg, naamlik “diensinfrastruktuurwerke”, wat omskryf word as werke om diensinfrastruktuur te lê, te bou, te verander, aan te pas of daartoe by te voeg of die ligging daarvan te verander;

3.1.4 'n nuwe omskrywing word ingevoeg, naamlik vir “diensverskaffer”, wat omskryf word as enige persoon of staatsorgaan wat dienste installeer of gemagtig is om dienste te installeer in verband met die verskaffing van elektrisiteit, water, riolering, gas, telefoonlyne, elektroniese kommunikasiefasiliteite of soortgelyke dienste;

3.1.5 die omskrywing van “straat” word herroep; en

3.1.6 die omskrywing van “voorgeskryf” word gewysig om die bepaling te vermeld waarin dit voorgeskryf by regulasie (uitgevaardig deur die Minister) of voorgeskryf deur die betrokke munisipaliteit kan beteken, na gelang van die geval, en aan die ander kant die bepaling waarin dit voorgeskryf slegs by regulasie beteken.

3.2 **Klousule 2** wysig artikel 4 van die Hoofwet om die woord “argitekte” te verwyder uit die kategorieë persone wat verantwoordelik kan wees vir toesighouding oor en goedkeuring van tegniese planne en strategieë rakende vervoerinfrastruktuur.

3.3 **Klousule 3** wysig artikel 5 van die Hoofwet om te bepaal dat 'n pad of spoorlyn op die voorgeskrewe wyse as 'n bepaalde kategorie geklassifiseer moet word. Dit voeg voorts bepaling in wat van die Minister of munisipaliteit vereis om 'n proses van oorlegpleging te volg voordat die Minister of die munisipaliteit die klassifikasie van 'n pad of spoorlyn verander en sit die wyse uiteen waarop die proses van oorlegpleging uitgevoer moet word. 'n Verdere bepaling word ingevoeg om van die Minister of 'n munisipaliteit te vereis om die besonderhede van die verandering in klassifikasie in ten minste een koerant in die gebied te publiseer nadat die verandering in die *Provinsiale Koerant* gepubliseer is en om te verseker dat enige verandering in klassifikasie weerspieël word in die samestelling van rekords soos beoog in artikel 12 van die Hoofwet.

- 3.4 **Klousule 4** wysig artikel 7 van die Hoofwet om van die Minister of munisipaliteit te vereis om 'n proses van oorlegpleging te volg voordat die Minister of die munisipaliteit die klassifikasie van bykomstige vervoerinfrastruktuur verander en sit die wyse uiteen waarop die proses van oorlegpleging uitgevoer moet word. 'n Verdere bepaling word ingevoeg om van die Minister of munisipaliteit te vereis om die besonderhede van die verandering in klassifikasie in ten minste een koerant in die gebied te publiseer nadat die verandering in die *Provinsiale Koerant* gepubliseer is. Voorts word 'n bepaling ingevoeg om te verseker dat enige verandering in klassifikasie weerspieël word in die samestelling van rekords soos beoog in artikel 12 van die Hoofwet.
- 3.5 **Klousule 5** vervang artikel 9 van die Hoofwet met 'n bepaling wat verdere duidelikheid en besonderhede verskaf oor die gesamentlike assessering van voorheen verklaarde paaie wat tussen die Departementshoof en munisipaliteite moet plaasvind. Daar word nou uitdruklik bepaal dat die proses van oorlegpleging deel van die gesamentlike assesseringsproses is. Soos in die Hoofwet word daar verder voorsiening gemaak vir die skriftelike ooreenkomste wat na aanleiding van die assesseringsproses aangegaan moet word. Daar word nou ook spesifiek voorsiening gemaak vir die insluiting in die skriftelike ooreenkomste van 'n rekord of die verklaring van 'n pad ingetrek behoort te word sodat die pad terselfdertyd deur die munisipaliteit as 'n straat of openbare deurgang onder uitsluitlike beheer van die munisipaliteit verklaar kan word.
- 3.6 **Klousule 6** vervang artikel 10 van die Hoofwet met 'n bepaling wat 'n onderskeid tref tussen die oordrag van 'n pad by ooreenkoms tussen die Minister en munisipaliteit nadat 'n gesamentlike assessering gedoen is, en so 'n oordrag waar 'n gesamentlike assessering nie gedoen is nie. Daar word ook bepaal dat die Minister 'n proses van oorlegpleging moet volg voor die voorgestelde oordrag.
- 3.7 **Klousule 7** wysig artikel 12 van die Hoofwet deur te bepaal dat die samestelling van rekords van vervoerinfrastruktuur deur die Departementshoof 'n deurlopende verantwoordelikheid is eerder as 'n eenmalige proses wat slegs na die gesamentlike assessering van voorheen verklaarde paaie ingevolge artikel 9 gedoen word.
- 3.8 **Klousule 8** bring tegniese wysigings aan artikel 15 van die Hoofwet aan om dit in ooreenstemming te bring met die wysiging van artikel 9 rakende die scenario waar die verklaring van die pad ingetrek moet word sodat die pad deur die munisipaliteit as 'n straat of openbare deurgang onder uitsluitlike beheer van die munisipaliteit verklaar kan word.

- 3.9 **Klousule 9** wysig artikel 16 van die Hoofwet deur die vereiste dat 'n persoon wat deur bestaande of voorgestelde vervoerinfrastruktuur geraak word wat aansoek wil doen vir die sluiting, verskuiwing of verandering van vervoerinfrastruktuur, skriftelik by die verantwoordelike owerheid moet aansoek doen, te vervang deur die vereiste dat so 'n persoon op die voorgeskrewe wyse aansoek moet doen.
- 3.10 **Klousule 10** wysig artikel 18 van die Hoofwet om die vereiste in te sluit dat, vanaf die datum dat 'n besluit geneem is om voort te gaan met die verklaring van 'n nuwe, verskuifde of veranderde roete of uitleg van vervoerinfrastruktuur tot die datum waarop die vervoerinfrastruktuur verklaar word, 'n diensverskaffer wat diensinfrastruktuur wil installeer soos bepaal in die nuwe voorgestelde artikel 43A, wat by klousule 25 ingevoeg word, dit slegs volgens 'n ooreenkoms met die verantwoordelike owerheid soos beoog in die voorgestelde artikel 43A(1) kan doen. Die afdwingingsbepalings in die voorgestelde artikel 43A, naamlik die voorgestelde artikel 43A(16), (17), (18) en (19), word van toepassing gemaak, met die veranderinge wat die samehang vereis, op 'n oortreding van hierdie bepaling.
- Hierdie klousule wysig artikel 18 van die Hoofwet verder ten opsigte van aansoeke vir 'n verandering of intensivering van grondgebruik ten opsigte van 'n stuk grond in 'n stedelike gebied binne 250 meter van die grens van vervoerinfrastruktuur. Gevolglik, vanaf die datum van die verklaring van die vervoerinfrastruktuur tot die datum van voltooiing van die vervoerinfrastruktuur sal 'n aansoeker, benewens die goedkeuring van die owerheid wat by magte is om goedkeuring vir sodanige veranderinge of intensivering te verleen, ook die skriftelike toestemming van die verantwoordelike owerheid moet verkry, op grond van die impak van die voorgestelde optrede op die vervoerinfrastruktuur, padverkeersveiligheid of vervoerbedrywighede. Voorts word bepaal dat die owerheid verantwoordelik vir die verlening van goedkeuring vir die verandering of intensivering van grondgebruik dit nie mag doen sonder om te oorweeg of 'n aansoek vir die genoemde goedkeuring aan die verantwoordelike owerheid voorgelê is en wat die besluit en enige skriftelike kommentaar van die verantwoordelike owerheid, indien enige, is nie.
- 3.11 **Klousule 11** wysig artikel 19 van die Hoofwet om 'n bepaling by te voeg wat die intrekking van die verklaring van 'n pad toelaat, na aanleiding van 'n skriftelike ooreenkoms tussen die Minister en die betrokke munisipaliteit soos in artikel 9 beoog.
- 3.12 **Klousule 12** wysig artikel 21 van die Hoofwet om te bepaal dat 'n eenaar van grond wat skade ly as gevolg van optrede kragtens artikel 21, vergoed moet word met 'n bedrag van hoogstens die werklike finansiële verlies wat die eenaar gely het. Verwysing na die Onteieningswet, 1975 (Wet 63 van 1975), as die meganisme om vergoeding te bepaal en die prosedures vir die bepaling daarvan by afwesigheid van 'n ooreenkoms tussen die partye, word geskrap.

- 3.13 **Klousule 13** wysig artikel 24 van die Hoofwet deur te bepaal dat 'n munisipaliteit kwalifiseer vir 'n subsidie vir 'n pad wat in geheel of gedeeltelik deur die provinsie befonds of gesubsidieer was onmiddellik voor die inwerkingtreding van die Wet, solank 'n nuwe subsidie-ooreenkoms tussen die Minister en die munisipaliteit aangegaan word binne 36 maande na die inwerkingtreding van die Wet. Daar word verder bepaal dat indien 'n nuwe subsidie-ooreenkoms nie binne hierdie tydperk aangegaan word nie, die munisipaliteit by die Minister kan aansoek doen vir die betaling van 'n subsidie in die normale verloop. Die klousule voeg voorts 'n kategorie aktiwiteit by waarin 'n subsidie-aansoek gedeel kan word, naamlik die "herlegging van spoorbaan of die opknapping van spoorballas".
- 3.14 **Klousule 14** wysig artikel 34 van die Hoofwet deur die tydelike verlegging van 'n pad of spoorlyn uitdruklik in te sluit in die kategorie "vervoerinfrastruktuur of bedrywighede wat daarmee verband hou".
- 3.15 **Klousule 15** wysig artikel 35 deur die verwysing na die Onteieningswet, 1975, as die meganisme om vergoeding te bepaal indien iemand skade gely het as gevolg van die uitoefening van 'n bevoegdheid wat by daardie artikel verleen is, te skrap. Hierdie artikel sal nou voorsiening maak vir vergoeding vir die werklike finansiële verlies wat die betrokke persoon gely het.
- 3.16 **Klousule 16** vervang artikel 36 met 'n nuwe bepaling waarin die regstreekse regulering van advertensies wat sigbaar is vanaf bepaalde afstande vanaf paaie beperk word tot provinsiale paaie of munisipale paaie wat deur die Minister aangewys is. Daar word gevolglik bepaal dat niemand advertensies mag vertoon, laat vertoon of toelaat dat dit vertoon word indien dit vanaf hierdie paaie sigbaar is nie, tensy die Minister die impak van sodanige vertoon op padverkeersveiligheid en vervoerbedrywighede geassesseer het en vooraf skriftelik toestemming verleen het. Voorts word bepaal dat die Minister regulasies kan maak oor 'n beperkte verskeidenheid aangeleenthede rakende advertensies.
- 3.17 **Klousule 17** beoog die herroeping van artikel 37 van die Hoofwet, wat die Minister magtig om regulasies oor 'n wye verskeidenheid aangeleenthede rakende advertensies te maak.
- 3.18 **Klousule 18** vervang artikel 38 van die Hoofwet met meer gedetailleerde bepalings rakende die prosedures vir die betekening van kennisgewings en verwydering van ongemagtigde advertensies en sit die omstandighede uiteen waarin advertensies met en sonder 'n hofbevel verwyder kan word.
- 3.19 **Klousule 19** voeg artikel 38A in, wat van 'n munisipaliteit vereis om advertensies op of bo paaie en advertensies wat vanaf 'n pad sigbaar is, te reguleer. Dit bepaal voorts dat, vir daardie doel, 'n munisipaliteit ten minste 'n stelsel vir die indiening en goedkeuring van aansoeke vir die vertoon van advertensies moet instel en lys die aangeleenthede waarvoor hierdie stelsel voorsiening moet maak.

- 3.20 **Klousule 20** wysig artikel 39 van die Hoofwet deur te bepaal dat die aanname dat 'n advertensie geag word vertoon te word of toegelaat is om vertoon te word deur 'n bepaalde persoon in die vermelde omstandighede slegs geldig is by gebrek aan bewys tot die teendeel wat redelike twyfel wek.
- 3.21 **Klousule 21** wysig artikel 40 van die Hoofwet deur te bepaal dat 'n persoon wat 'n toegang tot of uitgang vanaf vervoerinfrastruktuur wil bou, op die voorgeskrewe wyse aansoek moet doen.
- 3.22 **Klousule 22** wysig artikel 41 van die Hoofwet deur te bepaal dat 'n eienaar van grond met toegang tot 'n pad wat die toegang wil verskuif, op die voorgeskrewe wyse aansoek moet doen.
- 3.23 **Klousule 23** wysig artikel 42 van die Hoofwet deur te bepaal dat die vooraf skriftelike toestemming van die verantwoordelike owerheid verkry moet word op aansoek op die voorgeskrewe wyse voordat 'n persoon 'n voertuig, masjien of 'n onderdeel daarvan in onbruik of enige vullis mag plaas of agterlaat binne 200 meter van die middellyn van 'n pad of spoorlyn.
- 3.24 **Klousule 24** wysig artikel 43 deur te bepaal dat 'n persoon wat 'n struktuur wil installeer of ander gelyste aktiwiteite wil onderneem binne die reserwe van vervoerinfrastruktuur, binne die boulyne van vervoerinfrastruktuur of binne 'n boubeperkingsgebied, op die voorgeskrewe wyse by die verantwoordelike owerheid moet aansoek doen vir toestemming om dit te doen. Diensinfrastruktuurwerke wat deur die voorgestelde artikel 43A gereguleer word, word ook spesifiek uitgesluit van die toepassing van hierdie artikel. Die afdwingingsbepalings in hierdie artikel word ook gewysig om meer besonderhede te verskaf oor die prosedures vir die betekening van kennisgewings en verwydering van ongemagtigde strukture en sit die omstandighede uiteen waarin strukture met en sonder 'n hofbevel verwyder kan word. Voorts word verdere tegniese wysigings in hierdie artikel aangebring.
- 3.25 **Klousule 25** voeg 'n nuwe artikel 43A in, wat diensinfrastruktuurwerke reguleer. Dit bepaal dat, ondanks wette wat diensinfrastruktuurwerke reguleer, 'n diensverskaffer nie infrastruktuurwerke op of binne die reserwe van vervoerinfrastruktuur, binne die boulyne van vervoerinfrastruktuur of binne 'n boubeperkingsgebied mag verrig nie, behalwe ingevolge 'n ooreenkoms met, en ooreenkomstig standarde en spesifikasies goedgekeur deur, die verantwoordelike owerheid. Hierdie bepaling verplig voorts 'n diensverskaffer om die verantwoordelike owerheid te voorsien van 'n kennisgewing van voorneme om diensinfrastruktuurwerke te begin en sit die bepalinge uiteen wat in die ooreenkoms tussen die verantwoordelike owerheid en die diensverskaffer ingesluit moet word, die verpligtinge van die diensverskaffer en die geskilbeslegtingsmeganismes indien 'n ooreenkoms nie bereik kan word nie. Daar word ook voorsiening gemaak vir die aanstelling deur die verantwoordelike owerheid van deskundiges om toesig te hou oor die diensinfrastruktuurwerke, vir afdwingingsmeganismes wat die verantwoordelike owerheid kan gebruik indien diensinfrastruktuur geïnstalleer is of diensinfrastruktuurwerke begin is sonder dat daar 'n ooreenkoms met die verantwoordelike owerheid aangegaan is, en vir verbandhoudende aangeleenthede.

- 3.26 **Klousule 26** vervang artikel 44 van die Hoofwet deur te vereis dat 'n persoon wat 'n ontwikkeling wil onderneem wat 'n verandering of intensivering van grondgebruik in sekere gebiede behels, in sekere omstandighede, benewens die verkryging van die goedkeuring van die owerheid wat by magte is om goedkeuring vir sodanige veranderings of intensivering te verleen, op aansoek op die voorgeskrewe wyse ook die goedkeuring van die verantwoordelike owerheid moet verkry op grond van die impak van die voorgestelde verandering of intensivering in grondgebruik op die betrokke vervoerinfrastruktuur, padverkeersveiligheid of vervoerbedrywighe. Verder moet sodanige persoon enige versagtingsmaatreëls implementeer wat die verantwoordelike owerheid vereis. Daar word voorts bepaal dat 'n owerheid verantwoordelik vir die verlening van goedkeuring van 'n ontwikkeling wat 'n verandering of intensivering van grondgebruik op grond in die betrokke gebied behels, dit nie mag doen nie sonder om in ag te neem of 'n aansoek aan die verantwoordelike owerheid beoog in hierdie bepaling ingedien is en wat die besluit, indien enige, van die verantwoordelike owerheid rakende daardie aansoek is.
- 3.27 **Klousule 27** wysig artikel 47 van die Hoofwet deur te bepaal dat die goedkeuring vir die verwydering van hekke en die oprigting en verwydering van heinings deur die verantwoordelike owerheid op aansoek op die voorgeskrewe wyse moet geskied.
- 3.28 **Klousule 28** wysig artikel 48 van die Hoofwet deur te bepaal dat die goedkeuring van die verantwoordelike owerheid om 'n hek op te rig op aansoek op die voorgeskrewe wyse moet geskied.
- 3.29 **Klousule 29** wysig artikel 50 van die Hoofwet deur te bepaal dat iemand wat wil aansoek doen vir die toestemming van die verantwoordelike owerheid om mynbedrywighe op of onder vervoerinfrastruktuur of 'n boubeperkingsgebied uit te voer, dit op die voorgeskrewe wyse moet doen.
- 3.30 **Klousule 30** wysig artikel 51 van die Hoofwet deur te bepaal dat iemand wat op of in vervoerinfrastruktuur of 'n boubeperkingsgebied wil handel dryf of verwante aktiwiteite wil verrig, op die voorgeskrewe wyse vir die toestemming van die verantwoordelike owerheid aansoek moet doen.
- 3.31 **Klousule 31** wysig artikel 54 van die Hoofwet om die Minister se bevoegdheid te beperk om regulasies te maak vir die voorskryf van gelde of huurgeld vir aansoeke, magtigings, goedkeurings of toestemmings vir paaie waar die Minister die verantwoordelike owerheid is. Verdere bepalings is bygevoeg wat die Minister in staat stel om regulasies te maak oor die vereistes vir die publisering en betekening van kennisgewings en om belanghebbende en geaffekteerde partye in kennis te stel van die beplanningsproses ten opsigte van vervoerinfrastruktuur asook die kategorisering van die padkantontwikkelingsomgewing.

- 3.32 **Klousule 32** wysig artikel 56 van die Hoofwet om die verpligting wat deur hierdie artikel op 'n munisipaliteit geplaas word om met die Minister oorleg te pleeg voordat die munisipaliteit 'n verordening uitvaardig, te beperk tot 'n verordening slegs ten opsigte van munisipale vervoerinfrastruktuur. Hierdie klousule skrap voorts die bepaling in die Hoofwet wat bepaal dat die Hoofwet nie van toepassing is op enige aangeleentheid wat deur 'n verordening gereguleer word wat 'n munisipaliteit behoorlik uitgevaardig het in soverre daardie verordening handel oor 'n aangeleentheid wat deur hierdie Wet gereguleer word nie.
- 3.33 **Klousule 33** wysig artikel 58 van die Hoofwet deur die woord "Agentskapsooreenkomste" in die opskrif deur die woord "Ooreenkomste" te vervang en 'n verdere mindere woordverandering aan te bring, sodat die nuwe opskrif lui soos volg: "Ooreenkomste rakende pad- of openbarevervoerfunksies".
- 3.34 **Klousule 34** wysig artikel 60 van die Hoofwet deur te bepaal dat 'n verantwoordelike owerheid die verrigting van 'n handeling wat by subartikel (2) verbied word, op aansoek op die voorgeskrewe wyse kan magtig. Die klousule maak ook 'n verdere tegniese wysiging deur die skraping van die verwysing na die betaling van voorgeskrewe gelde of huurgeld.
- 3.35 **Klousule 35** wysig artikel 61 van die Hoofwet deur 'n nuwe misdryf, naamlik die oortreding van artikel 43A(1), in te voeg.
- 3.36 **Klousule 36** maak 'n tegniese wysiging aan artikel 62 van die Hoofwet deur die verwysings na die betaling van die voorgeskrewe geld en 'n bevel vir die terugbetaling daarvan te skrap.
- 3.37 **Klousule 37** wysig die Hoofwet deur die indeling van artikels te wysig ten einde dit met die wysigings aan die Hoofwet in ooreenstemming te bring.
- 3.38 **Klousule 38** maak voorsiening vir die kort titel en inwerkingtreding van die Konsepwysigingswetsontwerp.

4. OORLEGPLEGING

Departement van die Premier: Regsdienste

5. PERSONEELIMPLIKASIES

Geen

6. FINANSIËLE IMPLIKASIES

Geen

7. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir vervoer en openbare werke is tevrede dat die bepalings van die Konsepwysigingswetsontwerp binne die wetgewende bevoegdheid van die Provinsie ressorteer.

INKCAZELO NGOKUPHANGALELEYO:

[] Amagama akwizibiyeli ezisikwere abonisa okukhutshwayo kumthetho omiyo.

_____ Amagama akrwelelwe umgca abonisa okufakwayo kumthetho omiyo.

**UQULUNQO LOMTHETHO OSAYILWAYO OWENZA IZILUNGISO
KUMTHETHO WEZIBONELELO ZEZOTHUTHO WENTSHONA
KOLONI**

Ukwenza izilungiso kuMthetho weziBonelelo zezoThutho weNtshona Koloni, 2013, ukuze kwenziwe izilungiso kwiinkcazo-magama ze kongezwe nezinye iinkcazo-magama; ukwenza amalungiselelo emiba ethile emayimiselwe; ukususa umyili wezakhiwo kudidi lwabantu abasenokuba noxanduva lwemisebenzi ethile; ukumisela ukwenziwa kweenguqu kuchazo lweendlela, imizila kaloliwe nezinye izibonelelo zezothutho; ukwenza amalungiselelo ohlukeneyo ukwenza uhlolo ngobambiswano nokwenza izivumelwano ngokusingise kwiindlela esele zachazwayo; ukwenza izilungiso kumalungiselelo amalunga neerekhodi zezothutho; ukomeleza nokucacisa amalungiselelo aphaathele kwiziphakamiso zeenguqu kwimisebenzi yemihlaba ethile; ukwenza izilungiso eziphathele ekurhoxisweni kwezibonelelo zezothutho; ukwenza amalungiselelo ohlukeneyo okuhlululwa kweembuyiselo kwiimeko ezithile; ukufuna ukwenziwa kwezivumelwano zezibonelelo-mali ngokusingise kwiindlela ezithile; ukwenza amalungiselelo ohlukeneyo malunga nezibhengezo kwizibonelelo zezothutho; ukuguzula amagunya kaMphathiswa okwenza imigaqo ethile; ukwenza imigqaliselo ephantsi malunga nomakulawulwe ngoomasipala ngokubekwa kwezibhengezo kwiindlela ezithile; ukwenza amalungiselelo ongeziweyo aphaathele kwiingqikelelo malunga nezibhengezo ezithile; ukwenza amalungiselelo ongeziweyo ngokuphathele ekufakelweni kwezibonelelo ezithile kwizibonelelo zezothutho okanye kwimida yezakhiwo okanye kwiindawo ezinemiqathango yolwakhiwo; ukuguzula amalungiselelo emithetho yoomasipala ngemiba ethile; ukwenza iinguqu kwiitekisi ezithile; kwakunye namalungiselelo anxulumene nezinto ezinjalo.

NGOKO KE KUWISWA UMTHEETHO yiPalamente yePhondo leNtshona Koloni ngolu hlobo lulandelayo:—

Ukwenziwa isilungiso kwecandelo 1 loMthetho 1 ka-2013

1. Icandelo 1 loMthetho weziBonelelo zezoThutho weNtshona Koloni, 2013 (uMthetho wokuqala), lenziwa izilungiso—

(a) ngokukhupha kufakwe okanye kwicandelwana (1) kwinkcazo-gama “isibhengezo” le nkcazo-gama ilandelayo:

“‘isibhengezo’ sithetha—

(a) nasiphi na isiboniso esibonakalayo segama, sikanobumba, sesazobe, sento, sophawu, selogo okanye soqondiso okanye sesifinyezo segama okanye sako nakuphi na okuhlanganisa ezi zinto, esijoliswe ekwaziseni okanye ekutsaleleni ingqondo kwinto ethile, [kwaye ke sibandakanya] kubandakanya ibhodi okanye into ekuqhelwe ukuyisebenzisa ngezi njongo, ngokunjalo

- nemifanekiso ehambayo eboniswa ngezikrini okanye izinto ezilolo hlobo, nakubeni owona myalezo ungalululwa ngazo, kwakunye
- (b) neyiphi na enye into eyakhiweyo okanye ekunokuxhonywa kuyo okanye enokuxhasa oko kubonakaliswa kodwa ke engabandakanyi imiqondiso yendlela okanye irobhothi;”;
- (b) ngokukhupha kufakwe kwicandelwana (1) kwinkcazo-gama “okumiselweyo” le nkcazo-gama ilandelayo:
 “**okumiselweyo**’ kuthetha—
 (a) kumacandelo 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 43A(6), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) necandelo 62(2), okumiselwe yimigaqo okanye ngumasipala, nokuba yeyiphi na kwezi; nakuwo
 (b) onke amanye amalungiselelo, amiselwa ngumgaqo;”;
- (c) ngokufaka emva kwenkcazo-gama “**indlela**” ezi nkcazo-magama zinadelayo:
 “**inkonzo yezibonelelo**’ ithetha oophayiphi, iintambo zombane okanye iikhebhuli, iintambo zomnxeba okanye iikhebhuli, ezobuchwepheshe bezoqhagamshelwano, imijelo yamanzi eyenziwe ngoophayiphi, iimbobo okanye iityhubhu, okanye naziphi na ezinye izibonelelo ezilolo hlobo, ezifakiweyo okanye emazifakwe ngumniki-zinkonzo;
imisebenzi yenkonzo yezibonelelo’ ithetha imisebenzi emayenziwe, yakhiwe, iguqulwe, iphuculwe, yongezwe okanye kutshintshwe indawo yenkonzo yesibonelelo;
umniki-zinkonzo’ uthetha nawuphi na umntu okanye iqumrhu elibonelela okanye eligunyaziswe ukubonelela ngeenkonzo ezinxulumene nombane, amanzi, ugutyulo, irhasi, iintambo zombane, ezobuchwepheshe boqhagamshelwano okanye iinkonzo ezifana nezo;”;
- (d) ngokucima inkcazo-gama “isitalato”.

Ukwenziwa kwezilungiso kwicandelo 4 loMthetho 1 ka-2013

2. Icandelo 4 loMthetho wokuqala lenziwa izilungiso ngokukhupha umhlathi (b) wecandelo (2) lalo mhlathi ulandelayo:

“(b) umcwangcisi weedolophu [**okanye umyili wezakhiwo**] ngokwemiqathango yomthetho ofanelekileyo wokunikwa kweziqinisekiso,”.

Ukwenziwa kwezilungiso kwicandelo 5 loMthetho 1 ka-2013

3. Icandelo 5 lomthetho wokuqala lenziwa izilungiso—

- (a) ngokukhupha kufakwe kwicandelwana (2) eli candelwana lilandelayo:
 “(2) Kwisaziso ngasinye esikhutshwe ngokwemiqathango yecandelo 19(1) isiphatha-mandla esongameleyo, ngokuphathelele kwindlela okanye umzila kaloliwe, kufuneka—
 (a) ngokwendlela emiselweyo siyahlule indlela leyo okanye umzila kaloliwe lowo ube yenye yezi [**ntlobo**] zidweliswe kwicandelwana (1);
 (b) sicacise ukuba nguMphathiswa na okanye ngumasipala owongamele loo ndlela okanye loo mzila kaloliwe; size ke
 (c) xa ingumasipala wesithili, sicacise ukuba ngumasipala wesithili na okanye ngumasipala wengingqi owongamele indlela leyo okanye umzila kaloliwe lowo.”;
- (b) ngokukhupha kufakwe okanye kwisolotyana (7) eli solotyana lilandelayo:
 “(7) Kuxhomekeka kwinkqubo yothethwano echazwe kwicandelwana (10), [U] uMphathiswa usenokuthi asakuba ethe wathethana nomasipala lowo uchaphazelekayo, akujike ukwahlulwa kwendlela yephondo okanye yomzila kaloliwe wephondo ngesaziso esikhutshwe kwiGazethi yePhondo.”;
- (c) ngokukhupha kufakwe kwicandelwana (8) eli candelwana lilandelayo:
 “(8) Kuxhomekeka kwinkqubo yothethwano emiselwe kwicandelwana (10), [U] umasipala usenokuthi akujike ukwahlulwa kwendlela kamasipala okanye komzila kaloliwe kamasipala ngesaziso esikhutshwe kwiGazethi yePhondo.”;

- (d) nokufaka emva kwecandelwana (8) eli candelwana lilandelayo:
 “(8A) Xa uMphathiswa ekuguqule ukwahlulwa kwendlela okanye umzila kaloliwe njengoko kuchaziwe kwicandelwana (7), okanye umasipala ekuguqule ukwahlulwa kwendlela kamasipala okanye umzila kaloliwe njengoko kuchaziwe kwicandelwana (8), uMphathiswa okanye umasipala, kufuneka azibhengeze iinkcukacha zolo guqulo ngazo zonke iilwimi ezisemthethweni kwiphepha elinye ubuncinane laloo ndawo ichaphazelekayo”; kwakunye
- (e) nokongeza la macandelwana alandelayo:
 “(10) Ngaphambi koguqulo lolwahlulo oluchazwe kwicandelwana (7) okanye (8), uMphathiswa okanye umasipala, kuxhomekeka kwimeko leyo, kufuneka enze ukuba isibhengezo sikhutshwe ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane elifundwa kwindawo leyo, sibandakanye—
 (a) iinkcukacha zeenguqu ezicetywayo;
 (b) iinkcukacha zamaxesha neendawo apho amaxwebhu aqulathe iinguqu ezicetywayo anokuhlolwa khona; kwakunye
 (c) nesibhengezo esimema abanomdla nabachaphazelekayo ukuba benze iziphakamiso zabo ngokubhaliweyo, ngaphambi komhla, ongekho ngaphantsi kweentsuku ezingama-60 emva kokupapashwa kwesibhengezo, malunga neenguqu ezicetywayo.
 (11) Isibhengezo esichazwe kwicandelwana (7) okanye (8) kufuneka sikhokelele ekudityanisweni kweerekhodi ezichazwe kwicandelo 12.”.

Ukwenziwa kwezilungiso kwicandelo 7 loMthetho 1 ka-2013

4. Icandelo 7 loMthetho wokuqala lenziwa izilungiso—
- (a) ngokuba kufakwe kwicandelwana (4) eli candelwana lilandelayo:
 “(4) Kuxhomekeka kwinkqubo yothethwano echazwe kwicandelwana (4B), uMphathiswa, emva kokuthethana nomasipala ochaphazelekayo, uguqula ukuchazwa kwesibonelelo sothutho uMphathiswa anoxanduva lwaso ngokwenza isibhengezo *kwiGazethi yePhondo*.”;
- (b) ngokufaka emva kwecandelwana (4) eli licandelwana lilandelayo:
 “(4A) Kuxhomekeka kwinkqubo yothethwano echazwe kwicandelwana (4C), nangokuxhomekeka kwicandelwana (5) ukuba liyangena, umasipala angakuguqula ukuchazwa kwesibonelelo sezothutho anoxanduva lwaso ngokwenza isibhengezo *kwiGazethi yePhondo*.
 (4B) Xa uMphathiswa ekuguqule ukuchazwa kwesibonelelo sezothutho njengoko kuchaziwe kwicandelwana (4), okanye umasipala ekuguqule ukuchazwa kwesibonelelo sezothutho njengoko kuchaziwe kwicandelwana (4A), uMphathiswa okanye umasipala, kuxhomekeka kwimeko leyo, kufuneka abhengeze iinkcukacha zoguqulo olo ngazo zonke iilwimi ezisemthethweni kwiphepha elinye ubuncinane laloo ndawo ichaphazelekayo.
 (4C) Ngaphambi koguqulo olucetywayo kwicandelwana (4) okanye (4A), uMphathiswa okanye umasipala, kuxhomekeka kwimeko leyo, kufuneka enze isibhengezo sipapashwe ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane laloo ndawo ichaphazelekayo, siquke—
 (a) iinkcukacha zeenguqu ezicetywayo;
 (b) iinkcukacha zamaxesha neendawo amaxwebhu abonisa okugulwayo anokuhlolwa kuzo; kwakunye
 (c) nesimemo sabanomdla namaqumrhu achaphazelekayo ukuba enze iziphakamiso zawo ngokubhaliweyo, ngaphambi komhla, ongekho ngaphantsi kweentsuku ezingama-60 emva kokupapashwa kwesibhengezo, malunga neenguqu ezicetywayo.”;
- (c) ngokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:
 “(5) Apho isibonelelo sezothutho esilulungezelelo asisiphathamandla saso umasipala sifumana uncediso-mali kwiPhondo eli, umasipala lowo kufuneka afumane [imvume] isigunyaziso esibhaliweyo kuMphathiswa yokutshintsha uhlobo esahlulwe ngalo okuchazwe kwicandelwana (4A) phambi [kokuba uqale umsebenzi wocwangciso lweprowujekthi]

kokupapasha isibhengezo esichazwe kwisolotya (4A) kwiGazethi yePhondo.”; kwakunye

(d) nokufaka emva kwecandelwana (5) eli candelwana lilandelayo:

“(5A) Isibhengezo esichazwe kwicandelwana (4) kufuneka linike iinkcukacha ngokudityaniswa kweerekhodi ezchazwe kwicandelo 12.”.

Ukukhupha kufakwe kwicandelo 9 loMthetho 1 ka-2013

5. Eli candelo lilandelayo lingena endaweni yecandelo 9 loMthetho wokuqala:

“Uvandlakanyo lweendlela esezabekwayo

(1) Ngokukhawuleza emva kokuqalisa kwalo Mthetho iNtloko yeSebe kufuneka ingene kuvandlakanyo ngokubambisana noomasipala malunga neendlela esele zabekwayo kwezo ndawo zichaphazelekayo ukufumanisa ngendlela emiselweyo—

- (a) ukufaneleka kokuchazwa kwendlela nganye ngokwecandelo (8) okanye (9), kuxhomekeka kwimeko leyo, okanye enokuba ukuchazwa kwendlela kufuneka kurhoxiswe ukuze iindlela ezo zimiselwe ngaxeshanye ngumasipala njengezitalato okanye indlela engundoqo phantsi kolawulo olulodwa lukamasipala;
- (b) ukufaneleka kogunyaziwe wendlela omiyo; kwakunye
- (c) nesimo sendlela, kwakunye neemfuno zolungiso olumiyo noluzayo, ngokubonakalayo nangokwemali.

(2) Njengenxalenye yovandlakanyo ngobambiswano oluchazwe kwisolotya (1), iNtloko yeSebe kufuneka yenze isibhengezo sipapashwe ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane lalo ndawo ichaphazelekayo, siquke—

- (a) iinkcukacha zovandlakanyo lwendlela kwindawo leyo, kubandanya zonke iinguqu ezicetywayo, naluphi na uguqulo kugunyaziwe wendlela, nakuphi na urhoxiso olucetywayo ngokuchazwa kwendlela kwakunye, kwimeko yoweliselwe, nogunyaziwe eweliswa isuka kuye indlela nogunyaziwe eza kuweliselwa kuye;
- (b) iinkcukacha zamaxesha neendawo iziphumo zovandlakanyo ezinokuhlolwa kuzo; kwakunye
- (c) nesimemo sabanomdla namaqumrhu achaphazelekayo ukuba benze iziphakamiso zabo ngokubhaliweyo, ngaphambi komhla, ongekho ngaphantsi kweentsuku ezingama-60 emva kokupapashwa kwesibhengezo, malunga novandlakanyo.

(3) Emva kovandlakanyo ngokubambisana okuchazwe kwicandelo (1) nasemva kokuthathelwa ingqalelo iziphakamiso ezifunyenweyo emva kokupapashwa kwesimemo ngokwecandelwana (2)(c), iNtloko yeSebe nomasipala ngamnye kufuneka bangene kwisivumelwano ngokubhaliweyo ngendlela emiselweyo, nekufuneka sicacise ngendlela nganye evandlakanyiweyo—

- (a) ukuchazwa kwendlela njengodidi oluthile okuchazwe kwicandelwana 5(1) kwakunye naluphi na olunye uguqulo, okanye enokuba ukuchazwa kwendlela kuyarhoxiswa ukuba kumiselwe ngaxeshanye ngumasipala njengesitalato okanye indlela engundoqo phantsi kolawulo olulodwa lukamasipala;
- (b) ugunyaziwe wendlela kwakunye nakuphi na ukuguqulwa kugunyaziwe wendlela, kwakunye
- (c) nokuba isivumelwano soweliselwe esichazwe kwicandelo 10 siyafuneka na ngokusingise kwindlela leyo.

(4) Ukuba isivumelwano esichazwe kwicandelwana (3) asenziwanga, umba lowo kufuneka usetyenzwe ngokoMthetho i-Intergovernmental Relations Framework Act, 2005 (uMtheho 13 ka-2005).

(5) Ukuba isivumelwano esichazwe kwicandelwana (3) senziwe, uMphathiswa kufuneka, kangangoko kufuneka, ngesiphakamiso seNtloko yeSebe—

- (a) enze umpoposho oququla ukuchazwa kwendlela ekusingiswe kuyo ngesibhengezo kwiGazethi yePhondo; okanye
- (b) angene kwisivumelwano soweliselwe esichazwe kwicandelo 10.

(6) Xa uMphathiswa ewenzile umpoposo ochazwe kwicandelwana (5)(a), uMphathiswa kufuneka apapashe iinkcukacha zompoposho ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane lalo ndawo ichaphazelekayo.

(7) Umpoposho ochazwe kwicandelwana (5)(a) kufuneka unike iinkcukacha zokudityaniswa kweerekhodi okuchazwe kwicandelo 12.

(8) Yonke indlela engenwa zezinye, indlela engundoqo, indlela encinci nendlela yeenyawo kawonkewonke esele yachazwayo zithathwa ngokuba ziindlela zodidi olunye phantsi kwalo Mthetho, kwaye zonke iimeko ezimalunga nompoposho wangaphambili zihlala zimile, ngaphandle kokuba zichazwe ngakumbi ngokwecandelwana (5)(a).

(9) Yonke indlela esele yachazwa njengesahlulo ithathwa ngokuba ichazwe njengendlela yommandla ngokwalo Mthetho, ngaphandle kokuba ichazwe ngakumbi ngokwecandelwana (5)(a).”.

Ukwenziwa kwezilungiso kwicandelo 10 loMthetho 1 ka-2013

6. Icandelo 10 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe phambi komhlathi (a) wecandelo (1) la magama alandelayo:

“**Emva ko vandlakanyo ngokubambisana okuchazwe kwicandelwana (9)** [U]Mphathiswa nomasipala basenokuthi ngesivumelwano baludlulisele uxanduva lwendlela eseyabekwayo ngaphambili ngokuphathelele—”;

(b) ngokukhupha kufakwe kwicandelwana (2) eli candelwana lilandelayo:

“(2) Enokuba uvandlakanyo ngokubambisana oluchazwe kwisoloty (9) alwenziwanga na, kuxhomekeka kwicandelwana (2A), uMphathiswa usenokwenza isivumelwano nomasipala sokuwelisela uxanduva lwendlela, ngemiqathango okanye ngaphandle kwemiqathango, kumasipala.”;

(c) ngokufaka emva kwecandelwana (2) ezi zigaba zilandelayo:

“(2A) Ngaphambi kwesiphakamiso soweliso oluchazwe kwicandelwana (2), uMphathiswa kufuneka enze isibhengezo sipapashwe ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane lendawo echaphazelekayo, sibandakanye—

(a) iinkcukacha zoweliso olucetywayo; kwakunye

(b) nesimemo sabanomdla namaqumrhu achaphazelekayo ukuba benze iziphakamiso ngokubhaliweyo, ngaphambi komhla, ongekho ngaphantsi kweentsuku ezingama-60 emva kokupapashwa kwesibhengezo, malunga noweliso olucetywayo.

(2B) Ugunyaziwe oweliso indlela phantsi kwecandelwana (1) okanye (2) kufuneka enze isibhengezo solo weliso—

(a) kwiGazethi yePhondo,

(b) Ngazo zonke iilwimi ezisemthethweni kwiphepha-ndaba elinye ubuncinane lendawo echaphakazelekayo.

(2C) Isibhengezo esichazwe kwicandelwana (2B) kufuneka sibe neenkukacha zokudityaniswa kweerekhodi ezichazwe kwicandelo 12.”.

Ukwenziwa kwezilungiso kwicandelo 12 loMthetho 1 ka-2013

7. Icandelo 12 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (1) eli candelwana lilandelayo:

(1) [Lusakuba lugqityiwe uvandlakanyo lweendlela ezabekwa kwangaphambili ngokwemiqathango yecandelo 9, i] INtloko yeSebe kufuneka iqulunqe uluhlu kwakunye neenkukacha ezihamba nalo njengoko kuchaziwe malunga nazo zonke izibonelelo zezothutho ezibekiweyo kweli Phondo”.

Ukwenziwa kwezilungiso icandelo 15 loMthetho 1 ka-2013

8. Icandelo 15 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe isihloko esi sihloko:

“Inkqubo yocwangciso ngaphambi kokurhoxiswa kompoposho”;
kwakunye

(b) nangokukhupha kufakwe kumhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:

“(b) khona ukuze sitshintshe indlela esibekwe ngayo sibekwe nje-
ngesitalato okanye njengendlela engundoqo phantsi kolawulo
olulodwa lukamasipala;”.

Ukwenziwa kwezilungiso kwicandelo 16 loMthetho 1 ka-2013

9. Icandelo 16 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwisolotyana (1) eli solotyana lilandelayo:

“(1) Nawuphi na umntu ochatshazelwayo sisibonelelo sezothutho
esikhoyo okanye esisacetywayo usenokuthi afake isicelo kwisipha-
thamandla esongameleyo [ngento ebhaliweyo] ngendlela emiselweyo
ecela ukuba masivalwe okanye sifuduswe okanye senziwe utshintsho
kwisibonelelo eso.”; kwakunye

(b) nokucinywa kwecandelwana (2).

Ukwenziwa kwezilungiso kwicandelo 18 loMthetho 1 ka-2013

10. Icandelo 18 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelwana (2) eli candelwana lilandelayo:

“(2) Ukusukela kumhla wokupapashwa kwiGazethi yePhondo
kwesaziso ngokwemiqathango yecandelo 17(3) ukuya kutsho kumhla
esithe sabekwa ngawo isibonelelo sezothutho ngokwemiqathango
yecandelo 19, nokuba kunokubakho umthetho ohamba ngenye indlela,
akukho mntu, kubandakanya namphi na umniki-zinkonzo, unokuthi—

(a) afake, akhe, atshintshe okanye ongezelele kuye nawuphi na
uphayiphu, uphayiphu wombane okanye ikheyibhuli, okanye
nayiphi na enye into elulwakhiwo okanye inkonzo yezothutho
phezu, entla okanye phantsi kwendawo engaphakathi komda
wolwakhiwo lwesibonelelo sezothutho eso; okanye

(b) akhe, atshintshe okanye ongezelele kulo naluphi na ulwakhiwo
lwalo naluphi na uhlobo, phezu, entla okanye phantsi kwaloo
ndawo,

ngaphandle kwangokwemiqathango emiyo yesevityhudi ebhalisiweyo
okanye—

(i) ngemvume ebhaliweyo aqale wayifumana kwisiphathamandla
esongameleyo; **[okanye]**

(ii) phantsi kwesiphathamandla kwemvume yofikelelo ekhutshwe
sisiphathamandla esongameleyo, ngokwawo nawuphi na
umqathango obekwe sisiphathamandla esongameleyo[.];
okanye

(iii) ngokwesivumelwano ekungenwe kuso ngokwemiqathango
yecandelo 43A(1).”;

(b) ngokufaka emva kwecandelwana (2) eli candelo lilandelayo:

“(2A) Icandelo 43A(16), (17), (18) necandelwana (19), neenguqu
ezidingekayo ngokwemeko, siyasebenza xa lithe laphulwa icandelwana
(2).”;

(c) ngokukhupha kufakwe kwicandelwana (3) eli candelo lilandelayo:

“(3) Ukusukela kumhla wokubekwa kwesibonelelo sezothutho
ngokwemiqathango yecandelo 19 ukuya kutsho ekugqityweni
kwesibonelelo sezothutho, nakubeni kukho icandelo 44 okanye nawuphi
na omnye umthetho ohamba ngenye indlela, [akukho sicelo] umntu
ongenela ukwenza isicelo sokutshintshwa okanye sokwandiswa
kwendlela osetyenziswa ngayo umhlaba ngokuphathelele kwinxenye
ethile yomhlaba kummandla wasedolophuni kwisithuba esiziimitha
ezingama-250 ukusuka kumda wesibonelelo sezothutho eso sichapha-

zelekayo [sinokuthi sivunywe sisiphathamandla esigunyaziswe ukuba senze utshintsho kwindlela yokusetyenziswa komhlaba singakhange siqale sifumane, kananjalo siqwalasele izimvo eziva-kalisiweyo zesiphathamandla esongameleyo, ngendlela ebekiweyo] kufuneka, ngaphezu kokufumana isigunyaziso sikagunyaziwe onamagunya okuphumeza ezo nguqu okanye ulwandiso, afumane imvume ebhaliweyo yenguqu okanye ulwandiso olucetywayo lokusetyenziswa komhlaba kugunyaziwe onoxanduva ngokusekelwe kwifuthe lenyathelo elicetywayo ngakwisibonelelo sezothutho eku-singiswe kuso, ukhuseleko lwezothutho ngeendlela okanye ukusebenza kwezothutho.”;

(d) ngokufaka eli candelwana lilandelayo emva kwecandelwana (3):

“(3A) Ugunyaziwe onoxanduva lokuphumeza iinguqu okanye ulwandiso lokusetyenziswa komhlaba ngokuphathelele kumhlaba ekusingiswe kuwo kwicandelwana (3) akanako ukwenza oko ngaphandle kokuthathela ingqalelo ukuba ingaba isicelo sophunyezo ngokwemiqathango yesigatyana sifakiwe na kugunyaziwe onoxanduva, isigqibo sikagunyaziswe onoxanduva, ukuba sikhona, kwakunye nazo naziphi na iziphakamiso ezibhaliweyo zikagunyaziwe onoxanduva.”; kwakunye

(e) nokongeza eli candelwana lilandelayo:

“(4) Isicelo sesigunyaziso esibhaliweyo esichazwe kwicandelwana (1), (2) okanye (3), kuxhomekeka kwimeko leyo, masifakwe ngendlela emiselweyo.”.

Ukwenziwa kwezilungiso kwicandelo 19 loMthetho 1 ka-2013

11. Icandelo 19 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelo (2) eli candelwana lilandelayo:

“(2) Isiphathamandla esongameleyo, sithathele ingqalelo icandelwana (4), ngesaziso esikhutshwe *kwiGazethi yePhondo*, sisenokuthi sikurhoxise ukubekwa obekukhutshwe ngokwecandelwana (1) emva kokuba sithe saqhuba umsebenzi wocwangciso ofanelekileyo ngokwemiqathango yecandelo 15 okanye ngokwesivumelwano isichazwe kwicandelo 9(3).”.

Ukwenziwa kwezilungiso kwicandelo 21 loMthetho 1 ka-2013

12. Icandelo 21 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelwana (2) eli candelwana lilandelayo:

“(2) Isiphathamandla esongameleyo kufuneka siminike imbuyekezo umnini womhlaba othe wafumana umonakalo ngenxa yento ethe yenziwa ngokwemiqathango yeli candelwa, ibe seso sixamali singadlulanga kwilahleko-mali ethe yafunyanwa ngumnini lowo [**ngokuvana nomnini lowo**].”; kwakunye

(b) nokucinywa kwecandelwana (3).

Ukwenziwa kwezilungiso kwicandelo 24 loMthetho 1 ka-2013

13. Icandelo 24 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:

“(5)(a) Kuxhomekeka kwisivumelwano senkxaso-mali esenziweyo phakathi koMphathiswa nomasipala ochaphazelekayo kwiinyanga ezingama-36 zokuqala kokusebenza kwalo Mthetho, [I] indlela ethe yanikwa, okanye enxenye yayo ithe yanikwa inkxaso-mali okanye uncediso-mali liPhondo eli phambi kokuqalisa kwalo Mthetho iselungelweni lokufumana uncediso-mali ngokwemiqathango yeli Soloty.

(b) Isivumelwano senkxaso-mali kufuneka senziwe ngendlela emiselweyo yaye kufuneka sibandakanye iinkcukacha ezimiselweyo.

(c) Ukuba isivumelwano senkxaso-mali asikho ngokuphathelele kwindlela kamasipala esichazwe kumhlathi (a), umasipala usenokwenza isicelo kuMphathiswa ukuba kuhlawulwe inkxaso-mali njengoko kuchaziwe kwicandelwana (1).”; kwakunye

- (b) nokufaka kwicandelwana (6) lo mhlathi ulandelayo emva komhlathi (g):
 “(gA)ukudityaniswa komzila kaloliwe okanye kokulungiswa komzila kaloliwe;”.

Ukwenziwa kwezilungiso kwicandelo 34 loMthetho 1 ka-2013

14. Icandelo 34 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kumhlathi (a) womhlathi (1) lo mhlathi ulandelayo:

- “(a) zokuqhuba kuwo imisebenzi yezibonelelo zezothutho okanye enxulumene nazo, kubandakanya isahlulo sethutyana sendlela okanye somzila kaloliwe;”.

Ukwenziwa kwezilungiso kwicandelo 35 loMthetho 1 ka-2013

15. Icandelo 35 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (10) eli candelwana lilandelayo:

- “(10) Xa athe nawuphi na umntu wafumana umonakalo ngenxa yokusetyenziswa kwegunya elinikwa leli candelo, isiphathamandla esongameleyo kufuneka siwulungise loo monakalo ngeendleko zaso [siwuhlawulele loo monakalo okanye sihlawule imbuyekezo ngawo kulowo] sibuyekeze mntu [ngokwezikhokelo zoMthetho oyiExpropriation Act, 1975] ngokwelahleko eyimali.”.

Icandelwana lecandelo 36 loMthetho 1 ka-2013

16. Eli candelo lilandelayo liyafakwa kwicandelo 36 loMthetho wokuqala:

“Ukuthintelwa kwezibhengezo ezithile

36. (1) Akukho mntu makabeke okanye avunyelwe ukuba abeke isibhengezo ukuba isibhengezo—

- (a) siyabonakala kwindlela engekho kummandla wedolophu—
 (i) apho uMphathiswa angugunyaziwe wendlela leyo; okanye
 (ii) emiselwe ngokwecandelwana (5)(a);
 (b) kumgama oziimitha ezingama-50 ukusuka kumda obekelwe bucala wendlela kummandla wedolophu ngaphandle kwakuhola wendlela—
 (i) apho uMphathiswa angugunyaziwe wendlela; okanye
 (ii) emiselwe ngokwecandelwana (5)(a),
 nebonakalayo xa usendleleni;
 (c) kumgama oziimitha ezingama-250 ukusuka kumda obekelwe bucala wendlela enguhola ekummandla wedolophu—
 (i) apho uMphathiswa angugunyaziwe wendlela leyo; okanye
 (ii) emiselwe ngokwecandelwana (5)(a),
 nesibonakalayo xa ukuhola,

ngaphandle kokuba uMphathiswa wenze uvandlakanyo lwefuthe loko kuboniswa endleleni malunga nokhuseleko lwezothutho ngeendlela nangokusebenza kwezothutho ze wanika imvume ebhaliweyo kwaningaphambili ngesicelo esenziwe ngendlela emiselweyo.

(2) UMphathiswa usenokwala ukunika loo mvume kuphela ukuba eso sibhengezo sikhokelela kwiimeko eziyingozi kubaqhubi okanye sidala ukungasebenzi ngendlela okumandla kwezothutho.

(3) Imvume kaMphathiswa isenokuxhomekeka kwimiqathango.

(4) Akukho mntu unokuthi, ngaphezu kwesibonelelo sezothutho uMphathiswa angugunyaziwe onoxanduva lwaso, okanye indlela emiselwe ngokwecandela-lwana (5)(a), unokubeka okanye enze okanye azibophelele ukubeka isibhengezo.

(5) UMphathiswa usenokuthi, emva kokuthethana nomasipala ocha-phazelekayo, ngesibhengezo kwiGazethi yePhondo—

- (a) amisele indlela kamasipala njengendlela apho imvume kaMphathiswa echazwe kwicandelwana (1) ifunekayo khona; okanye
 (b) amisele indlela apho uMphathiswa angugunyaziwe wayo nje-ngendlela apho imvume kaMphathiswa echazwe kwicandelwana (1) ingafunekiyo khona.

(6) Amacandelwana (1) necandelwana (2) akasebenzi ekubekweni kwesibhengezo—

- (a) esibekwe ngendlela engekho mthethweni ngaphambi kokuqalisa ukusebenza kwalo Mthetho, okanye ngaphambi kwesibonelelo sezothutho ekusingiswe kuso sele sachazwa phantsi kwecandelo 19, nje ukuba sibekwe ndawonye ngalo lonke ixesha; okanye
- (b) oko makuboniswe ngokomthetho kwaye kubekwe ngemiqathango engqongqo yomthetho.

(7) Imvume kaMphathiswa ngokwecandelwana (1) alikuyekisi ukusetyenziswa kwecandelo 43(1) okanye nawuphi na omnye umthetho ophathelele koku.

(8) UMphathiswa usenokwenza imigaqo emisela—

- (a) ngokuphangaleleyo okanye ngokusingise kwindlela ethile okanye kwinxalenye yendlela, iintlobo zezibhengezo elingasetyenziswayo kuzo icandelwana (1);
- (b) indlela emayisetyenziswe ukuvandlakanya ifuthe lokubekwa kwezibhengezo ezichazwe kwicandelwana (1) malunga nokhuseleko lwezothutho ngeendlela nokusebenza kwezothutho;
- (c) imo ephangaleleyo yemvume efunekayo ukubeka zonke izibhengezo apho kunikwe imvume ngokwecandelwana (1);
- (d) izinto eziteknikhali ezifunekayo ukubeka isibhengezo, kubandakanya izibhengezo elingasebenziyo kuzo icandelwana (1) nezibhengezo ezichazwe kumhlathi (a); kwakunye
- (e) nendlela emele kusetyenziswa ngayo imvume ngokwecandelwana (1) ekufunekwa ifakwe.”.

Ukuguzulwa kwecandelo 37 loMthetho 1 ka-2013

17. Icandelo 37 loMthetho wokuqala liyatshitshiswa.

Ukukhupha kufakwe kwicandelo 38 loMthetho 1 ka-2013

18. Eli candelo lilandelayo lingena endaweni yecandelo 38 loMthetho wokuqala:

“Ukususwa kwezibhengezo ezingagunyaziswanga

38. (1) Ukuba isibhengezo esichazwe kwicandelo 36(1)(a), (b) okanye (c)—

- (a) sibekwe ngaphandle kwemvume kaMphathiswa ngokwecandelo 36(1);
- (b) ngokukhabana necandelo 36(4); okanye
- (c) imigaqo eyenziwe phantsi kwecandelo 36(8)(d), enokuba kunjalo okanye akunjalo icandelo alisebenzi kuhlobo lwesibhengezo eso ngokwemigaqo eyenziwe phantsi kwecandelo 36(8)(a),

uMphathiswa usenokwenza isaziso ngokubhaliweyo ayalele umnikazi okanye umqeshi wesibhengezo eso, umntu obeke isibhengezo, umnini-mhlaba esikumasango akhe isibhengezo okanye umnikazi wemveliso okanye wenkonzo leyo ukuba asisuse isibhengezo eso ngexesha elifanelekileyo emalichazwe kwisaziso eso.

(2) Ukuba umntu esisingiswe kuye isaziso esichazwe kwicandelwana (1) uthe wasilela ukusithobela ngexesha elichaziweyo kuso, uMphathiswa usenokwenza isicelo enkundleni esinika igunya lokususwa kwesibhengezo eso.

(3) Ukuba isibhengezo—

- (a) sibekwe ngokukhabana necandelo 36(4);
- (b) sibekwe kwipropati ephantsi kolawulo lukaMphathiswa, okanye
- (c) ibeka ubomi babantu okanye bepropati engozini, uMphathiswa usenokuthi, emva kokuphela kwexesha elichazwe kwisaziso esichazwe kwicandelwana (1), asisuse isibhengezo eso ngaphandle komyalelo wenkundla.

- (4) Ekususweni kwesibhengezo ngokwecandelwana (2) uMphathi—
 swa—
 (a) usenokuthi afune imbuyekezo kumntu lowo isaziso ngokwecandelwana (1) besithunyelwe kuye iindleko zokususa kwakunye neendleko zokubuyisela isibhengezo eso ngokomhlathi (b); kwaye
 (b) kufuneka abuyisele isibhengezo eso kumntu isaziso besithunyelwe kuye okanye kumnini okanye kumqeshi wesibhengezo, kuxhomekeka kwimeko leyo.”.

Ukufakwa kwecandelo 38A kuMthetho 1 ka-2013

19. Eli candelo lilandelayo lifakwa kuMthetho wokuqala emva kwecandelo 38:

“Imigaqo yezibhengezo zikamasipala

- 38A.** (1) Umasipala kufuneka alawule ukubekwa—
 (a) kwezibhengezo ezisendleleni neziphezu kwayo; kwakunye
 (b) nezibhengezo ezibonakalayo xa usendleleni.
 (2) Ukulungiselela icandelwana (1), umasipala kufuneka ubuncinane asungule inkqubo yokufakwa neyokuphunyezwa kwezicelo zokubekwa kwezibhengezo ezilungiselela—
 (a) ukuchazwa kweendlela ngokweendidi ngokusekele kubuhle, ngokwesimo sendalo okanye ngokokubaluleka koyilo-lwakhiwo okanye ngokusekele kwizinto ezifana nezizimele ukwahlula phakathi kweentlobo zezibhengezo ezivumelekileyo kudidi ngalunye;
 (b) ukuchazwa kwezibhengezo ngokweendidi ukulungiselela ukubeka imigaqo nokulawula ukubekwa okanye ukumiswa kwazo;
 (c) inkqubo emayilandelwe xa kusenziwa isicelo sokuphunyezwa kokubekwa kwesibhengezo kwakunye nomrhumo wokwenza isicelo eso;
 (d) uvandlakanyo lwefuthe lokubekwa kwesibhengezo ngokuphathelele kukhuseleko lwezothutho ngeendlela nokusebenza kwezothutho;
 (e) uvandlakanyo lwefuthe lokubekwa kwezibhengezo ngokuphathelele kwisimo sendalo esingqongileyo;
 (f) indlela yokubekwa neyokuqaqanjiswa kwesibhengezo;
 (g) uvandlakanyo lwezokhuseleko, iinkonzo nondiliseko lwezibhengezo;
 (h) uyilo nolwakhiwo lwezibhengezo nezinto ezixhonywa kuzo, ukuma kwazo, ukukhathalelwa kwazo, ukuguqulwa kwazo kwakunye nokususwa kwazo;
 (i) iindidi zezibhengezo ezinokumiswa okanye ziboniswe ngaphandle kwemvume kamasipala ngokusekelwe kwinkqubo echazwe ngokukodwa; kwakunye
 (j) nokususwa kwezibhengezo ezingagunyaziswanga.”.

Ukwenziwa kwezilungiso kwicandelo 39 loMthetho 1 ka-2013

20. Icandelo 39 loMthetho wokuqala lenziwa izilungiso ngokukhupha amagama aphambi komhlathi (a) kufakwe la magama alandelayo:

“Ngokwalapha kulo Mthetho, xa bungekho ubungqina obungenakuphikwa, isibhengezo sithathwa ngokuba sibekwe okanye besibekwe—”.

Ukwenziwa kwezilungiso kwicandelo 40 loMthetho 1 ka-2013

21. Icandelo 40 loMthetho wokuqala lenziwa izilungiso—

- (a) ngokukhupha kufakwe kumhlathi (c) wecandelwana (1) lo mhlathi ulandelayo:

“(c) akhe isango lokungena okanye lokuphuma kwisibonelelo sezothutho ngayo nayiphi na indlela enokuvumela isithuthi okanye into yokuhamba engahambi nganjini komnye umhlaba omelene nesibonelelo sezothutho eso, ngaphandle kokuba isiphathamandla esongameleyo, ngesicelo

esenziwe ngendlela emiselweyo, silugunyazisile ngento ebhaliweyo olo lwakhiwo.”; kwakunye

- (b) nokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:
 “(5) Xa siqwalasela isicelo sokungena phantsi kwecandelwana (1)(c) okanye isicelo sokwahlula-hlula phantsi kwecandelwana (3), isiphathamandla kufuneka sithathele ingqalelo **[iimfuno]**—
 (a) **[ze]isikhokelo sokusetyenziswa komhlaba okanye isicwangciso solawulo lweendlela eziqhagamshelanisa iidolophu esibonakalisa imiqathango elunokwamkelwa phantsi kwayo olofikelelo; **[okanye]****
 (b) **[xa kungekho sicwangciso sinjalo,] [eye]imigangatho nezikhokelo yokuvunyelwa kofikelelo kwisibonelelo sezothutho ezithe zaqulunqwa yiNtloko yeSebe okanye nguloo masipala uchapazelekayo; kwakunye**
 (c) neemfuno ezimiselwe nguMphathiswa.”.

Ukwenziwa kwezilungiso kwicandelo 41 loMthetho 1 ka-2013

22. Icandelo 41 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:

- “(5)(a) Umnini-mhlaba onxalenye yawo ingena endleleni usenokuthi enze isicelo kugunyaziwe ngendlela emiselweyo sokuba ibe kwenye indawo.
(b) Asiloxanduva lesiphathamandla ukuba sibe negalelo kwiindleko zolo guqulo.”.

Ukwenziwa kwezilungiso kwicandelo 42 loMthetho 1 ka- 2013

23. Icandelo lama-42 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kumhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:

- “(b) ngaphandle kwemvume ebhaliweyo yesiphathamandla esongameleyo ngesicelo esenziwa ngendlela emiselweyo, okanye ngokuchanekileyo nomqathango obekwe seso siphathamandla nocaciswe kulo mvume ibhaliweyo, abeke okanye ashiye isithuthi okanye umtshini ongasetyenziswayo okanye inxenywe yawo okanye nayiphi na inkunkuma kwisithuba esiziimitha ezingama-200 ukusuka kumgca osembindini wayo nayiphi na indlela okanye umzila kaloliwe ebonakalayo kokuloo ndlela okanye kuloo mzila kaloliwe.”.

Ukwenziwa kwezilungiso kwacandelo 43 loMthetho 1 ka-2013

24. Icandelo 43 loMthetho wokuqala lenziwa izilungiso—

- (a) ngokukhupha kufakwe esi sihloko silandelayo:

“Izakhiwo ngaphandle kwenkonzo zezibonelelo ezikwiindawo ezilondolozweyo kanye kwimida yolwakhiwo lwezibonelelo zezothutho okanye kwiindawo ezinezithintelo zolwakhiwo”;

- (b) ngokukhupha amagama phambi komhlathi (a) wecandelwana (1) kufakwe la magama alandelayo:
 “Nakubeni kusenokubakho omnye umthetho, kodwa kuthathelwe ingqalelo icandelwana [(5)](3) okanye (3A), akukho mntu unokuthi aqhube okanye enze kuqhutywe okanye avumele ukuba kuqhutywe umsebenzi okhankanywe kwicandelwana (2) ngaphandle kokuba uqale wafumana imvume ngesicelo esenziwe ngendlela emiselweyo yesiphathamandla esongameleyo kwaye ekwenza oko ngokwemigangatho eyamkelwe siso—”;
- (c) ngokukhupha kufakwe kumhlathi (a) wecandelwana (1) lo mhlathi ulandelayo:
 “(a) kwindawo yesibonelelo sezothutho **[okanye]** kwisibonelelo sezothutho;”;
- (d) ngokukhupha kufakwe kumhlathi (b) wecandelwana (3) lo mhlathi ulandelayo:
 “(b) nawuphi na umsebenzi wenkonzo yesibonelelo.”;

- (e) ngokufaka emva kwecandelwana (3) eli candelwana lilandelayo:
 “(3A) Umhlathi (b) nomhlathi (c) yecandelo (1) ayisebenzi kwinto yokuvala, kucingo, udonga okanye iheji engadluliyo kwi-1,6 yeemitha ukusuka kumhlaba emi kuwo.”;
- (f) ngokukhupha kufakwe kwicandelwana (4) eli candelwana lilandelayo:
 “(4) Umntu usenokuthi afake isicelo kwisiphathamandla esongameleyo ngendlela ebekiweyo [**nangentlawulo,**] sokuba aphambuke kolu nyino lukwimida yolwakhiwo okanye kwindawo enolu nyino lolwakhiwo lukhankanywe kwicandelwana (1).”;
- (g) ngokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:
 “(5) [**Eso**] Isicelo esichazwe kwicandelwana (1) okanye (4) sisenokwamkelwa okanye sikhatywe ngokujonga ukuba isibonelelo sezothutho eso sesinjani na, uphuhliso oluqhutywayo okanye olucetywayo ecaleni kwaso nezinye izinto ezibonwa zifanelekile [**seso**] sisiphathamandla esinegunya.”;
- (h) ngokukhupha kufakwe kwicandelwana (11) eli candelwana lilandelayo:
 “(11) Apho umntu athe wafaka, wakha okanye wabeka into elulwakhiwo okanye wenza ulungiso lomhlaba elungiselela ulwakhiwo okanye nawuphi na umsebenzi okanye isenzo esichazwe kwicandelwana (2), engakhange ayifumane le mvume ikhankanywe kwicandelwana (1) okanye ngokuchasene naloo mvume, isiphathamandla esongameleyo sisenokuyalela loo mntu ngesaziso esibhaliweyo ukuba ayisuse, okanye enze nantoni na efanelekileyo ukulungisa okanye ukukhusela isibonelelo sezothutho, lingadlulanga elo xesha lifanelekileyo libekwe kwisaziso eso[, ixesha elo elingenakuba ngaphantsi kweentsuku ezingama-30 ukusuka kumhla weso saziso].”;
- (i) ngokukhupha kufakwe kwicandelwana (12) eli candelwana lilandelayo:
 “(12) Ukuba umntu onikwe isaziso esichazwe kwicandelwana (11) onikwe umyalelo, usilele ukuthobela isaziso ezo ngexesha elichazwe kuso, isiphathamandla esinegunya sisenokwenza isicelo somyalelo wenkundla omnika igunya lokususa ulwakhiwo okanye into leyo okanye lothatha amanyathelo afanelekileyo ukulungisa okanye ukukhusela isibonelelo sezothutho.”;
- (j) ngokukhupha kufakwe icandelwana (12) eli candelwana lilandelayo:
 “(12A) Apho isakhiwo okanye into okanye ulungiso lomhlaba okanye nawuphi na omnye umsebenzi okanye umsebenzi ochazwe kwicandelwana (11)—
 (a) wenziwe, okanye uqalile, kwipropati ephantsi kwesiphathamandla; okanye
 (b) ubeka ubomi babantu okanye ipropati engozini; isiphathamandla esinegunya sisenokuthi, emva kokuphela kwexesha elichazwe kwisaziso, ngaphandle komyalelo wenkundla, sisisuse isakhiwo okanye into leyo okanye sithathe amanyathelo afanelekileyo ukulungisa okanye ukukhusela isibonelelo sezothutho.
 (12B) Ekuthatheni amanyathelo achazwe kwicandelwana (12) okanye (12A), isiphathamandla esinegunya—
 (a) sisenokufuna imbuyekezo kumntu lowo isaziso esichazwe kwicandelwana (11) besithunyelwe kuye, iindleko zokususa ulwakhiwo okanye into leyo, zokuthatha amanyathelo okulungisa okanye zokukhusela isibonelelo sezothutho nezokubuyisela ulwakhiwo okanye into leyo ichazwe kumhlathi (b), kuxhomekeka kwimeko leyo; kwaye
 (b) pho ulwakhiwo okanye into leyo itha yasuswa ngokwecandelwana (12) okanye (12A), kufuneka sibuyisele ulwakhiwo okanye into leyo kumntu obenikwe isaziso.”; kwakunye
- (k) ngokukhupha kufakwe kwicandelwana (13) eli candelwana lilandelayo:
 “(13) Nakubeni kukho eli candelwana (3), isiphathamandla esongameleyo, ngaphandle komyalelo wenkundla, sinokuyisusa le nto ikhankanywe kwicandelwana (2) okanye siyise kwenye indawo esiyikhethileyo phambi komhla esabekwa ngayo eso sibonelelo sezothutho.”;

Ukufakwa kwecandelo 43A kuMthetho 1 ka-2013

25. Eli candelo lilandelayo lifakwa kuMthetho wokuqala emva kwecandelo 43:

“Inkonzo yesibonelelo kwindawo ezibekelwe bucala okanye kwimida yolwakhiwo lwesibonelelo sezothutho kwiindawo ezinemiqathango yolwakhiwo

43A. (1) Enokuba uMthetho i-Electronic Communications Act, 2005 (uMthetho 36 ka-2005), i-Eskom Conversion Act, 2001 (uMthetho 13 ka-2001), i-Electricity Regulation Act, 2006 (uMthetho 4 ka-2006), iNational Water Act, 1998 (uMthetho 36 ka-1998), iWater Services Act, 1997 (uMthetho 108 ka-1997), iGas Act, 2001 (uMthetho 48 ka-2001), okanye nawuphi na omnye umthetho ofana nale ngokuphathelele kwimisebenzi yenkonzo yesibonelelo, akukho umniki-zinkonzo unokwenza nawuphi na umsebenzi wenkonzo yesibonelelo—

- (a) kwiindawo ezibekelwe bucala zesibonelelo sezothutho;
- (b) kwimida yolwakhiwo lwesibonelelo sezothutho; okanye
- (c) kwindawo enemiqathango yolwakhiwo,

ngaphandle kwemiqathango yesivumelwano nesiphathamandla esinegunya, nangokwemigqaliselo nemimiselo ephunyezwe sisiphathamandla esinegunya.

(2) Kuxhomekeka kwicandelwana (3), umniki-zinkonzo kufuneka, hayi ngaphantsi kweentsuku ezingama-90 ngaphambi kokuqalisa ngemisebenzi yenkonzo yesibonelelo ngaphezulu okanye kwisibonelelo sezothutho okanye nakuyiphi na imida yolwakhiwo okanye kwindawo enemiqathango yolwakhiwo, afake isaziso ngokubhaliweyo kwisiphathamandla esinegunya esinika ubuncinane ezi nkukacha zilandelayo:

- (a) Iinkukacha zomniki-zinkonzo, iinkukacha zomntu ogunya-zisiweyo ukwenza isaziso egameni lomniki-zinkonzo kwakunye nobungqina beso sigunyaziso;
- (b) imephu nescwangciso esenziwe yiNjineli eQeqeshiweyo okanye uSochwepheshe wezoBunjinieli oQeqeshiweyo obhaliswe ngokwemiqathango yoMthetho i-Engineering Profession Act, 2000 (uMthetho 46 ka-2000), ezibonisa indawo kwakunye nolungelelwaniso oluhorizontali noluvethikhali lwenkonzo yesibonelelo ecetywayo ngokusingise kwisibonelelo sezothutho kwakunye nakweyiphi na imida yolwakhiwo efanelekileyo okanye iindawo ezinemiqathango yolwakhiwo, kubandakanya ipozishini yenkonzo yesibonelelo esicetywayo ngokuphathelele kwizakhiwo, iibhulorho nolunye ulwakhiwo olumiyo okanye olucetywayo;
- (c) ngokusingise kwindlela, ii-elementi zobume bendlela, izakhiwo, iibhulorho okanye ezinye izinto ezilulwakhiwo, imizila yeenyawo esecaleni kwindlela, imizila yeebhayisekile, ungqameko, iingcingo zemida okanye iindonga kwakunye naziphi na ezinye izinto ezilulwakhiwo ezisenokuchatshazelwa yinkonzo yesibonelelo;
- (d) izicwangciso ezibanzi nemimiselo yenkonzo yesibonelelo;
- (e) izicwangciso ezibanzi nemimiselo ebonisa imigqaliselo neenkqubo yokulungisa neyokwakha isibonelelo sezothutho sibuyele kwimo yaso yemveli ngenxa yomonakalo obangwe sisibonelelo sezothutho okanye yi-elementi yaso esuka kufakelo lwenkonzo yesibonelelo; kwakunye
- (f) nolandelelwaniso olucetywayo nemihla yokuqalwa neyokugqitywa kofakelo lwenkonzo yesibonelelo.

(3) Isiphathamandla esinegunya sinokuthi, ngokulungileyo okubonisiweyo, samkele isaziso esibhaliweyo malunga nokuqalwa kwemisebenzi yenkonzo yolwakhiwo—

- (a) esahlukileyo kwiinkukacha ezichazwe kumhlathi (a) ukuya kumhlathi (f) wecandelwana (2); okanye
- (b) esifakwe kwiintsuku ezingekho ngaphantsi kwezingama-90 ngaphambi kokuqalwa kwemisebenzi yenkonzo yesibonelelo.

(4) Icandelwana (1) necandelwana (2) awasebenzi ekugqityweni kwemisebenzi yenkonzo yesibonelelo eqale ngaphambi kokuqala kokusebenza koMthetho okanye ngaphambi kwezithintelo ezibekwa yimida yolwakhiwo okanye ngaphambi kokuba indawo enezithintelo zolwakhiwo ibekho.

(5) Isiphathamandla esinegunya kwakunye nomniki-zinkonzo kufuneka basebenzisane kwaye babambisane ukukhuthaza inkonzo yesibonelelo ze kwangaxeshanye bakhusele isidima nokhuseleko lwesibonelelo sezothutho.

(6) Apho umniki-zinkonzo iliqumrhu likarhulumente, isiphathamandla esinegunya kwakunye nomniki-zinkonzo kufuneka basebenzisane kwaye babambisane ukukhuthaza inkonzo yesibonelelo ze kwangaxeshanye bakhusele isidima nokhuseleko lwesibonelelo sezothutho, ngokwecandelo 41 loMgaqo-siseko.

(7) Isivumelwano esichazwe kwicandelwana (1) kufuneka sichaze—

- (a) imigqaliselo nemimiselo echazwe kwicandelwana (1);
- (b) isimo umniki-zinkonzo anofaka inkonzo yesibonelelo kuso;
- (c) imeko ekufuneka umniki-zinkonzo ayilondolozwe, ayiguqule, ayilungise okanye ayiphucule enokuba kukwinkonzo yesibonelelo okanye kwisibonelelo sezothutho na; kwakunye
- (d) nembuyiselo ehlawulwa ngumniki-zinkonzo kwisiphathamandla esinegunya, ukuba ikhona.

(8) Umniki-zinkonzo kufuneka—

- (a) enze amalungiselelo okugada uluntu nokukhusela uluntu nepropati yabucala xa kusetyenzwa; kwaye
- (b) alungise indawo ekugqityweni komsebenzi; kwaye
- (c) ngaphandle kokuba kuvunyelwene ngandlela yimbi nesiphathamandla esinegunya, ahlawule iindleko—
 - (i) zokufudusa inkonzo yesibonelelo okusenofuneka ngenxa yalo naluphi na ulondolozo, ulungiso, ubuyiselo kwimo yesiqhelo okanye ulwakhiwo okanye ukuhambisa isibonelelo okufunwa sisiphathamandla esinegunya;
 - (ii) zalo naluphi na uguqulo okanye uphuculo kwisibonelelo sezothutho okusenokufunwa lulungiso, ulondolozo, ubuyiselo esiqhelweni okanye ulwakhiwo lwenkonzo yesibonelelo olusenokufunwa ngumniki-zinkonzo.

(9) Isiphathamandla esinegunya sisenokufuna umniki-zinkonzo asebenzise imibhobho yamanzi okanye iimbobo ngemiqathango yesivumelwano.

(10) Ukuba isivumelwano esichazwe kwicandelwana (1) asinakwenziwa—

- (a) xa umniki-zinkonzo aliqumrhu likarhulumente, oko kufuneka kuphathwe ngokoMthetho i-Intergovernmental Relations Framework Act, 2005 (uMthetho 13 ka-2005);
- (b) xa umniki-zinkonzo ingeloqumrhu likarhulumente, umniki-zinkonzo okanye isiphathamandla esonxanduva usenokuya kwinkundla efanelekileyo ukwenza isigqibo okanye, ngesivumelwano, adlulisele iimpikiswano kwabongenelelo, kwaye imisebenzi ayinoqalwa de iimpikiswano zisonjululwe ngesivumelwano okanye ngesigqibo senkundla efanelekileyo engumngeneleli, kuxhomekeka kwimeko leyo.

(11) Isiphathamandla esinegunya sisenokuqesha, ngeendleko zomniki-zinkonzo, iinjini zolwakhiwo okanye ezinye iingcali ngezoyilo-zakhiwo, zolwakhiwo okanye zolungiso lwesibonelelo sezothutho ukucebisa isiphathamandla okanye ukubeka esweni umsebenzi wenkonzo yesibonelelo ukukhusela okubalulekileyo kwiPhondo okanye kumasipala ochaphazelekayo ngokusingise kwisibonelelo sezothutho, ze aqinisekise ukuba umniki-zinkonzo usebenza ngokwemigqaliselo nemigaqo, nangokwenkqubo yofako, ngokwesivumelwano.

(12) Isiphathamandla esinegunya sisenokumisela imirhumo, nje-
ngoko kumiselwe, ehlawulwa ngumniki-zinkonzo ukulungiselela
iindleko zokungena kwizivumelwano ezichazwe kwicandelwana (1)
nokulandela imigaqo emiselwe.

(13) Ukuba kungenwe kwisivumelwano ngokwecandelo (1) phantsi
kwemiqathango yokuba inkonzo yesibonelelo isuswe ekuhambeni
kwexesha, akukho mbuyiselo yokusisusa emayihlawulwe umnini we-
nkonzo yesibonelelo, okanye ongene ezihlangwini zakhe
ngokwesikhundla, ngaphandle kokuba kuvunyelwene ngenye indlela
nesiphathamandla esinegunya.

(14) Umbhalisi weePlani onegunya kufuneka, ngesicelo esibha-
liweyo sesiphathamandla esinegunya, hayi umqathango ochazwe
kwicandelwana (13) kwitayitile yomhlaba ochaphazelekayo nange-
rejista efanelekileyo, neendleko ezimalunga noko kufuneka zihlawulwe
kumniki-zinkonzo ochaphazelekayo.

(15) Umasipala kufuneka athethane neNtloko yeSebe ngaphambi
kokungena kwisivumelwano esichazwe kwicandelwana (1) ngoku-
singise kwinkxaso-mali yesibonelel sezothutho.

(16) Xa inkonzo yesibonelelo ifakiwe okanye umsebenzi wenkonzo
yesibonelelo uqaliwe kwisibonelelo sezothutho okanye kwimida
yolwakhiwo okanye kwindawo enezithintelo zolwakhiwo ngaphandle
kokunganiki ingqalelo umba wokuba isivumelwano esichazwe kwi-
candelwana (1) asenziwanga, isiphathamandla esinegunya sisenokuyalela
umniki-zinkonzo ngesaziso esibhaliweyo ukuba asuse inkonzo
yesibonelelo okanye athathe amanyathelo afanelekileyo ukulungisa
okanye ukukhusela isibonelelo sezothutho ngexesha elifanelekileyo
elichazwe kwisaziso eso.

(17) Ukuba umniki-zinkonzo obenikwe umyalelo, usilele ukuthobela
isaziso esichazwe kwicandelwana (1) kwixesha elichazwe kwisaziso
eso, isiphathamandla esinegunya sisenokwenza isicelo enkundleni
ukufumana igunya lokuthatha amanyathelo afanelekileyo ukususa
inkonzo yesibonelelo okanye ukulungisa okanye ukukhusela isibonelelo
sezothutho.

(18) Ukuba inkonzo yesibonelelo okanye umsebenzi wenkonzo
yesibonelelo ochazwe kwicandelwana (16)—

(a) wenziwe, okanye uqaliwe, kwipropati ephantsi kwesiphathamandla
esinegunya, kwaye

(b) ubeka engozini ubomi babantu okanye bepropati;
isiphathamandla esinegunya, ngaphandle komyalelo wenkundla,
sithatha amanyathelo afanelekileyo ukususa inkonzo yesibonelelo
okanye okulungisa okanye okukhusela isibonelelo sezothutho.

(19) Ekuthatheni amanyathelo achazwe kwicandelwana (17) okanye
(18), isiphathamandla esinoxanduva—

(a) usenokufuna imbuyiselo yeendleko zamanyathelo athathiweyo
kwakunye neendleko zokubuyisela inkonzo yesibonelelo, ukuba
oko kuyangena, kumniki-zinkonzo obenikwe isaziso; kwaye

(b) kufuneka abuyisele inkonzo yesibonelelo kumniki-zinkonzo.

(20) Nangona likhona icandelwana (4), isiphathamandla esinegunya
sisenokuthi, ngendleko zaso, sisuse okanye sishenxise inkonzo yesi-
bonelelo echazwe kwicandelwana (1) efakwe, emiswe, eyakhiwe,
ebekwe ngaphambi komhla wokumiselwa kwesibonelelo sezothutho
esichaphazelekayo.

(21) Xa umniki-zinkonzo ebophelelekile ngokwemiqathango yomthe-
tho ukuba asuse okanye ashenxise inkonzo yesibonelelo echazwe
kumgaqwana (20), isiphathamandla esinegunya sisenokufuna imbu-
yekezo yeendleko zokususa okanye zokushenxisa kumniki-zinkonzo
lowo.”.

Ukwenziwa kwezilungiso kwicandelo 44 loMthetho 1 ka-2013

26. Icandelo 44 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelwana (1) eli candelo lilandelayo:

“(1) Umntu ocebha ukwenza uphuhliso olubandakanya iinguqu koko usetyenziselwa kona umhlaba kwindawo echazwe kumhlathi (a) okanye (b) wecandelwana (2) kufuneka, apho kufunwa uvandlakanyo lwefuthe lokuhamba kwezithuthi okanye lwezothutho sisiphathamandla esinegunya, ngaphezu kokufumana imvume yesiphathamandla esinegunya lokunika imvume yokwenziwa kolo guqulo okanye olo longezo—

(a) ngesicelo esenziwa ngendlela emiselweyo, afumane imvume ebhaliweyo yophuhliso olucetywayo kwisiphathamandla esinegunya ngokusekelwe kwifuthe lenguqu ecetywayo okanye ulongezo kusetyenziso lomhlaba kwisibonelelo sezothutho esichaphazelekayo, ukhuseleko lwezothutho ngeendlela okanye lokusebenza kwezothutho; kwaye

(b) enze nawaphi na amanyathelo othomalaliso afunwa sisiphathamandla esinegunya xa sinika imvume leyo.”; kwakunye

(b) nokufaka eli candelwana lilandelayo kwicandelwana (1):

“(1A) Isiphathamandla esinegunya lokunika imvume yophuhliso olubandakanya uguqulo okanye ulongezo kumhlaba ochazwe kwicandelwana (1) sisenokukwenza oko ngaphandle kokuqaphela ukuba ingaba isicelo esichazwe kwicandelwana (1)(a) sifakiwe na kwanokuba isigqibo sesiphathamandla esinegunya siyahambelana na noko, ukuba sikhona.”.

Ukwenziwa kwezilungiso kwicandelo 47 loMthetho 1 ka-2013

27. Icandelo 47 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kumhlathi (b) wecandelwana (2) lo mhlathi ulandelayo:

“(b) yokususwa, ngesicelo esenziwe ngendlela emiselweyo, kwegeyithi enye okanye kwezingaphezulu kwenye kwisibonelelo sezothutho ngokwemiqathango yelo candelo ngemvume yesiphathamandla.”; kwakunye

(b) nokukhupha kufakwe kwicandelwana (5) eli candelwana lilandelayo:

“(5) Akukho mntu ungesiso isiphathamandla esongameleyo unokuthi—

(a) afake ucingo kwimida okanye ngaphakathi kwemida yaso nasiphi na isibonelelo sezothutho ngaphandle kokuba uqale wafumana imvume ngesicelo esenziwe ngendlela emiselweyo yesiphathamandla nangemigangatho nemiqathango ebekwe sisiphathamandla eso; okanye

(b) ngaphandle kokuqala afumane imvume yeso siphathamandla ngesicelo esenziwe ngendlela emiselweyo, asuse ucingo olufakwe ngokwakweli candelo kwimida okanye ngaphakathi kwemida yesibonelelo sezothutho.”.

Ukwenziwa kwezilungiso kwicandelo 48 loMthetho 1 ka-2013

28. Icandelo 48 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (1) eli candelwana lilandelayo:

“(1) Akukho mntu unokufaka igeyithi enqumla indlela ngaphandle kokuba uqale wafumana imvume ebhaliweyo ngesicelo esenziwe ngendlela emiselweyo kwisiphathamandla esongameleyo nangokwemigangatho nemiqathango ebekwe siso.”.

Ukwenziwa kwezilungiso kwicandelo 50 loMthetho 1 ka-2013

29. Icandelo 50 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (1) eli candelwana lilandelayo:

“(1) Akukho mntu unokuqhuba ulwemiwo kwindawo yesibonelelo sezothutho okanye phantsi kwayo okanye kwindawo enonyino lolwakiwo, ngaphandle oko ukwenza ngemvume ngesicelo esenziwe ngendlela emiselweyo ebhaliweyo yesiphathamandla esongameleyo, esinokuthi ke siyinike phantsi kwemiqathango ethile esiyibona ifanelekile.”.

Ukwenziwa kwezilungiso kwicandelo 51 loMthetho 1 ka-2013

30. Icandelo 51 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kwicandelwana (1) eli candelo lilandelayo:

“(1) Akukho mntu unokuthi engafumananga imvume ngesicelo esenziwe ngendlela emiselweyo ebhaliweyo yesiphathamandla esongameleyo okanye ngokuchaseneyo nemiqathango yaloo mvume, aqhube ushishino, athengise izinto okanye abeke emboniselweni, anike okanye enze izinto zokuthengisa kwisibonelelo sezothutho okanye kwindawo enonyino lolwakhiwo, ngaphandle kokuba kungale ndlela icaciswe kwicandelwana (3).”.

Ukwenziwa kwezilungiso kwicandelo 54 loMthetho 1 ka-2013

31. Icandelo 54 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kumhlathi (b) wecandelwana (1) lo mhlathi ulandelayo:

“(b) ebeka—

(i) indlela nefomu emasenziwe ngayo nasiphi na isicelo esiphathelele kulo naluphi na ugunyaziso, ulwamkelo, imvume okanye ulwaphulelo kwiimfuno, esikhankanywayo kulo Mthetho, iinkcukacha ekufuneka zihambe naso, xa uMphathiswa esisiphathamandla esinegunya, neentlawulo ezifanele kuhlululwa ngeso sicelo, ukuba zikhona;”;
kwakunye

(ii) nezinto ezifunwayo ukupapasha nokukhupha izaziso nokwazisa amaqumrhu anomdla nachaphazelekayo.”;

(b) ngokukhupha kufakwe kumhlathi (d) wecandelwana (1) lo mhlathi ulandelayo:

“(d) xa uMphathiswa esisiphathamandla esinegunya, ebeka intlawulo okanye irenti yalo naluphi na ugunyaziso, ulwamkelo okanye imvume enikwa ngokwemiqathango yalo Mthetho, phezu kwale ntlawulo yesicelo ikhankanywe kumhlathi (b) okanye kwezo meko kungekho ntlawulo yesicelo;”; kwakunye

(c) nokufaka le mihlathi ilandelayo emva komhlathi (f) wecandelwana (1):

“(fA) ebeka inkqubo yesicwangciso ngokusingise kwisibonelelo sezothutho;

(fB) ebeka indlela yokwahlulwa kweemeko zokuphuhlisa kwamacala endlela;”.

Ukukhupha icandelo 56 loMthetho 1 ka-2013

32. Eli candelo lilandelayo lifakwa endaweni yecandelo 56 loMthetho wokuqala:

“Imithetho kamasipala

56. Ngaphambi kokuba umasipala enze umthetho kamasipala omalunga nesibonelelo sezothutho sikamasipala kufuneka athethane noMphathiswa.”.

Ukwenziwa kwezilungiso kwicandelo 58 loMthetho 1 ka-2013

33. Icandelo 58 loMthetho wokuqala wenziwa izilungiso ngokukhupha kufakwe isihloko wesi sihloko silandelayo:

“Izivumelwano nabagunyaziswa ngemisebenzi yeendlela okanye yothutho loluntu”

Ukwenziwa kwezilungiso kwicandelo 60 loMthetho 1 ka-2013

34. Icandelo 60 loMthetho wokuqala wenziwa izilungiso ngokukhupha kufakwe kwicandelwana (3) eli candelo lilandelayo:

“(3) Isiphathamandla esongameleyo, ngesicelo esenziwe ngendlela emiselweyo, sisenokuthi ngento ebhaliweyo sigunyazise ukuba kwenziwe into

engavumelekanga ngokwecandelwana (2), kambe ke sithathele ingqalelo imiqathango nexesha elibekiweyo [**naxa kuthe kwakhutshwa intlawulo okanye irenti ebekiweyo**], ukuba sanelisekile ukuba akusayi kubakho monakalo wenzekayo kwisibonelelo sezothutho okanye ukubekeka koluntu esichengeni.”.

Ukwenziwa kwezilungiso kwicandelo 61 loMthetho 1 ka-2013

35. Icandelo 61 loMthetho wokuqala lenziwa izilungiso ngokukhupha kufakwe kumhlathi (a) wecandelwana (1) lo mhlathi ulandelayo:

“(a) utyeshela icandelo 4(2) okanye (3), 36(1) okanye (2), 40(1) okanye (3), 42(1), 43(1), 43A(1), 44(1), 47(5) okanye (11), 48(1), 50(1), 51(1) okanye 60(1) okanye (2);”.

Ukwenziwa kwezilungiso kwicandelo 62 loMthetho 1 ka-2013

36. Icandelo 62 loMthetho wokuqala lenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelwana (2) eli candelwana lilandelayo:

“(2) Isibheni esifakwe ngokwecandelwana (1) kufuneka [**sibhalwe siqwalaselwe**] sifakwe ngokwendlela ebekiweyo [isakuba yenziwe intlawulo ebekiweyo].”; kwakunye

(b) nokukhupha kufakwe kwicandelwana (4) eli candelwana lilandelayo:

“(4) UMphathiswa usenokuthi esakuba esiqwalasele isibheni eso, asixhase isigqibo eso, okanye asikhabe okanye asifakele amanye amasolotya eso sigqibo okanye loo mqathango okanye loo myalelo ububhenelwa okanye ke usenokukhupha nawuphi na omnye umyalelo ofanelekileyo [**kubandakanywa nomyalelo wokuba imali yesibheni ebekiweyo ebithe yahlawulwa ngumbheni makayibuyiselwe, okanye abuyiselwe inxenye yayo**].”.

Ukwenziwa kwezilungiso ukuma kwamacandelo oMthetho 1 ka-2013

37. Ukuma kwamacandelo angaphambi kwecandelo 1 loMthetho wokuqala kwenziwa izilungiso—

(a) ngokukhupha kufakwe kwicandelo 4 eli nqaku lilandelayo:

“4. Iinjini eziqeqeshiweyo[,] okanye abacwangcisi beedolophu [okanye abayili bezakhiwo] abaza kusingatha imisebenzi ethile”;

(b) ngokukhupha kufakwe kwicandelo 15 eli nqaku lilandelayo:

“15. Umsebenzi wocwangciso phambi [**kokuvala**] kokurhoxiswa kokupoposha”;

(c) ngokukhupha kufakwe kwicandelo 36 eli nqaku lilandelayo:

“36. Ukuthintelwa kwezibhengezo ezithile [**ezikwizibonelelo zezothutho okanye ezibonakala kuzo**].”;

(d) ngokucima kokuphathelele kwicandelo 37;

(e) ngokufaka emva kwecandelo 38 eli nqaku lilandelayo:

“38A. Ukulawulwa kwezibhengezo ngoomasipala”;

(f) ngokukhupha kufakwe kwicandelo 43 eli nqaku lilandelayo:

“43. Izinto ezilulwakhiwo ngaphandle kwenkonzo yesibonelelo okanye imida yolwakhiwo lwesibonelelo sezothutho kanye kwindawo enezithintelo zolwakhiwo”;

(g) ngokufaka emva kwecandelo 43 eli nqaku lilandelayo:

“43A. Inkonzo yesibonelelo kwindawo elondolozweyo okanye kwi-mida yolwakhiwo yesibonelelo sezolwakhiwo okanye kwi-ndawo enezithintelo zolwakhiwo”;

(h) ngokukhupha kufakwe kwicandelo 58 eli nqaku lilandelayo:

“[Izivumelwano nabagunyaziswa] Izivumelwano eziphathelele kwi-misebenzi yeendlela okanye yothutho loluntu”.

Isihlokwana esifutshane nokuqalisa

38. Lo Mthetho ubizwa ngokuba nguMthetho weZibonelelo zezoThutho weNtshona Koloni oweNziwe iZilungiso, 2017, kwaye uya kuqalisa ukusebenza ngaloo mhla uya kubekwa nguMphathiswa ngompoposho *kwiGazethi yePhondo*.

**IMEMORANDAM YEENJONGO ZOMTHETHO OSAYILWAYO
WEZILUNGISO WEZIBONELELO ZOTHUTHO WASENTSHONA
KOLONI, 2017**

1. INTSUKAPHI

- 1.1 Umthetho weZibonelelo zeZothutho weNtshona Koloni, 2013 (uMthetho 1 ka-2013) (“uMthetho-ngqangi”), wamkelwa ngomhla we-3 Epreli 2013 yaye uya kuqala ukusebenza ngomhla obekwe yiNkulumbuso ngokwenza isibhengezo.
- 1.2 Umthetho oSayilwayo weZilungiso weZibonelelo zeZothutho weNtshona Koloni, 2017 (“uMthetho oSayilwayo weZilungiso”) ubekho ngenxa yesidingo sokwenziwa kwezilungiso kumacandelo 36 ukuya ku-39 oMthetho-ngqangi, alawula ukuboniswa kwezibhengezo ezibonakala ezindleleni, ngenxa yetyala lamvanje elimalunga nolwabiwo lwemisebenzi ngokomgaqosiseko phakathi kwamaphondo noomasipala. Emva koko, kuye kwavela isidingo sokuba kwenziwe ezinye izilungiso, ingakumbi, ngokufakelwa kwemiqathango emitsha elawula ufakelo lwezibonelelo zeenkonzelo, ngaphezu nangaphantsi kwemida yeendlela okanye kwimida yezakhiwo ukuqinisekisa ukhuseleko lwezibonelelo zothutho kwiPhondo.

2. IINJONGO ZOMTHETHO OSAYILWAYO

Umthetho oSayilwayo weZilungiso uphakamisa ukuba kwenziwe izilungiso kuMthetho-ngqangi ukulungiselela imiba echazwe kumhlathi 1.2 nokwenza ezinye izilungiso eziteknikali. Ezi zilungiso ziphakamyisiweyo zichazwe ngokubanzi apha ngezantsi.

3. IZIQULATHO ZOMTHETHO OSAYILWAYO

- 3.1 **Isolotya 1** libonelela ngezilungiso kwiinkcazelo ezikwicandelo 1 loMthetho-ngqangi ngolu hlobo lulandelayo:

3.1.1 “isibhengezo” senziwa izilungiso ukuze sibandakanye nasiphi na isakhiwo esibonakalyo esinokusetyenziselwa ukubonisa okanye ukuxhasa isiboniso ekubhekiswe kumhlathi (a) wenkcazelo entsha ephakanyisiweyo;

3.1.2 “okwabekwa ngaphambili” wenziwa isilungiso ukuchaza imiqathango etshoyo ukuba ibekwe ngokwemigaqthango (eyenziwe nguMphathiswa) okanye ebekwe ngumasipala ochaphazelekayo, ngokwemeko leyo, yaye, kwelinye icala, imiqathango ebekwe ngumgaqo uwodwa;

3.1.3 kufakwe inkcazelo entsha yebinzana “inkonzo yezibonelelo”, ethetha oophayiphi, iintambo zombane okanye iikhebhuli, iintambo zomnxeba okanye iikhebhuli, ezobuchwepheshe bezoghagamshelwano, imijelo yamanzi eyenziwe ngoophayiphi, iimbobo okanye iityhubhu, okanye naziphi na ezinye izibonelelo ezilolo hlobo, ezifakiweyo okanye emazifakwe ngumniki-zinkonzo;

3.1.4 kufakwe inkcazelo entsha yebinzana “imisebenzi yenkonzo yezibonelelo”, ethetha imisebenzi emayenziwe, yakhiwe, iguqulwe, iphuculwe, yongezwe okanye kutshintshwe indawo yenkonzo yesibonelelo;

3.1.5 kufakwe inkcazelo entsha yebinzana “umniki-zinkonzo”, othetha nawuphi na umntu okanye iqumrhu elibonelela okanye eligunyaziswe ukubonelela ngeenkonzo ezinxulumene nombane, amanzi, ugutyulo, irhasi, iintambo zombane, ezobuchwepheshe boqhagamshelwano okanye iinkonzo ezifana nezo; ukanti

3.1.6 inkcazelo ye“sitalato” itshitshisiwe.

- 3.2 **Isoloty 2** lenza izilungiso kwicandelo 4 loMthetho-ngqangi ukususa igama “umcwangcisi weedolophu” kwizintlu zabantu abanoxanduva lokubeka iliso nokunikeza imvume kwiiplani eziteknikali nezicwangciso ezimalunga nezibonelelo zothutho.
- 3.3 **Isoloty 3** lenza izilungiso kwicandelo 5 loMthetho-ngqangi ukuchaza ukuba indlela okanye umzila kaloliwe kufuneka uhlelwe ngokoluhlu oluthile ngokwendlela exeliweyo. Likwafaka nemiqathango enyanzelisa ukuba uMphathiswa okanye umasipala ukuba makabonisane noluntu phambi kokuba ajike uluhlu lwendlela okanye lomzila kaloliwe yaye liyibeka icace gca indlela oko emakwenziwe ngayo. Kufakwe nomnye umqathango ofunisa ukuba uMphathiswa okanye umasipala makapapashe iinkcukacha zokutshintshwa koluhlu, ubuncinane kwiphaphandaba elinye lommandla lowo ngesaziso esikhutshwe *kwiGazethi yePhondo* ukuqinisekisa ukuba naluphi na utshintsho luyavela kuqulunqo lweerekhodi ezixelwe kwicandelo 12 loMthetho-ngqangi.

- 3.4 **Isoloty 4** lenza izilungiso kwicandelo 7 loMthetho-ngqangi ezifunisa ukuba uMphathiswa okanye umasipala abonisane noluntu phambi kokwenza uhlelo lwezibonelelo zothutho yaye liyibeka icace gca indlela oko emakwenziwe ngayo. Kufakwe nomnye umqathango ofunisa ukuba uMphathiswa okanye umasipala makapapashe iinkcukacha zokutshintshwa koluhlu, ubuncinane kwiphephandaba elinye lommandla lowo ngesaziso esikhutshwe *kwiGazethi yePhondo*. Ngaphezu koku, kufakwe nomqathango oqinisekisa ukuba naluphi na utshintsho kuhlelo luyavela kuqulunqo lweerekhodi ezixelwe kwicandelo 12 loMthetho-ngqangi.
- 3.5 **Isoloty 5** lingena endaweni yecandelo 9 loMthetho-ngqangi ngokwenza umqathango onikeza enye ingcaciso neenkukacha ngovandlakanyo lweendlela esezabekwayo ngobambiswano phakathi kweNtloko yeSebe kunye noomasipala. Inkqubo ngoku ikwenze kwacaca ukuba inkqubo yokubonisana iyinxalenye yenkqubo yovandlakanyo ngobambiswano. Njengakumthetho-ngqangi, ikwabonelela ngokugqitywa kwezivumelwano ezibhaliweyo ekufuneka kungenwe kuzo kulandelwa loo nkqubo. Ngoku kwenziwe umqathango ongqalileyo wezivumelwano ezibhaliweyo obandakanya ukuba ingaba na ubhengezo lwendlela malurhoxiswe ukuze indlela ibhengezwe ngumasipala njengesitrato okanye irhange yokudlula uluntu ephantsi kolawulo lukamasipala.
- 3.6 **Isoloty 6** lingena endaweni yecandelo 10 loMthetho-ngqangi ngokwenza umqathango owahlula phakathi kodluliselo lwendlela phakathi koMphathiswa nomasipala emva kokuba kwenziwe uvandlakanyo ngokubambisana nolo dluliselo ekungenziwanga kulo uvandlakanyo ngokubambisana. Kwenziwe nomqathango wokuba uMphathiswa aqale ngenkqubo yokubonisana phambi kolo dluliselo luphakanyisiweyo.
- 3.7 **Isoloty 7** lenza izilungiso kwicandelo 12 loMthetho-ngqangi ngokwenza umqathango wokuba uqulunqo lwezibonelelo zothutho yiNtloko yeSebe ngumsebenzi oqhubekayo owenziwa emva kovandlakanyo ngokubonisana lweendlela esele zibhengeziwe ngokwecandelo 9.
- 3.8 **Isoloty 8** lenza izilungiso eziteknikali kwicandelo 15 loMthetho-ngqangi ukuze lilungelelane nesilungiso esikwicandelo 9, malunga nemako apho ubhengezo lwendlela kufuneka lurhoxiswe ukuze indlela ibhengezwe ngumasipala nejngesitrato okanye njengendlela engundoqo ephantsi kolawulo olulodwa lukamasipala.
- 3.9 **Isoloty 9** lenza izilungiso kwicandelo 16 loMthetho ngokutshintsha umqathango wokuba umntu ochatshazelwayo sisibonelelo sezothutho esikhoyo okanye esisacetywayo ofuna ukufaka isicelo ecela ukuba masivalwe okanye sifuduswe okanye kwenziwe utshintsho kwisibonelelo eso makafake isicelo esibhaliweyo esiya kwisiphathamandla esongameleyo ngendlela emiselweyo.

- 3.10 **Isoloty 10** lenza izilungiso kwicandelo 18 loMthetho-ngqangi ukubandakanya umqathango othi, Ukusukela kumhla wokupapashwa kwiGazethi yePhondo kwesaziso ukuya kutsho kumhla esithe sabekwa ngawo isibonelelo sezothutho, umniki-nkonzo onenjongo yokufakela isibonelelo senkonzo ngokuvunyelwa licandelo 43A elitsha eliphakanyisiweyo, elifakwe liSoloty 25, angakwenza oko ngesivumelwano nesiphathamandla esigunyazisiweyo esichazwe kwicandelo 43A(1). Umqathango wonyanzeliso okwicandelo eliphakanyisiweyo 43A, ukutsho oko, icandelo eliphakanyisiweyo 43A(16), (17), (18) no-(19), uyasetyenziswa, ze apho imeko inyanzelisa kwenziwe utshintsho oluphikisana nalo mqathango.

Eli soloty lenza esinye isilungiso kwicandelo 18 loMthetho-ngqangi kwizicelo zotshintsho okanye zokusetyenziswa ngokumandla komhlaba kwinxalenye yomhlaba kummandla wasedolophini kwisithuba esiziimitha ezingama-250 ukusuka kumda wesibonelelo sezothutho. Yiloo nto, ukusukela ngomhla wobhengezo lwezibonelelo zothutho de ibe ngumhla wokugqitywa kokwenziwa kwezibonelelo zothutho, umfaki-sicelo kufuneka, ngaphezu kokufumana isigunyaziso sikagunyaziwe onamagunya okuphumeza ezo nguqu okanye ulwandiso, afumane imvume ebhaliweyo yenguqu okanye ulwandiso olucetywayo lokusetyenziswa komhlaba kugunyaziwe onoxanduva ngokusekelwe kwifuthe lenyathelo elicetywayo ngakwisibonelelo sezothutho ekusingiswe kuso, ukhuseleko lwezothutho ngeendlela okanye ukusebenza kwezothutho. Ngaphezu koko, kwenziwe umqathango othi, ugunyaziwe onoxanduva lokuphumeza iinguqu okanye ulwandiso lokusetyenziswa komhlaba ngokuphathelele kumhlaba ekusingiswe kuwo kwicandelwana (3) akanako ukwenza oko ngaphandle kokuthathela ingqalelo ukuba ingaba isicelo sophunyezo ngokwemiqathango yesigatyana sifakiwe na kugunyaziwe onoxanduva, isigqibo sikagunyaziswe onoxanduva, ukuba sikhona, kwakunye nazo naziphi na iziphakamiso ezibhaliweyo zikagunyaziwe onoxanduva.

- 3.11 **Isoloty 11** lenza izilungiso kwicandelo 19 loMthetho-ngqangi ukongeza umqathango ovumela urhoxiso lwesibhengezo sendlela, emva kokuba kwenziwe isivumelwano esibhaliweyo phakathi koMphathiswa nomasipala ochaphazelekayo esixelwe kwicandelo 9.
- 3.12 **Isoloty 12** lenza izilungiso kwicandelo 21 loMthetho-ngqangi ukwenza umqathango wokuba, umnini womhlaba othe wafumana umonakalo ngenxa yento ethe yenziwa ngokwemiqathango yecandelo 21 kufuneka afumane imbuyekezo yesixamali esingadlulanga kwilahleko-mali ethe yafunyanwa ngumnini lowo. Kuyacinywa oko kubhekiswa kwiExpropriation Act, 1975 (uMthetho 63 ka-1975), njengendlela yokugqiba ngembuyekezo neenkqubo zokugqiba malunga noko xa kungekho sivumelwano phakathi kwamaqela.

- 3.13 **Isoloty 13** lenza izilungiso kwicandelo 24 loMthetho-ngqangi ngokwenza umqathango wokuba umasipala uselungelweni lokufumana inkxasomali yendlela ethe yanikwa, okanye enxenye yayo ithe yanikwa inkxaso-mali okanye uncediso-mali liPhondo eli phambi kokuqalisa kwalo Mthetho ukuba nje kwenziwe isivumelwano senkxaso-mali esitsha phakathi koMphathiswa nomasipala ochaphazelekayo kwiinyanga ezingama-36 zokuqala kokusebenza kwalo Mthetho. Likwenza umqathango othi, ukuba isivumelwano senkxaso-mali esitsha senkxasomali asenziwanga kweli xesha limiselweyo, umasipala usenokwenza isicelo kuMphathiswa ukuba kuhlawulwe inkxaso-mali ekuhambeni kwexesha. Longeza uluhlu lomsebenzi apho isicelo senkxasomali sinokwahlulwa, xa “kudityaniswa umzila kaloliwe okanye kulungiswa umzila kaloliwe”.
- 3.14 **Isoloty 14** lenza izilungiso kwicandelo 34 loMthetho-ngqangi ngokubandakanya isahlulo sethutyana sendlela okanye somzila kaloliwe noluhlu “Iwezibonelelo zothutho okanye imisebenzi ehambelana noko”.
- 3.15 **Isoloty 15** lenza izilungiso kwicandelo 35 ngokususa izinto ezibhekisa kwiExpropriation Act, 1975, njengendlela esetyenziswa ukugqiba ngembuyekezo xa athe nawuphi na umntu wafumana umonakalo ngenxa yokusetyenziswa kwegunya elinikwa lelo candelo. Eli candelo ngoku lithetha ngembuyekezo ekufuneka ibe yile mali umntu ayilahlekelweyo.
- 3.16 **Isoloty 16** lingena endaweni yecandelo 36 nomqathango omtsha ophathelele nezibhengezo ezibonakalayo kwimigama echaziweyo ukusuka ezindleleni kwiindlela zephondo nezikamasipala ezixelwe nguMphathiswa. Yiloo nto kubekwe umgaqo othi, Akukho mntu makabeke okanye avunyelwe ukuba abeke isibhengezo kwezi ndlela ngaphandle kokuba uMphathiswa ngaphandle kokuba uMphathiswa wenze uvandlakanyo lwefuthe loko kuboniswa endleleni malunga nokhuseleko lwezothutho ngeendlela nangokusebenza kwezothutho ze wanika imvume ebhaliweyo kwangaphambili ngesicelo esenziwe ngendlela emiselweyo. Ngaphezu koko, kwenziwe umqathango ongephi wokuba uMphathiswa enze imigaqo kwimiba ethile emalunga nezibhengezo.
- 3.17 **Isoloty 17** liphakamisa ukuba kutshitshiswe icandelo 37 loMthetho-ngqangi, eligunyazisa uMphathiswa ukuba enze imigaqo kwimiba eliqela emalunga nezibhengezo.
- 3.18 **Isoloty 18** lingena endaweni yecandelo 38 loMthetho-ngqangi ngemiqathango enengcaciso enzulu elawula iinkqubo zeenkonziso zezaziso nokususwa kwezibhengezo ezingagunyaziswanga yaye lixela iimeko apho izibhengezo zinokuthi zisuswe ngomyalelo okanye ngaphandle komyalelo wenkundla.

- 3.19 **Isoloty 19** lifakela icandelo 38A, elinyanzelisa ukuba umasipala enze imigaqo yezibhengezo ezibekwe ezindleleni nezibonakala endleleni. Likwenza umqathango, waloo njongo, othi umasipala ubuncinane makamisele inkqubo yokungeniswa nokwamkelwa kwezicelo zokuxhonywa kwezibhengezo yaye lidwelisa iimeko emazibonelelwe yiloo nkqubo.
- 3.20 **Isoloty 20** lenza izilungiso kwicandelo 39 loMthetho-ngqangi ngokwenza umqathango wokuba, ucingelo lokuba isibhengezo sithathwa njengesixhonyiweyo okanye kunikwe imvume yokuba sixhonywe ngumntu othile kwiimeko ezidwelisiweyo lwenzeka kuphela xa kungekho bungqina obuphikisana nobo obungenamathandabuzo.
- 3.21 **Isoloty 21** lenza izilungiso kwicandelo 40 loMthetho-ngqangi ngokwenza umqathango wokuba umntu onqwenela ukwenza isango lokungena okanye lokuphuma kwisibonelelo sezothutho makafake isicelo ngokwendlela ebekiweyo.
- 3.22 **Isoloty 22** lenza izilungiso kwicandelo 41 loMthetho-ngqangi ngokwenza umqathango wokuba umnini-mhlaba onxalenye yawo ingena endleleni ofuna isuswe makenze isicelo kugunyaziwe ngendlela emiselweyo sokuba ibe kwenye indawo.
- 3.23 **Isoloty 23** lenza izilungiso kwicandelo 42 loMthetho-ngqangi ngokwenza umqathango wokuba imvume ebhaliweyo yangaphambili yesiphathamandla esigunyazisiweyo yokuba umntu abeke okanye ashiye isithuthi okanye umtshini ongasasetyenziswayo okanye inxenye yawo okanye nayiphi na inkunkuma kwisithuba esizimitha ezingama-200 ukusuka kumgca osembindini wayo nayiphi na indlela okanye kumzila kaloliwe, mayifakelwe isicelo ngendlela echaziweyo.
- 3.24 **Isoloty 24** lenza izilungiso kwicandelo 43 ngokwenza umqathango wokuba umntu onqwenela ukwakha isakhiwo okanye enze iisebenzi kwimida enezibonelelo zothutho, okanye kummandla onezakhiwo ekungakwakhiwa kuzo, makafake isicelo kwisiphathamandla esinogunyaziso acele imvume yokwenza oko ngendlela echaziweyo. Imisebenzi yezibonelelo zeenkonzelo elawulwa licandelo eliphakanyisiweyo elingu43A ayinakufakelwa esi sicelo ngokweli candelo. Imiqathango yonyanzeliso ekweli candelo yenziwe izilungiso ukunikeza iinkcukacha zeenkqubo zokuhanjiswa kwezaziso nokususwa kwezakhiwo ezingagunyaziswanga yaye lixela iimeko apho izakhiwo zinokuthi zisuswe ngomyalelo okanye ngaphandle komyalelo wenkundla. Ngaphezu koko, kwenziwe ezinye izilungiso eziteknikali kweli candelo.

- 3.25 **Isoloty 25** lifakela icandelo 43A elitsha, elawula imisebenzi yezibonelelo zeenkonz. Libeka umgaqo othi, noxa kukho imithetho elawula imisebenzi yezibonelelo zeenkonz, akukho umniki-zinkonz unokwenza nawuphi na umsebenzi wenkonz yesibonelelo kwimida yezibonelelo zothutho, kwimida yesakhiwo esinezibonelelo zothutho kwindawo enemiqathango yolwakhiwo ngaphandle kwemiqathango yesivumelwano nesiphathamandla esinegunya, nangokwemigqaliselo nemimiselo ephunyezwe sisiphathamandla esinegunya. Lo mqathango ukwanzelisa umniki-nkonz ukuba anike isiphathamandla esinegunya isaziso senjongo yokuqala umsebenzi wezibonelelo zeenkonz ze achaze imiqathango emayibandakanywe kwisivumelwano phakathi kwesiphathamandla nomniki-nkonz esichaza izinto emazeniwe ngumniki-nkonz neendlela zokusombulula iimbambano xa kungafikelelwa kwisivumelwano. Kukho nomgaqo wokuba isiphathamandla eso sityumbe iingcali zokubeka iliso kumsebenzi wezibonelelo, ukunyanzela imigaqo xa kufakwe izibonelelo zeenkonz okanye umsebenzi sele uqalile kungekenziwa sivumelwano nesiphathamandla esinegunya, nemiba ehambelana noko.
- 3.26 **Isoloty 26** lingena endaweni yecandelo 44 loMthetho-ngqangi ngokufuna ukuba umntu oceba ukwenza uphuhliso olubandakanya iinguqu koko usetyenziselwa kona umhlaba kwiindawo ezithile, kwiimeko ezithile, ngaphezu kokufumana invume yesiphathamandla onegunya lokunikeza invume zolo tshintsho okanye ulongezo, xa efake isicelo ngendlela ebekiweyo, uya kuthi afumane invume yesiphathamandla esigunyazisiweyo ngokusekelwe kwifuthe lenguqu ecetywayo okanye ulongezo kusetyenziso lomhlaba kwisibonelelo sezothutho esichaphazelekayo, ukhuseleko lwezothutho ngeendlela okanye lokusebenza kwezothutho. Ngaphezu koko, loo mntu kufuneka enze nawaphi na amanyathelo othomalaliso afunwa sisiphathamandla esinegunya xa sinika invume leyo. Kukwakho nomqathango wokuba, isiphathamandla esinegunya lokunika invume yophuhliso olubandakanya uguqulo okanye ulongezo kumhlaba okummandla othile, sisenokukwenza oko ngaphandle kokuqaphela ukuba ingaba isicelo esichazwe kulo mgaqo sifakiwe na kwanokuba isigqibo sesiphathamandla esinegunya siyahambelana na noko, ukuba sikhona.
- 3.27 **Isoloty 27** lenza izilungiso kwicandelo 47 loMthetho-ngqangi ngokwenza umqathango wokuba invume yokususwa kwegeyithi nokwenziwa kunye nokususwa kweengcingo sisiphathamandla esinegunya mayenziwe ngesicelo esenziwe ngendlela emiselweyo.
- 3.28 **Isoloty 28** lenza izilungiso kwicandelo 48 loMthetho-ngqangi ngokwenza umqathango wokuba invume yesiphathamandla esinegunya yokwenza igeyithi mayifunyanwe ngesicelo esenziwe ngendlela emiselweyo.
- 3.29 **Isoloty 29** lenza izilungiso kwicandelo 50 loMthetho-ngqangi ngokwenza umqathango wokuba akukho mntu unokuqhuba ulwembiwo kwindawo yesibonelelo sezothutho okanye phantsi kwayo okanye kwindawo enonyino lolwakhiwo, ngaphandle kokuba oko ukwenza ngemvume yesiphathamandla esinegunya elandela indlela emiselweyo.

- 3.30 **Isoloty 30** lenza izilungiso kwicandelo 51 loMthetho-ngqangi ngokwenza umqathango wokuba umntu ofuna ukuqhuba ushishino, athengise izinto okanye abeke emboniselweni, anike okanye enze izinto zokuthengisa kwisibonelelo sezothutho okanye kwindawo enonyino lolwakhiwo makafune imvume yesiphathamandla esinegunya ngendlela emiselweyo.
- 3.31 **Isoloty 31** lenza izilungiso kwicandelo 54 loMthetho-ngqangi ukucutha amandla oMphathiswa okwenza imigaqoexa imirhumo emayihlawulwe okanye irenti yezicelo, yogunyaziso okanye yeemvume kwiindlela uMphathiswa anolawulo lwazo. Kongezwe eminye imiqathango evumela uMphathiswa ukuba enze imigaqo yemiqathango yopapasho nokuhanjiswa kwezaziso nokwazisa amaqela achaphazelekayo ngenkqubo yocwangciso lwezibonelelo zothutho nokwenziwa kwezintlu zemo zophuhliso olwenziwa ecaleni kweendlela.
- 3.32 **Isoloty 32** lenza izilungiso kwicandelo 56 loMthetho-ngqangi ukucutha uxanduva oluza neli candelo kumasipala lokubonisana noMphathiswa phambi kokwenza umthetho kamasipala, ukuze ibe lolomthetho kamasipala wezibonelelo zothutho zikamasipala kuphela. Ngaphezu koko, eli soloty licima umqathango okuMthetho-ngqangi othi uMthetho-ngqangi awusebenzi kuwo nawuphi na umba olawula ngumthetho kamasipala owenziwe ngumasipala kwimiba elawulwa ngulo Mthetho.
- 3.33 **Isoloty 33** lenza izilungiso kwicandelo 58 loMthetho-ngqangi ngokucima igama elithi, “abagunyaziswa” kwisihloko. Isihloko esitsha siya kufundeka ngolu hlobo: “Izivumelwano nabagunyaziswa ngemisebenzi yeendlela okanye yothutho loluntu”.
- 3.34 **Isoloty 34** lenza izilungiso kwicandelo 60 loMthetho-ngqangi ngokwenza umqathango wokuba isiphathamandla esongameleyo sisenokuthi ngento ebhaliweyo sigunyazise ukuba kwenziwe into engavumelekanga ngokwecandelwana (2) ngokwenza isicelo ngendlela emiselweyo. Likwenza isilungiso esiteknikali ngokucima izinto ezibhekisa kwintlawulo yemirhumo ebekiweyo okanye iirenti.
- 3.35 **Isoloty 35** lenza izilungiso kwicandelo 61 loMthetho-ngqangi ngokufakela ityala elitsha, elileli, ulwaphulo lwecandelo 43A(1).
- 3.36 **Isoloty 36** lenza isilungiso esiteknikali kwicandelo 62 loMthetho-ngqangi ngokucima izinto ezibhekisa kwintlawulo yomrhumo obekiweyo nomyalelo wembuyekezo yaloo ntlawulo.
- 3.37 **Isoloty 37** lenza izilungiso kuMthetho-ngqangi ngokwenza izilungiso kulandelelwaniso lwamacandelo ukuze alungelelane nezilungiso kuMthetho-ngqangi.
- 3.38 **Isoloty 38** linikeza isihloko esifutshane nokuqala kokusebenza koMthetho osaYilwayo weZilungiso.

4. UTHETHA-THETHWANO

ISEBE leNkulumbuso: Iinkonzo zoMthetho

5. IFUTHE KUBASEBENZI

Alikho

6. IFUTHE KWEZEMALI

Alikho

7. UHAMBELANO NEMITHETHO

UMphathiswa wePhondo ojongene nezothutho kunye nemisebenzi karhulumente wanelisekile ukuba imiqathango yoMthetho oSayilwayo weZilungiso uthobela yonke imithetho yePhondo.

WESTERN CAPE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS
WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013 (ACT 1 OF 2013)
WESTERN CAPE DRAFT TRANSPORT INFRASTRUCTURE REGULATIONS

The Provincial Minister of Transport and Public Works, under section 54(1) of the Western Cape Transport Infrastructure Act, 2013 (Act 1 of 2013), intends to make the regulations set out in the Schedule.

SCHEDULE

ARRANGEMENT OF REGULATIONS

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1. Interpretation

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**TRANSPORT SYSTEM PLANNING AND PROJECT PLANNING PROCESS FOR
TRANSPORT INFRASTRUCTURE**

Part 1

Professional engineers and town planners

2. Professional engineers or town planners for oversight and approval of technical strategies or plans associated with Department's transport system planning

Part 2

Classification of declared roads

3. Functional classification of declared roads
4. Classification of declared roads
5. Assessment of previously declared roads
6. Determination of roadside development environment

Part 3

*Method of undertaking transport system planning for transport network under
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7. Condition of existing infrastructure, maintenance and upgrading requirements
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Part 4***Records of transport infrastructure***

9. List of declared transport infrastructure in Province

Part 5***Arterial management plans***

10. Roads requiring arterial management plans
11. Persons preparing arterial management plans
12. Co-operation between authorities regarding assessment and planning
13. Assessment and planning process for arterial management plans
14. Contents of arterial management plans and scale of physical plans

Part 6***Planning process for declaration of transport infrastructure and technical planning process for transport infrastructure projects***

15. Consultation for declaration of transport infrastructure or permanent closure of existing transport infrastructure
16. Inception, concept and viability stages of project planning

CHAPTER 2**SUBSIDISATION OF TRANSPORT INFRASTRUCTURE**

17. Application for subsidy for transport infrastructure
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INTRODUCTORY PROVISIONS

Interpretation

1. (1) In these regulations any word or expression to which a meaning has been assigned in the Act bears the same meaning and, unless the context indicates otherwise—

“**advertising trailer**” means a trailer as defined in section 1 of the National Road Traffic Act that is designed or adapted for the sole purpose of advertising;

“**animated**”, in relation to an advertisement, means that the visibility or message of the advertisement is enhanced by means of moving units, flashing lights or similar devices, or that the advertisement contains a variable or electronic 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;

“**arterial**” means a high-order limited-access road that is a mobility route of which the major function is to provide for movement of passenger and goods vehicles between cities or towns, or areas within cities or towns, with as few restrictions as possible;

“**arterial management plan**” means an arterial management plan contemplated in regulation 13;

“**asset management plan**” means the Department’s plan, updated from time to time, meeting the requirements of the National Treasury’s Infrastructure Delivery Improvement Programme;

“**bit**” means the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, graphics or abbreviations according to the values provided in regulation 31(1);

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

“**capital expenditure**” means expenditure on transport infrastructure in respect of—

- (a) new construction; or
- (b) the rehabilitation or enhancement of the value of the existing asset, either by contributing significantly to an increase in its service life, boosting its productivity, expanding its capacity, increasing its size or changing its use,

and includes expenditure on planning, design and supervision of construction, acquisition of property and relocation of services;

“**clear height**”, in relation to an advertisement, means the minimum vertical distance from the ground, road or surface level, as the case may be, to the underside of the advertisement;

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

“**contract work**” means work in respect of transport infrastructure that a municipality has by agreement entrusted to a person to carry out on its behalf, but does not include goods and materials supplied on contract for work executed or to be executed by the municipality itself;

“**current expenditure**” means short-term spending on the maintenance of transport infrastructure that is fully expended in the fiscal period in which it is incurred and does not increase the asset value of the infrastructure;

“**District Roads Engineer**” means a person contemplated in section 4(2)(a) of the Act, appointed as an engineering representative of the Head of Department in one of the regional road maintenance offices of the Department;

“**ECSA**” means the Engineering Council of South Africa established in terms of the Engineering Profession Act;

“**electronic advertisement**” means an advertisement which has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in different ways;

“**engineer**” or “**professional engineer**” means a person registered as an engineer in terms of the Engineering Profession Act;

“**Engineering Profession Act**” means the Engineering Profession Act, 2000 (Act 46 of 2000);

“**forecourt**” means an outdoor area forming a functional part of a building housing an enterprise, including the area of a filling station where the pumps are situated, a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, but excluding sidewalk areas in front of business premises;

“**functional classification**” or “**functional class**” means the classification of a road as one of the classes of roads listed in the column headed “Description” in Annexure A;

“**height**”, in relation to an advertisement, 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;

“**integrated development plan**” means a plan contemplated in section 25 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**metropolitan municipality**” means a metropolitan municipality as defined in section 1 of the Structures Act;

“**motor vehicle**” means a motor vehicle as defined in the National Road Traffic Act;

“**National Land Transport Strategic Framework**” means the strategic framework prepared in terms of section 34 of the NLTA;

“**owner**”, in relation to an advertisement, means the person who owns the advertisement or will own the advertisement once it has been erected, or any person who has a right to, or share in, the ownership of the advertisement;

“**plant**” means machinery, vehicles and other equipment used in the construction, repair or maintenance of roads and classified by the Head of Department as road plant;

“**professional engineering technologist**” means an engineering technologist registered as such in terms of the Engineering Profession Act;

“**roadside development environment**” means the nature of the built environment abutting a road or section of road, or prevalent in the corridor of a road or in a section of the corridor of a road, as specified in the table in Annexure B, providing information necessary for decisions on intersection and access spacing;

“**roadside service area**” means an area with direct access from a road, in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds or picnic spots are provided for motorists;

“**road traffic sign**” means a road traffic sign as defined in the National Road Traffic Act;

“**rural**”, in relation to an area of a municipality, means an area outside the urban edge;

“**service facility sign**” means an advertisement at a filling station or roadside service area;

“**sidewalk**” means a sidewalk of a road as defined in the National Road Traffic Act;

“**sign class**” means the advertisement classification in terms of the South African Manual on Outdoor Advertising Control, published by the national department responsible for Environmental Affairs, as amended from time to time;

“**supporting structure**” means a structure contemplated in paragraph (b) of the definition of “advertisement” in section 1(1) of the Act;

“**the Act**” means the Western Cape Transport Infrastructure Act, 2013 (Act 1 of 2013);

“**total cost of employment**” refers to the cost to a municipality of employing a person, and consisting of—

- (a) a basic salary plus allowances, including employer’s contributions to a retirement fund and medical aid, a housing subsidy, an annual bonus and other allowances not defined as operational allowances; and
- (b) where applicable, contributions made in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act 130 of 1993), unemployment insurance fund contributions and a car allowance;

“**town planner**” means a professional planner registered as such in terms of the Planning Profession Act, 2002 (Act 36 of 2002);

“**transport infrastructure employee**” means an employee of a municipality engaged exclusively in duties connected with transport infrastructure, but does not include an employee who works only in a workshop;

“**urban edge**” means the line defining the outer limit of an urban area or, where the urban edge has been designated by means of a line in the approved integrated development plan applicable to the area of the municipality concerned, that line;

“**Urban Transport Act**” means the Urban Transport Act, 1977 (Act 78 of 1977);

“**vehicle**” means a vehicle as defined in the National Road Traffic Act.

(2) The different types of advertisements referred to in these regulations are described in the first four columns of Annexure G.

CHAPTER 1

TRANSPORT SYSTEM PLANNING AND PROJECT PLANNING PROCESS FOR TRANSPORT INFRASTRUCTURE

Part 1

Professional engineers and town planners

Professional engineers or town planners for oversight and approval of technical strategies or plans associated with Department’s transport system planning

2. The Head of Department must ensure that the Department’s personnel includes professional engineers or town planners, as required by section 4 of the Act, with sufficient appropriate

experience and having the necessary competence for the purpose of supervising the undertaking of the transport system planning required in terms of section 11(1)(a) of the Act and for the approval of strategies or plans that are produced.

Part 2
Classification of declared roads

Functional classification of declared roads

3. (1) A responsible authority must determine the functional classification of the roads under its authority.

(2) Before determining the functional classification of a road as contemplated in subregulation (1), the responsible authority must—

- (a) follow a public participation process contemplated in regulation 42 in which interested and affected persons have at least 30 days to provide comment;
- (b) consider the comments received pursuant to the process contemplated in paragraph (a); and
- (c) consult with the relevant authorities.

(3) A responsible authority must ensure that the functional classification of each road is incorporated into the relevant integrated transport plan and municipal spatial development framework, the provincial spatial development framework and the provincial land transport framework.

(4) If the responsible authority referred to in subregulation (1) is the Minister, he or she must provide the requisite information to the municipalities concerned for incorporation in their integrated transport plans and municipal spatial development frameworks.

(5) If the responsible authority referred to in subregulation (1) is a municipality, it must provide the Minister with the requisite information for incorporation in the provincial spatial development framework and provincial land transport framework.

Classification of declared roads

4. In classifying a road in terms of section 5(2) of the Act as one of the categories referred to in section 5(1)(a), (b), (c) or (d) of the Act, the responsible authority must consider the following descriptors for each class of road:

- (a) Trunk roads are through routes of greater provincial importance than other main roads, constitute the provincial system of through-roads, typically fall within functional class 1 or 2 and complete the major network, the backbone of which is the National Road Network;
- (b) main roads—
 - (i) in rural areas, are essentially roads connecting towns with each other and typically fall within functional class 2 or 3;
 - (ii) in urban areas, are essentially the prolongation of the rural main roads through the various municipal areas and may fall within functional class 1, 2 or 3;
- (c) district roads are roads in a rural context, more of local importance than main roads and typically fall within functional class 3;

- (d) minor roads are roads in a rural area, of low importance, practically entirely for the benefit of local traffic, which due to the small volumes of traffic do not warrant the status of district roads and typically fall within functional class 4 or 5.

Assessment of previously declared roads

5. (1) The joint assessments contemplated in section 9(1) of the Act must establish for each road—

- (a) the descriptors relevant to the road in terms of regulation 4(1);
- (b) whether the descriptors relevant to the road indicate that a change is required to the category of the road in terms of section 9(8) or (9) of the Act, or whether the declaration of the road should be withdrawn for the road to be simultaneously designated by a municipality as a street or public thoroughfare under the exclusive control of that municipality;
- (c) the reserve width that would be most appropriate, taking into account future growth;
- (d) the restrictions or changes that would be required to any building line or building restriction area adjacent to the road;
- (e) the condition of the road, including the physical and financial maintenance requirements in respect of the road; and
- (f) the authority that is best placed to be, or to become, the authority responsible for the road.

(2) In classifying a road in terms of section 9(3)(a) of the Act, it must be placed in the category for which its descriptors most closely resemble the descriptors for one of the categories set out in regulation 4(1), or as otherwise agreed between the parties.

(3) Despite subregulation (2)—

- (a) where changes to the descriptors are anticipated that will place the road in a higher category, the road must be placed in that higher category; and
- (b) if a municipality is best placed to assume responsibility for a road, it must not be categorised as a trunk road.

(4) The agreement contemplated in subregulation (2) may include a recordal that the declaration of a road should be withdrawn for the road to be simultaneously designated by a municipality as a street or public thoroughfare under the exclusive control of that municipality.

Determination of roadside development environment

6. (1) A responsible authority must define the roadside development environment along all roads under its authority having functional classifications of classes 1 to 5 for all reasonably homogenous land use zones along their length.

(2) The five types of roadside development environments are as set out in the table in Annexure B.

(3) Before defining the roadside development environment for each road, the responsible authority must—

- (a) follow a public participation process contemplated in regulation 42 in which interested and affected persons have at least 30 days to provide comment; and
- (b) consider the comments received pursuant to the process contemplated in paragraph (a).

(4) After the responsible authority has defined the roadside development environment along its roads, plans showing the roads and the roadside development environments along them must be incorporated into the relevant integrated transport plan, municipal spatial development framework, the provincial spatial development framework and the provincial land transport framework.

(5) If the responsible authority referred to in subregulation (4) is the Minister, he or she must provide the requisite information to the municipalities concerned for incorporation in their integrated transport plans and municipal spatial development frameworks.

(6) If the responsible authority referred to in subregulation (4) is a municipality, it must provide the Minister with the requisite information for incorporation in the provincial spatial development framework and provincial land transport framework.

Part 3

Method of undertaking transport system planning for transport network under control of Minister

Condition of existing infrastructure, maintenance and upgrading requirements

7.(1) For the purposes of carrying out the transport system planning contemplated in section 11(1)(a) of the Act, the Head of Department must install appropriate condition-assessment and maintenance-management systems to ensure that reliable information is available to develop programmes for maintenance and upgrading activities on transport infrastructure under the control of the Minister.

(2) The Head of Department must ensure that data essential to such systems are collected on a continuous basis and that the relevant databases are maintained and updated.

(3) For the purposes of performing the functions contemplated in section 4(3) of the Act, the professional engineer or professional engineering technologist concerned must set the maintenance and upgrading programme for the transport infrastructure under the control of the Minister, and in so doing must—

- (a) use multi-criteria socio-economic analyses appropriate to transport projects to assess the viability of particular maintenance or upgrading proposals; and
- (b) use optimisation techniques specified by the Head of Department for setting priorities for the overall programme.

(4) The programmes which are set in terms of subregulation (3) must be reflected in the asset management plan and must be taken into account in the Department's budgeting process.

Requirements for transport system planning

8. In addition to the requirements of regulation 7, for the purposes of carrying out the transport system planning contemplated in section 11(1)(a) of the Act, the professional engineers or town planners concerned must have regard to—

- (a) the requirements of the NLTA;
- (b) identifiable gaps in the passenger and freight transport networks; and
- (c) relevant integrated transport plans and spatial development frameworks.

Part 4
Records of transport infrastructure

List of declared transport infrastructure in Province

9. (1) The comprehensive list and associated data of all declared transport infrastructure in the Province that must be compiled in terms of section 12(1) of the Act must, as far as reasonably possible, include the following information:

- (a) In respect of a road—
- (i) the category and number, if available;
 - (ii) details of the declaration of the road, including the *Gazette* number, the notice number and the date of publication of the *Gazette*;
 - (iii) description, origin and destination;
 - (iv) the length and width;
 - (v) the standard of construction;
 - (vi) the number of bridge structures greater than six metres span;
 - (vii) the length of retaining walls higher than two metres;
 - (viii) type of boundary fences or walls;
 - (ix) systems for monitoring the condition and available condition reports;
 - (x) traffic counts;
 - (xi) available plans;
 - (xii) details of the acquisition of the property on which the road is located and proof of acquisition;
 - (xiii) way leave agreements and approvals of accesses and buildings within building restriction areas;
 - (xiv) the type of and location of structures, including service infrastructure, installed on or within the road reserve and any agreements concerned therewith; and
 - (xv) the functional classification of the road;
- (b) in respect of ancillary transport infrastructure—
- (i) description of the infrastructure and its location;
 - (ii) details of the declaration of the infrastructure, including the *Provincial Gazette* number, the notice number and the date of publication of the *Provincial Gazette*;
 - (iii) the standard of construction;
 - (iv) type of boundary fences or walls;
 - (v) available plans; and
 - (vi) details of the acquisition of the property on which the infrastructure is located and proof of acquisition.

(2) The Head of Department must, insofar as is necessary for the purposes of complying with section 12(1) of the Act, request the municipality concerned to provide the data referred to in subregulation (1) for declared transport infrastructure under the control of the municipality.

(3) The Head of Department may assist municipalities that lack the necessary technical knowledge to complete the lists referred to in section 12(6) of the Act.

(4) When a municipality updates its list of transport infrastructure in terms of section 12(6)(c) of the Act, it must simultaneously furnish the Head of Department with the relevant information to enable the Head of Department to comply with section 12(5)(b) of the Act.

(5) Where the information supplied in terms of subregulation (4) relates to new infrastructure, the Head of Department must, upon receipt thereof—

- (a) allocate an identification number or code to each new item of transport infrastructure, which must be compatible with the numbering or coding system contemplated in section 12(4) of the Act; and
- (b) advise the municipality of the relevant number or numbers or code or codes.

(6) The Head of Department may, when allocating an identification number or code to infrastructure declared by a municipality in accordance with subregulation (5), distinguish it from other previously declared infrastructure by adding a suffix or prefix recognisable by sorting systems in the Department.

Part 5

Arterial management plans

Roads requiring arterial management plans

10. (1) The Minister and municipalities must, as soon as possible, prepare arterial management plans for declared roads under their control and falling in functional classes 1 or 2 in rural areas or in functional classes 1, 2 or 3 in urban areas.

(2) If a municipality is in doubt whether or not a declared road falls in one of the classes requiring an arterial management plan, the matter must be referred to the Head of Department for guidance.

Persons preparing arterial management plans

11. Arterial management plans must be prepared by, or under the supervision of, professional engineers or town planners.

Co-operation between authorities regarding assessment and planning

12. (1) Where the Minister is the responsible authority in respect of a road referred to in regulation 10(1), the Minister must—

- (a) consult with the municipalities in whose areas the road is situated regarding their integrated transport plans, spatial development frameworks or other strategic development planning; and
- (b) consult with entities, other than the municipality or municipalities concerned, that provide transport infrastructure, transport services or bulk infrastructure services in the area regarding those services and future extensions or alterations thereto that need to be taken into account in drafting the arterial management plan.

(2) Once a draft of an arterial management plan is available, the Minister must provide a copy of the draft plan—

- (a) to each municipality involved and request the municipality to submit written comments on the draft plan within a specified time;
- (b) to entities, other than municipalities, that provide transport infrastructure, transport services or bulk infrastructure services in the area and that may be affected by the arterial management plan and request the entities to submit written comments on the draft plan within a specified time.

(3) A municipality must, when responding to a request made under subregulation (2)(a), make specific reference to the effect that any alternatives or restrictions in the draft plan may have on any integrated transport plan, spatial development framework or other strategic municipal development planning of the municipality.

(4) An entity must, when responding to a request made under subregulation (2)(b), make specific reference to the effect that any alternatives or restrictions in the draft plan may have on any transport systems or infrastructure owned by that entity.

(5) Where a municipality is the responsible authority in respect of a road referred to in regulation 10(1), the municipality must, if more than one municipality is the responsible authority, enter into joint assessments with the other municipality or municipalities concerned and exchange the integrated transport plans, spatial development frameworks or other strategic municipal development planning that will be likely to affect or be affected by the arterial management plan to be prepared;

(6) Once a draft of an arterial management plan is available, the municipality must consult with, and provide a copy of the draft plan to—

- (a) the Minister and request him or her to submit written comments on the draft plan within a specified time; and
- (b) entities, other than the Minister, that provide transport infrastructure, transport services or bulk infrastructure services in the area and that may be affected by the arterial management plan, and request the submission of written comments on the draft plan within a specified time.

(7) The Minister must, when responding to a request made under subregulation (6)(a), make specific reference to the effect that any alternatives or restrictions in the draft plan may have on any transport systems or infrastructure under the control of the Minister.

(8) An entity must, when responding to a request made under subregulation (6)(b), make specific reference to the effect which any alternatives or restrictions in the draft plan may have on any transport systems or infrastructure owned by that entity.

Assessment and planning process for arterial management plans

13. In preparing an arterial management plan, the authority concerned must undertake a project planning process that must—

- (a) include a public participation process contemplated in regulation 42 in which interested and affected persons have at least 30 days to provide comment;
- (b) include an integrated environmental management process in accordance with NEMA, if required by NEMA;

- (c) be applied not only to the road in respect of which the arterial management plan is being prepared but also to the broader corridors within which it is situated;
- (d) where appropriate include traffic and transport modelling carried out by suitably qualified and experienced professional engineers or professional engineering technologists;
- (e) take into account the preservation and possible improvement of the road concerned and of associated transport infrastructure within the corridor so as to enable the road to properly perform its mobility function;
- (f) employ multi-criteria socio-economic analyses appropriate to transport projects in determining the best use of the road concerned and of transport infrastructure within the corridor; and
- (g) take cognisance of—
 - (i) the integrated transport plans, spatial development frameworks, or other relevant strategic planning information received during the consultation processes in terms of regulation 12, as well as the comments thereon;
 - (ii) the location and configuration of major existing and planned intersections where the road intersects with roads having a functional classification of 1, 2 or 3, including the basic configuration and the method of controlling priority between motor vehicles travelling along the road and motor vehicles entering or crossing the road via intersecting roads;
 - (iii) rights entrenched in title deeds to property or through usage, as well as in existing private accesses to the road concerned that may affect the implementation or future upgrading of the transport infrastructure;
 - (iv) the roadside development environment and the need for access restrictions, including the closure of existing median crossings in the case of double-carriageway roads, parking restrictions to enable traffic flow to be optimised and the impact of any such changes on properties in the vicinity;
 - (v) arising from the considerations set out in subparagraph (iv), the need for, and practical possibility of, providing collector roads parallel to the road concerned and the need for any other measures to mitigate impacts on properties in the vicinity; and
 - (vi) the need for public transport routes or lanes, as well as for facilities for non-motorised transport within the corridor.

Contents of arterial management plans and scale of physical plans

14. (1) An arterial management plan must—

- (a) consist of a physical plan guiding current management of an arterial, including restrictions in respect of adjacent land use, access, parking, public transport and non-motorised transport, together with a policy statement for the existing and future use, and defined stages of future upgrading, of that arterial; and
- (b) state—
 - (i) the responsible authority for the road concerned;
 - (ii) the classification of the road in terms of section 5 of the Act; and
 - (iii) the number of the road allocated in terms of section 12(4) of the Act.

(2) The policy for the existing and future use of the road and the restrictions that are to be included in the arterial management plan in terms of section 11(3)(c) and (e) of the Act must incorporate the following conceptual planning elements:

- (a) The functional classification of the road stated in the integrated transport plan covering the area in which the road is situated or, if not stated in that plan, the functional classification as agreed to between the Minister and the municipality concerned in the case of roads under control of the Minister or as determined by the responsible authority in the case of municipal roads;
- (b) any restrictions imposed at the time of the declaration of the road or by agreement with property owners or entities providing transport infrastructure, transport services, or bulk infrastructure services;
- (c) existing uses of land abutting the road and where land uses are restricted to ensure the proper functioning of the road and other transport infrastructure;
- (d) the roadside development environment adjacent to the road as stated in the integrated transport plan or spatial development framework concerned or, if not stated in those plans, the roadside development environment as agreed to between the responsible authority and the municipality concerned in the case of roads under control of the Minister or as determined by the responsible authority in the case of municipal roads;
- (e) any forecasted land use development that may cause a change in the roadside development environment and forecasts of the traffic and transport demand to be accommodated by intersecting public roads and accesses to private developments;
- (f) the location and configuration of major existing and planned intersections where the road intersects with roads that have a functional classification of 1, 2 or 3, including the basic configuration and the method of controlling priority between motor vehicles travelling along the road and motor vehicles entering or crossing the road via intersecting roads;
- (g) the definition by width, location or surveyed co-ordinates of the road reserve, as well as any widened portions of the road reserve at locations where roads intersect with other roads and the implications of any land acquisition that may be required;
- (h) existing and future traffic lanes, public transport or parking embayments, shoulders, sidewalks, pathways and crossing facilities, and any dedicated functions that may be required to serve private motor vehicles, public transport vehicles, bicycles and pedestrians;
- (i) existing accesses, areas where new accesses will not be allowed and where and when it is the intention to close existing accesses;
- (j) where appropriate, existing and planned median breaks, as well as areas where new median breaks will not be allowed and where and when it is the intention to close existing median breaks; and
- (k) where parking or other activities are permitted or prohibited or will be prohibited in future.

(3) The physical plans to be provided in terms of section 11(3)(d) of the Act must include—

- (a) plans, to a scale of 1:10 000 or another appropriate scale, indicating all existing and future arterials and any other transport infrastructure in the corridor in which the arterial is situated, the presence and management of which are essential to the functioning of the arterial; and

(b) plans, to a scale of 1:2000 or another appropriate scale, showing the road and any other transport infrastructure with the information contemplated in subregulation (1) and (2) clearly indicated thereon.

(4) If the responsible authority is the Minister, he or she must provide the arterial management plan to the municipalities concerned for incorporation into the relevant integrated transport plans and spatial development frameworks.

(5) If the responsible authority is a municipality, it must provide the Minister with the arterial management plan for incorporation in the provincial land transport framework.

Part 6

Planning process for declaration of transport infrastructure and technical planning process for transport infrastructure projects

Consultation for declaration of transport infrastructure or permanent closure of existing transport infrastructure

15. Where a municipality intends to declare transport infrastructure or permanently close it in terms of section 19 of the Act, it must consult with the Minister and request him or her to submit written comments on the planning within a specified time.

Inception, concept and viability stages of project planning

16. (1) The professional engineers or professional engineering technologists undertaking the inception, concept and viability stages of project planning and preliminary design for the project planning process contemplated in section 13 of the Act must, where appropriate, follow the activities set down in the guideline scope of services determined by ECSA under section 34(2) of the Engineering Profession Act and as published in its Board Notices from time to time.

(2) During the inception stage of the planning, the professional engineers or professional engineering technologists must—

- (a) establish those constraints that may require changes to the scope of the planning exercise, or require mitigation measures to be introduced to lessen the impact of the proposal; and
- (b) ensure compliance with the requirements of NEMA, NHRA, and the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014), including the requirement of public participation.

(3) The professional engineers or professional engineering technologists undertaking the planning must take cognisance of—

- (a) data the responsible authority may be able to provide from its records, any transport or traffic modelling that may be available and the results of any multi-criteria socio-economic analyses that may already be available covering the transport infrastructure network in the vicinity of the project; and
- (b) the relevant integrated transport plans and spatial development frameworks and any other relevant strategic planning information received during a consultation process such as that described in regulation 12, as well as the comments thereon.

CHAPTER 2 SUBSIDISATION OF TRANSPORT INFRASTRUCTURE

Application for subsidy for transport infrastructure

17. (1) When a municipality applies for a subsidy for transport infrastructure as contemplated in section 24(1) of the Act, it must furnish the Minister with full details of—

- (a) the estimated costs, the proposed dates of the construction or maintenance activities and the relevant percentage rate of the subsidy requested for each activity listed in section 24(6) of the Act, in the form of Tables 1A and 1B, 2, 3A and 3B or 4A and 4B to Annexure C, as the case may be; and
- (b) the asset management systems it has in place or intends to put in place to monitor the condition of its transport infrastructure and the estimated *pro rata* share of the operational cost of systems approved by the Head of Department for the monitoring of the condition of subsidisable transport infrastructure under the control of the municipality, based on the relationship between the length or area of the subsidisable portion of the network and the total length or area of all similar non-subsidisable items under the control of the municipality.

(2) When applying for a subsidy, the municipality must submit current, relevant information delivered by the systems referred to in subregulation (1)(b) to the Head of Department for approval.

Subsidy agreements

18. (1) The Head of Department may not pay a subsidy to a municipality unless a written subsidy agreement has been concluded between the Minister and the municipality, as contemplated in section 24(2) of the Act.

(2) The subsidy agreement must be in the form set out in Annexure D.

(3) The following information must be included in a schedule to the subsidy agreement in the form set out in Annexure D:

- (a) In respect of roads—
 - (i) the classification as one of the categories referred to in section 5(1)(a), (b), (c) or (d) of the Act and its identification number allocated in terms of section 12(4), if available;
 - (ii) details of the declaration, including, where applicable, the number and date of the *Provincial Gazette* and the notice number;
 - (iii) a description of the road, including its origin and destination;
 - (iv) the length and width of the road;
 - (v) the standard of construction;
 - (vi) the number of bridge structures greater than six metres span;
 - (vii) the length of retaining walls higher than two metres;
 - (viii) the type of boundary fences or walls;
 - (ix) systems for monitoring the condition of the road, together with available condition reports; and

- (x) where it is not clear from the description contemplated in subparagraph (iii) which portion or portions of the road are included in the agreement, a sketch to show the start and end points;
- (b) in respect of railway lines—
 - (i) a description of the railway line, including station names at its origin and destination;
 - (ii) the length of the railway line;
 - (iii) the gauge;
 - (iv) the standard of construction;
 - (v) the number of bridge structures greater than six metres span;
 - (vi) the length of retaining walls higher than two metres;
 - (vii) the type of boundary fences or walls;
 - (viii) the signalling system and central control;
 - (ix) all stations, with number and length of platform at each and whether there is universal access;
 - (x) systems for monitoring the condition of the railway line, together with available condition reports; and
 - (xi) where it is not clear from the description contemplated in subparagraph (i) which portion or portions of the railway line are included in the agreement, a sketch to show the start and end points; and
- (c) in respect of ancillary transport infrastructure—
 - (i) an appropriate description of the location, size and standard of construction; and
 - (ii) accompanying sketch plans to further enable accurate identification of each item.

Submission of estimates

19. (1) The estimates of expenditure required to be submitted by a municipality to the Head of Department in terms of section 25(1) of the Act must be in the form set out in Tables 1A and 1B, 2, 3A and 3B or 4A and 4B to Annexure E, as the case may be.

(2) A district or local municipality must send a copy of the estimates of expenditure to the District Roads Engineer.

(3)(a) Where multi-year projects have been or are to be embarked upon, estimates of expenditure for such projects for each subsequent municipal financial year during the expected life of the project, up to five years, must be submitted at the same time as the estimates contemplated in subregulation (1).

(b) Paragraph (a) does not apply to ongoing routine maintenance projects.

(4) A district or local municipality that intends to submit estimates of expenditure in terms of section 25(1) of the Act must consult with the relevant District Roads Engineer at least two months before the 1 December deadline for submission contemplated in section 25(1) of the Act and provide him or her with preliminary estimates by not later than 16 October of the same year.

(5) A metropolitan municipality that intends to submit estimates of expenditure in terms of section 25(1) of the Act must consult with the relevant professional or technical personnel at the

Department's head office at least two months before the 1 December deadline for submission and provide them with preliminary estimates by not later than 16 October in the same year.

- (6) Proposed amendments of estimates as contemplated in section 25(4) of the Act—
- (a) must be submitted in the form as set out in Table 5, 6, 7 or 8 to Annexure E, as the case may be;
 - (b) must be clearly marked "Proposed amendment to estimates" and dated appropriately; and
 - (c) in the case of a district or local municipality, must at the same time be forwarded to the District Roads Engineer.

Calculation of subsidy percentage

20. (1) The subsidy percentage on subsidised transport infrastructure contemplated in section 26 of the Act is as set out in Annexure F for the following categories of expenditure:

- (a) Capital expenditure in respect of planning necessary in terms of Part 4 of the Act to determine the most suitable route or location and reserve;
- (b) capital expenditure in respect of—
 - (i) the construction, relocation or widening of roads other than public transport roads;
 - (ii) the construction or alteration of the layout of ancillary transport infrastructure; and
 - (iii) the acquisition of property for securing or increasing the reserve of roads, other than public transport roads, or ancillary transport infrastructure;
- (c) capital expenditure in respect of the construction, relocation or widening of public transport roads or railway lines, and the acquisition of property for securing or increasing the reserve of public transport roads or railway lines;
- (d) capital expenditure in respect of the alteration, deviation or removal, necessitated by the construction of transport infrastructure, of anything used for delivering municipal services, including electrical supply or any telecommunications services, any pipe, post, standard, wire, cable, conduit, sewer or appliance not excluded from subsidy in terms of regulation 22(a);
- (e) current expenditure in respect of maintenance or management of roads, other than public transport roads, or ancillary transport infrastructure; and
- (f) current expenditure in respect of the maintenance or management of public transport roads or railway lines.

(2) The values stated in the first column of Annexure F must be increased or decreased annually on 30 June by the Minister in accordance with the Consumer Price Index and rounded to the nearest R10 million.

(3) A municipality may, in an exceptional case, apply in writing to the Head of Department for a subsidy percentage that differs from the percentage set out in Annexure F.

(4) The subsidy percentages that may be applied for in terms of subregulation (3) are as determined by the Minister from time to time.

(5) A municipality that makes an application in terms of subregulation (3) must set out in full the circumstances leading to the application, including, where applicable—

- (a) evidence of an unusually high proportion of through traffic that has no destination within the municipal area concerned;
- (b) the financial position of the municipality;
- (c) any standards determined by the Head of Department that will result in high project costs; and
- (d) the need to deal with the unusual deviation of services which will result in high project costs.

Items that qualify for subsidy

21. (1) A municipality is eligible for a subsidy for the following items in connection with work on transport infrastructure carried out in accordance with the plans and specifications approved by the Head of Department:

- (a) A *pro rata* share of the operational cost of systems approved by the Head of Department for the monitoring of the condition of subsidisable transport infrastructure under the control of the municipality, based on the relationship between the length or area of the subsidisable portion of the network and the total length or area of all similar non-subsidisable items under the control of the municipality;
- (b) the cost of planning required to determine the most suitable route and reserve for the transport infrastructure, whether such activities are undertaken through—
 - (i) the municipality's own construction or maintenance complement;
 - (ii) work done on behalf of the municipality by another municipality on an agency basis; or
 - (iii) contract work;
- (c) the costs of—
 - (i) design contemplated in section 24(6)(b) of the Act; and
 - (ii) supervision, as part of construction contemplated in section 24(6)(c) of the Act, determined by the Head of Department;
- (d) plant hire charges for the time used, at rates determined by the Head of Department, which rates must include the cost of maintenance, replacement of the plant, and insurance at rates acceptable to the Head of Department;
- (e) the total cost of employment of transport infrastructure employees, excluding pension and retirement gratuities, but including overtime pay at rates acceptable to the Head of Department: Provided that where the employees are not employed full-time on transport infrastructure, costs are apportioned according to the time engaged thereon;
- (f) road- and rail-making materials;
- (g) contract work, approved by the Head of Department, on construction or maintenance;
- (h) laboratory tests at rates acceptable to the Head of Department;
- (i) surveys to establish the location or relocation of transport infrastructure at rates acceptable to the Head of Department;
- (j) subject to section 26(3) of the Act, compensation paid for the expropriation of land for transport infrastructure in terms of section 34 of the Act;

- (k) survey and transfer costs, including the cost of sworn appraisals and arbitration, in respect of land required for inclusion within the reserve of transport infrastructure;
- (l) the provision at intersections of road traffic signs accepted by the Head of Department as part of an approved route direction signing system;
- (m) the illumination of traffic barriers during the temporary deviation of a road;
- (n) the provision of street-lighting schemes approved by the Head of Department;
- (o) the clearing, levelling and temporary improvement of land acquired for future widening of transport infrastructure;
- (p) the construction of kerbs and channelling, as well as portions of the roadway for parking;
- (q) the construction of sidewalks approved by the Head of Department;
- (r) landscaping approved by the Head of Department;
- (s) advertising required by or in terms of the Act, other than expenditure on or in connection with advertising for which an owner of land is liable;
- (t) the erection of fences in terms of section 47 of the Act;
- (u) the effacing, to the satisfaction of the Head of Department, of—
 - (i) a road which, in consequence of its diversion or closure, is no longer required as a road; or
 - (ii) a deviation provided for temporary use during the construction or repair of a road;
- (v) work, undertaken with the prior approval of the Head of Department, within or outside the boundaries of the reserve of transport infrastructure, in order to prevent soil erosion on the infrastructure; and
- (w) such other items as the Head of Department may from time to time generally or specifically approve.

(2) Notwithstanding anything to the contrary in these regulations, a subsidy is not payable in respect of any expenditure on any work which does not comply with plans, guidelines and specifications approved by the Head of Department.

Items that do not qualify for subsidy

22. Expenditure on the following is not subsidised:

- (a) The alteration, deviation or removal necessitated by the construction of transport infrastructure, service infrastructure, or any pipe, post, standard, wire, cable, conduit, sewer or appliance where the installation of the services was not approved by the municipality concerned;
- (b) the repair of damage caused to any transport infrastructure in consequence of the installation, maintenance or repair of any electricity, gas, sewerage, storm water, telephone or water service or of any part of any such service on, in, along or under that transport infrastructure, or of any fault or other defect, however caused, in any such service or part, unless the expenditure was incurred in the repair of damage caused by works which, in the opinion of the Head of Department, are required for normal surface drainage;
- (c) the maintenance of any portion of a road, other than the roadway and sidewalks provided for pedestrian traffic; and

- (d) the acquisition and maintenance of plant, tools, equipment and materials other than for use on transport infrastructure.

Relevant factors in determining amount of subsidy expenditure

23. (1) The Head of Department must, when approving estimates of expenditure submitted by a municipality in terms of section 25(1) of the Act or considering the alteration or deletion of any expenditure under section 25(3) of the Act, take into account the following:

- (a) The need and desirability for maintenance projects, as motivated in the municipality's estimates, based on its maintenance management systems, and taking into account the effect of traffic density, climatic conditions and the availability and condition of materials, and supported by any available condition reports;
- (b) the need and desirability for upgrading projects, as motivated in the municipality's estimates, based on transport safety considerations, traffic and transport needs analysis and the requirements of other road users, as well as multi-criteria analyses embodying socio-economic and other appropriate principles;
- (c) whether the infrastructure concerned is likely to increase or diminish in importance in future;
- (d) evidence of the project prioritisation process followed;
- (e) the municipality's current integrated transport plan;
- (f) in the case of a district or local municipality, the recommendations of the relevant District Roads Engineer;
- (g) in the case of a road in a metropolitan area that is funded in terms of the Urban Transport Act, the current status of the funding in respect of that road; and
- (h) in the case of a road, its functional classification.

(2) Any increase in the amount of subsidy expenditure authorised by the Head of Department in terms of section 27(2)(a) of the Act may not exceed 20 per cent of the amount originally approved.

Accounts to be kept

24. (1) A municipality must keep a separate account for every item of transport infrastructure for which a subsidy is or will be claimed, and, except where otherwise provided in these regulations, the expenditure in respect of each item must be debited to the appropriate category of expenditure in the account for that item.

(2) The expenditure referred to in subregulation (1) must include all expenses incurred on the activities contemplated in section 24(6) of the Act.

Submission of subsidy claims

25. A municipality must, in addition to any monthly or other regular progress reports required in terms of transfer payment agreements concluded in accordance with the PFMA, not later than 31 July each year, submit to the Head of Department on forms provided by the Head of Department a statement in duplicate of the actual expenditure eligible for subsidy incurred during the immediately preceding municipal financial year and, in the case of district and local municipalities, simultaneously forward a copy thereof to the District Roads Engineer.

CHAPTER 3
ADVERTISEMENTS ON OR VISIBLE FROM PROVINCIAL TRANSPORT
INFRASTRUCTURE

Part 1

Types of advertisements, exempt advertisements and application procedure

Advertisements exempt from the requirements of section 36(1) of the Act

26. An application for permission in terms of section 36(1) of the Act is not required in respect of—

- (a) a tourism direction sign as described in regulations under the National Road Traffic Act;
- (b) an advertisement displayed on a building, outside the road reserve, in which a business or undertaking is carried on and that contains no more than the name of the business or undertaking or a description of its nature and the name of the proprietor;
- (c) advertisement types in general or in relation to a specific road or portion of road that are indicated as exempt in the last column of Annexure G.

Applications for permission to display advertisements along roads

27. (1) An application in terms of section 36(1) of the Act must be lodged with the local or metropolitan municipality concerned and must be—

- (a) in the format set out in Annexure H;
- (b) signed by the applicant for the advertisement and by the owner of the land on which it is intended to be erected or displayed, or by the agent of that applicant or owner, authorised in writing by the applicant or the owner, as the case may be;
- (c) accompanied by the documents listed in paragraphs 1 to 7 of Annexure H; and
- (d) accompanied by the application fee, if any, set by the municipality.

(2) Where a freestanding supporting structure is used to display an advertisement, an application contemplated in subregulation (1) must include an application contemplated in section 43(1) or (4) of the Act, as the case may be.

(3) On lodging the application contemplated in subregulation (1) with the municipality, the applicant must submit an electronic copy or hard copy of the application in the form of Annexure H to the Minister.

(4) A duly authorised person at the municipality that receives the application must, on receipt of the application—

- (a) ensure that the application complies with the requirements of subregulation (1);
- (b) in the space provided in the form in Annexure H, indicate whether or not the municipality has granted an approval or approvals for the display of the advertisement in terms of its by-law regulating billboards and the display of advertisements, or section 43(1) or (4) of the Act in the event that the municipality is the responsible authority, or any other applicable law;

- (c) advise the applicant that the application is being referred to the Minister for consideration in terms of section 36(1), and where applicable, section 43(1) or (4) of the Act; and
 - (d) forward the application to the Minister.
- (5) If the Minister requires additional information to assess the impact of the display of the advertisement on road safety and transport operation—
- (a) the Minister may; and
 - (b) the municipality must, on the request of the Minister,
- request the applicant to furnish and forward to the Head of Department such additional information as may be reasonably required by the Minister.
- (6) The additional information contemplated in subsection (5) may include, but is not limited to—
- (a) a layout plan—
 - (i) drawn to scale of at least 1:2000 and showing a distance of not less than 500 metres upstream and downstream of the proposed site of the advertisement for which application is made;
 - (ii) which accurately shows 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; and
 - (iii) any other information or document required by the Minister that will allow a detailed evaluation of any factor which could affect road safety; and
 - (b) 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 and illumination.
- (7) The Minister must within 30 days of receipt of a complete application contemplated in this regulation notify the Applicant and the municipality concerned in writing of his or her decision.

Part 2

Impact on road safety, traffic and transport operation

Considerations in assessing applications for permission for advertisements

28. (1) In considering an application for permission in terms of section 36(1) of the Act the Minister must evaluate whether, according to prevailing traffic and transport operation conditions and the roadside environment—

- (a) the size of the advertisement, together with other signs in the area, if any, will affect the visibility and legibility of road traffic signs due to potential visual clutter;
- (b) the advertisement, or any portion thereof, due to its colour, letter size, symbols, logo, graphics or illumination, will result in the advertisement distracting the attention of drivers, thus leading 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 distracted;

- (d) the colour, or combination of colours, contained in the advertisement predominantly correspond with the colours or combinations of colours specified for road traffic signs in the regulations 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 advertising;
- (f) the amount of information contained in the advertisement, measured in bits, is within the limits set out in regulation 31;
- (g) the advertisement is suitably positioned and orientated and whether it is closer than five metres from a road reserve boundary;
- (h) the position of the advertisement will negatively affect the visibility of, sight distance to, or effectiveness of, any road traffic sign, or series of such signs;
- (i) the advertisement could be mistaken for a road traffic sign;
- (j) the illumination of the advertisement is likely to distract drivers' attention from road traffic signs that are not illuminated;
- (k) the position of the 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; and
- (l) the position of the 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.

(2) In assessing the potential impact of a proposed advertisement on road safety and transport operation, the Minister may use the methodology developed by the Department, entitled "*Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Signs*".¹

Conditions of approval

29. If the Minister grants permission for the display of an advertisement in terms of section 36(1) of the Act, the permission must—

- (a) state the time period for which the permission is valid, which may not be longer than five years; and
- (b) state that the advertisement may not be moved or re-erected nor may any alteration be made to the message displayed, except for the purpose of renovation or maintenance, without first obtaining the further written permission of the Minister.

¹The guidelines document entitled "*The Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Sign*" can be obtained from the Head of Department.

Part 3
Technical standards applicable to advertisements

Prohibitions relating to advertisements

30. Despite the other provisions of these regulations, no advertisement, including an advertisement that the Minister has exempted from the application of section 36(1) of the Act, may—

- (a) constitute a danger to persons or property;
- (b) be placed so as to distract, or contain an element that 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 animated;
- (e) lead to serious impairment of transport operation through loss of traffic capacity and diminished safe operational speed;
- (f) be attached to road traffic signs or be combined with road traffic signs unless specifically authorised under 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;
- (g) cause any obstruction to a motorist's view of the roadway or its approaches regardless of the direction the motorist is travelling, obscure the view of pedestrians or obscure sight of road or sidewalk features such as junctions, bends and changes in width;
- (h) be erected within a radius of 200 metres from the centre of any intersection on a road or any point where lanes merge or diverge, measured from the yellow line break points;
- (i) project over pedestrian or cycle circulation routes unless the clear height of the advertisement exceeds 2,4 metres;
- (j) in the case of a banner, be erected within 30 metres of any road traffic sign or traffic signal;
- (k) be erected in the vicinity of signalised intersections and display the colours red, yellow or green if such colours will constitute a road safety hazard;
- (l) use the words "stop" or "danger" in a prominent position or give the impression of the need or requirement to stop or of the existence of danger on any road;
- (m) emit a noise, sound or smoke.

Requirements for advertisements

31. (1) 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

(2) The wording of an advertisement must be concise and legible.

(3) No advertisement displaying a single message and visible from—

- (a) a freeway or road with a posted speed limit of 120 km/h may exceed six bits of information; or
- (b) a road other than a freeway with a posted speed limit of under 120 km/h may exceed 10 bits of information.

(4) No combination advertisement, or any other sign displaying more than one advertisement or message, may contain more than six bits of information per enterprise, property or service, or per individual advertisement or message displayed on the combination advertisement unless such advertisement is displayed as an on-premises business sign in an urban area in relation to a road other than a freeway with a posted speed limit of 60 km/h or less.

(5) No telephone numbers, addresses, websites or email addresses may be displayed, except where specifically allowed in section 20(1) of the Act or on advertisements displaying emergency services.

(6) No message may be spread across more than one advertisement.

Illumination and electronic advertisements

32. (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 candelas per square metre
0,5 to 2,0 square metres	800 candelas per square metre
2,0 to 10 square metres	600 candelas per square metre
10 or more square metres	350 candelas per square metre

(3) An advertisement may not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from the road and the source of the illumination is concealed from oncoming traffic.

(4) An illuminated advertisement may not inhibit the view of a driver or pedestrian or be in the direct line of sight of a traffic light.

(5) An advertisement may not contain a message of which the person who sees the advertisement is not consciously aware.

(6) No light source or beam of light may be—

- (a) moved or directed in such a manner as to distract the attention of drivers of vehicles from the task of driving;
- (b) positioned or aimed so as to shine directly onto, or at, a road.

Floodlighting

33. (1) Subject to regulation 32 a light source for an advertisement must be positioned to ensure effective light distribution and minimise light wastage or “spill”.

(2) No light source used to floodlight an advertisement must be visible to traffic travelling in either direction.

Additional requirements for specific advertisement types

34. (1) A large billboard, whether or not it consists of an electronic advertisement must be at least 200 metres from any road traffic sign;

(2) A large Billboard which consists of an electronic advertisement must have its face at right angles to the centre line of the road.

(3) A street number indicating specific premises must have a minimum size of 150 millimetres and a maximum size of 350 millimetres.

(4) A farm name advertisement indicating specific premises must—

- (a) have a minimum letter size of 100 millimetres and a maximum letter size of 140 millimetres;
- (b) comply with the relevant tourism direction sign design set out in the regulations under the National Road Traffic Act;
- (c) in the case of a single farm or smallholding, be displayed next to the entrance of the access road thereto; and
- (d) in the case of more than one farm or smallholding sharing an unnumbered or private access road, bear a single message agreed to by the relevant property owners, or failing such agreement, the name of the property most remote from the road concerned.

(5) No advertisements may be erected at an entrance to a multi-enterprise property or multi-property development in an urban area in relation to a road with a posted speed limit of above 60 km/h.

(6) Advertisements erected at an entrance to a multi-enterprise property or a multi-property development in an urban area, in relation to a road with a posted speed limit of 60 km/h or less, must consist of a combination advertisement with not more than one square metre per enterprise, property or service.

(7) Banners may not be—

- (a) attached to a bridge over a road; or
- (b) displayed in such a manner as to interfere with, or constitute a danger to, passing pedestrians or traffic.

(8) Service facility signs—

- (a) may be erected or displayed only on the service facility site concerned, adjacent to and directly accessible from, a road at which the advertisement is aimed;
- (b) may be double sided, but may not be displayed on both sides of the road;
- (c) may not be animated and may only be illuminate while the services concerned are being provided;
- (d) may not exceed the following dimensions:

Along a road in an urban area that is a freeway	6 square metres
Along a road in an urban area that is not a freeway	4,5 square metres
Along a road in a rural area	18 square metres

(9) Tourism information signs may only be displayed in terms of the regulations under the National Road Traffic Act.

(10) Advertising trailers may—

- (a) be parked in urban areas only on sites designated in advance by the municipality and must be properly secured at both ends to withstand strong winds;
- (b) not be towed on a road if they are unstable, including instability as a result of strong winds.

(11) An aerial advertisement may not—

- (a) be flown above a public road;
- (b) when affixed to any building or structure, be flown at a height of more than 45 metres from the surface, measured from ground level;
- (c) be illuminated or animated, with the exception of an airship;
- (d) be displayed outside daylight hours, with the exception of a moored airship.

(12) Project boards—

- (a) may not be erected on or next to a freeway unless they apply to the construction or rehabilitation of the freeway itself;
- (b) may not be illuminated or animated;
- (c) may be displayed only while the relevant works are actually taking place, including any defect liability period.

(13) A security sign on a farm—

- (a) may be displayed only at the intersection of a road and a private access road or at the entrance to the property concerned; and
- (b) may not be illuminated or animated.

(14) Only one security sign is permitted on a farm or small holding.

Maintenance

- 35.** (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—
- (a) is responsible for maintaining it in a safe and proper condition and repainting it;
 - (b) must undertake at least one annual inspection of the advertisement to ensure its safety; and
 - (c) must retain a record of all information recorded during an inspection.

Part 4 Complaints

Complaints

36. (1) A person who suspects that an advertisement is being or has been displayed or erected contrary to the Act or these regulations, may lodge a written complaint with the Head of Department.

(2) On receipt of such a complaint the Head of Department must investigate the matter without delay and, where appropriate, take steps under section 38(2) and (3) of the Act.

CHAPTER 4 PUBLISHING AND SERVING OF NOTICES, APPLICATIONS FOR PERMISSION FOR OR APPROVAL OF CERTAIN ACTIONS AND FEES AND RENTALS ASSOCIATED WITH TRANSPORT INFRASTRUCTURE

Part 1 Minimum requirements for publishing and serving of notices and notifying interested and affected parties

General requirements for publishing of notices

37. A notice which is required to be published in the *Provincial Gazette* in terms of the Act, must—

- (a) be published in the official languages of the Province; and
- (b) in the case of a municipality, be displayed at the municipal offices of the municipality concerned.

General requirements for serving of notices

38. (1) Any notice or other document that is to be served by a responsible authority on a person in terms of the Act is regarded as having been served—

- (a) when it has been delivered to that person personally;
- (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
- (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
- (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

Notice of alteration of reserve width

39. A notice contemplated in section 6(3)(c) or (4)(d) of the Act must—

- (a) identify the road or railway line concerned with reference to place or station names;
- (b) state the affected portion of the road or railway line concerned by kilometre distances from a specified datum;
- (c) state the original and altered reserve widths of the road or railway line or portions of the road or railway line; and
- (d) contain a plan depicting the information specified in paragraphs (a) to (c), or indicate a time and a place where such a plan will be available for inspection.

Notice of alteration of reserve of ancillary infrastructure

40. A notice contemplated in section 7(7)(c) or (8)(d) of the Act must—

- (a) identify the ancillary infrastructure concerned through the use of appropriate descriptors;
- (b) state the original and altered reserve of the ancillary infrastructure; and
- (c) contain a plan depicting the information specified in paragraph (a), or indicate a time and a place where such a plan will be available for inspection.

Notice of alteration of building line or building restriction area

41. A notice contemplated in section 8(4)(c) of the Act must—

- (a) identify the transport infrastructure concerned through appropriate descriptors;
- (b) state the original and altered building line or building restriction area;
- (c) contain a plan depicting the information specified in paragraphs (a) and (b), or indicate a time and a place where such a plan will be available for inspection.

Notifying interested and affected parties of planning process and plans

42. (1) The responsible authority must, before the commencement of the planning process contemplated in section 13(4) of the Act, give notice to interested and affected parties in the area in which the project is being planned of the intended planning—

(a) in the case of the Minister—

(i) by the placing of notices in at least two of the official languages of the Province most used in the area—

(aa) in the local newspaper or newspapers in the area;

(bb) in a newspaper or newspapers circulating in the area and determined by the Minister as a newspaper of record; or

(ii) by means of radio broadcasts covering the area;

(b) in the case of a municipality, in accordance with section 21 of the Local Government: Municipal Systems Act, 32 (Act 32 of 2000).

(2) A notice contemplated in subregulation (1) must—

(a) invite comments or representations from interested and affected parties by or before a stipulated date at least 30 days from the date of the notice; and

(b) state that a person who cannot write may come during office hours to a place where a staff member of the responsible authority will assist that person to transcribe that person's comments or representations.

(3) The notice contemplated in subregulation (1) must, where applicable—

(a) identify the route concerned through place or station names, and the affected portion of the route by kilometre distances from a specified datum;

(b) identify the ancillary transport infrastructure concerned through the use of appropriate descriptors;

(c) describe the nature of the intended planning exercise and any proposed alterations to the existing situation; and

(d) contain a sketch plan depicting the information specified in paragraphs (a), (b) and (c) or indicate a time and a place where such a plan will be available for inspection.

(4) The notice contemplated in section 13(5) of the Act must contain the plan produced through the processes described in section 13 of the Act, or indicate a time and a place where the plan will be available for inspection.

(5) The plan contemplated in subregulation (4) must include the information specified in subregulation (3), showing, where applicable, all planned alterations.

(6) Interested and affected parties who have made themselves known to the responsible authority during the planning process and have requested to be individually notified of the results of the process, must, insofar as possible, be so notified in the manner requested.

Notifying interested and affected parties of widening or alteration not longer than 1000 metres

43. The responsible authority must, in a notice contemplated in section 13(11) of the Act, notify interested and affected parties in accordance with regulation 38 of its intention to act in accordance with section 13(10) of the Act, which notice must—

(a) contain the information specified in regulations 42(3)(a) or (b);

- (b) state and show—
 - (i) the original and proposed reserve widths; or
 - (ii) in the case of other proposed alterations to transport infrastructure, the original and proposed state of the transport infrastructure; and
- (c) invite comment in writing before a date not later than 30 days after the notification.

Notifying interested and affected parties of planning before withdrawal of declaration of transport infrastructure

44. (1) The responsible authority must, in a notice contemplated in section 15(4) of the Act, serve notice on interested and affected parties in accordance with regulation 38 of the intended planning, which notice must—

- (a) in the case of roads and railway lines, identify the routes or portions of routes in question through place or station names, and the affected portion of the route by kilometre distances from a specified datum;
- (b) in the case of ancillary transport infrastructure, identify the infrastructure concerned, through the use of appropriate descriptors; and
- (c) contain a plan depicting the information specified in paragraphs (a) and (b) or indicate a time and a place where such a plan will be available for inspection.

Notifying interested and affected parties of temporary closure or deviation

45. The notice to affected parties contemplated in section 21(5) of the Act must—

- (a) be served in accordance with regulation 38;
- (b) identify the route in question through place or station names, and the affected portion of the route by kilometre distances from a specified datum;
- (c) in the case of the temporary deviation of a route, contain a sketch plan depicting the deviation; and
- (d) invite comments or representations by a specified date which must be at least 14 days later than the date of the notice.

Part 2

Applications for approval, authorisation or permission

Applications for approval, authorisation or permission under the Act

46. The applications for approval, authorisation or permission contemplated in sections 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1) and 60(3) of the Act must—

- (a) in the case of transport infrastructure under the control of the Minister, be lodged with the Head of Department, and include:
 - (i) a completed application form, as set out in Annexure I;
 - (ii) on a separate sheet or sheets, the minimum information to be supplied in the particular case, as set out in Annexure J; and
 - (iii) the fee, if any, as set out in Annexure J; or

- (b) in the case of transport infrastructure under the control of a municipality, be lodged with the municipality concerned in the form, and accompanied by the fees, if any, prescribed by that municipality.

Setting of fees and rentals

47. Fees and charges or the rates, scales or tariffs of fees and charges pursuant to the applications contemplated in sections 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) and 62(2) of the Act—

- (a) in the case of transport infrastructure under the control of the Minister, are set out in Annexure J; or
- (b) in the case of transport infrastructure under the control of a municipality, are set by that municipality in accordance with procedures prescribed in legislation governing municipal financial matters and published by the municipality as part of its annual budgetary process.

Part 3

Appeals

Appeals against decision by Head of Department or official

48. An appeal to the Minister in terms of section 62(1) of the Act must—

- (a) be lodged in writing at the offices of the Minister at 8th Floor, 9 Dorp Street, Cape Town within 21 days after the person who lodges the appeal has been notified of the decision concerned;
- (b) be accompanied by the prescribed fee; and
- (c) contain full details of the decision appealed and copies of correspondence relevant to the decision.

CHAPTER 5 MISCELLANEOUS

Repeal of regulations

49. The regulations published under Provincial Notice 632 dated 1 August 1980, Provincial Notice 394 dated 8 May 1981, Provincial Notice 751 dated 4 December 1981, Provincial Notice 796 dated 24 December 1981, Provincial Notice 383 dated 24 June 1983 and Provincial Notice 391 dated 5 September 1995 are repealed.

Short title and commencement

50. These regulations are called the Western Cape Transport Infrastructure Regulations, 2017, and come into operation on a date determined by the Provincial Minister of Transport and Public Works in the *Provincial Gazette*.

ANNEXURE A:

[Regulation 3]

Functional classification of roads [Regulation 3]

Function			Description		Mobility					
Basic function	Alternate functional descriptions	Determining function	Class No	Class name	Origin / destination in the rural context	Through-traffic component			AADT (average annual daily traffic)	
						In the rural context	In the urban context	Distance between parallel roads in urban context (km)	Rural	Urban
Mobility	Vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic, route, arterial road or highway	Movement is dominant, through traffic is dominant, the majority of traffic does not originate or terminate in the immediate vicinity, the function of the road is to carry high volumes of traffic between urban areas or urban districts	1	Principal arterial (freeway in urban context)	Metro areas, large cities, large border posts, join national routes	Exclusively	Exclusively	5 – 10 km	1000 – 100 000+	40 000 – 120 000+
			2	Major arterial	Cities and large towns, transport nodes (harbours and international airports), smaller border posts, join major routes	Exclusively	Predominant	5 – 10 km	500 – 25 000+	20 000 – 60 000
			3	Minor arterial	Towns, villages and rural settlements, tourist destinations, transport nodes (railway sidings, seaports, landing strips), small border posts, other routes	Predominant	Major	0,8 – 2,0 km	< 1000	10 000 – 40 000
Access / Activity	Access, mixed pedestrian and vehicle traffic, short distance, low order, lower speed, community / farm, road or street	Access, turning and crossing movements are allowed, the majority of traffic has an origin or destination in the district, the function of the road is to provide a safe environment for vehicles and pedestrians using access points	4	Collector road or street	Connect farming districts, rural settlements, tourist areas, national and private parks and mines to mobility routes	Minimal	Discourage		< 1000	< 10 000
			5	Local street			Prevent			< 1 000
			6	Walkway			Ban			

ANNEXURE B

[Regulation 6]

Roadside development environment: Guidelines

Density characteristics within the urban edge (urban areas)		
Roadside development environment	Floor Area Ratio (FAR)	Bulk (m²) – du/ha – building height
CBD	> 1	10 000 m ² /ha @50% coverage = 2 x storey @30% coverage = 3 x storey (allow parking and landscaping) Residential => gross 100 du/ha (400 pp/ha)
Intermediate	0,3 – 1	3000 m ² – 10 000 m ² /ha e.g. 5 000 m ² @50% coverage = 1 x storey Residential = gross 25 – 100 du/ha (100 – 400 pp/ha)
Suburban	0,1 – 0,3	1000 m ² – 3000 m ² /ha = 1 x/2 x storey Residential = gross < 10 du/ha
Density characteristics outside the urban edge (non-urban areas)		
Semi-rural	< 0,1	
Rural	< 1 bldg/10 ha	

Note The actual roadside development environments decided may reflect the policy of the municipality towards future developing roadside development environments, where the floor area ratios are not yet at levels suggested in the above table.

ANNEXURE C

[Regulation 17(1)]

WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013 (ACT 1 OF 2013)**DEPARTMENT OF TRANSPORT AND PUBLIC WORKS**

..... MUNICIPALITY

**INFORMATION TO BE SUPPLIED WHEN APPLYING FOR SUBSIDY FOR MUNICIPAL
ROADS, RAILWAY LINES OR OTHER TRANSPORT INFRASTRUCTURE**

1. The information referred to in regulation 17 must be provided by completing the relevant columns in Table 1A and 1B, 2, and 3A and 3B or 4A and 4B, in this Annexure.
2. A separate, completed table must be submitted for each road or group of roads, each public transport road or group of roads, each railway line and each other element of transport infrastructure, as follows:
 - 2.1 Road or group of roads (complete Tables 1A and 1B in this Annexure)
 - 2.2 Public transport road or group of roads (complete Tables 1A and 2 in this Annexure)
 - 2.3 Railway line (complete Tables 3A and 3B in this Annexure)
 - 2.4 Transport infrastructure other than roads or railway lines (complete Tables 4A and 4B below).
3. Applications must be submitted under cover of a letter with the Municipality's letterhead and signed and dated by the Municipal Manager or a person designated to perform this task by the Council, to the following address:

The Head of Department
Department of Transport and Public Works
P.O. Box 2603
CAPE TOWN
8000

ANNEXURE D

[Regulation 18(2)]

WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013

DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

MUNICIPALITY OF

MEMORANDUM OF AGREEMENT

(in terms of section 24(2) of the Western Cape Transport Infrastructure Act, 2013 (Act 1 of 2013) (“the Act”) and regulation 18(2))

Entered into by and between

THE PROVINCIAL MINISTER OF TRANSPORT AND PUBLIC WORKS

(hereinafter referred to as “the Minister”)

and

..... **MUNICIPALITY**

herein represented by in his/her capacity as
....., duly authorised thereto

(hereinafter referred to as “the Municipality”)

WHEREAS the Minister has approved the application of the Municipality for the payment of a subsidy in terms of section 24(1) of the Act, the parties now wish to record the road or roads or parts of a road or roads, and railway line or railway lines or parts of a railway line or railway lines, and the ancillary transport item or items that will qualify for a subsidy in an agreement as contemplated in section 24(2);

AND WHEREAS the aforesaid road or roads or parts of a road or roads, and railway line or lines or parts of a railway line or railway lines, and ancillary transport item or items are recorded in the schedule hereto.

AND WHEREAS the Municipality will apply such subsidy funds for the overall control and administration of the planning, design, construction, maintenance and management of the transport infrastructure listed in the schedule hereto.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

1. The Minister will ensure that:
 - (a) The road or roads, and railway line or lines, and ancillary transport item or items listed in the schedule hereto are included in the preparation of the Department's budgeting process, provided that the requirements of Part 6 of the Act have been complied with; and
 - (b) the Head of Department is suitably empowered through appropriate delegations to authorise and effect payment of subsidies timeously.
2. The Municipality undertakes to:
 - (a) Comply with standards and guidelines determined by the Head of Department;
 - (b) use the subsidy funds only for the purposes approved by the Minister pursuant to an application in terms of section 24(1), and as determined by the Head of Department in terms of section 27(1); and
 - (c) comply with the standard conditions of financial reporting and auditing required in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), and as set out in the transfer payment agreement concluded in accordance with the PFMA.
3. This agreement constitutes the only agreement between the parties pertaining to the subject matter thereof, and no amendment to the agreement will have any effect unless reduced to writing and signed by both parties.
4. If any of the clauses of this agreement or annexures or schedules thereto are found to be invalid or not binding on the parties, that finding does not affect the validity of this agreement, and the parties agree to be bound by the other provisions of the agreement.

SIGNED AT **ON** **20**...

.....
**PROVINCIAL MINISTER OF
 TRANSPORT AND PUBLIC WORKS**
 WESTERN CAPE PROVINCIAL
 GOVERNMENT

AS WITNESSES:

1.

2.

SIGNED AT ON 20...

.....

THE MUNICIPALITY

Represented by

in his/her capacity as

duly authorised thereto

AS WITNESSES:

1.

2.

Table 2: Railway lines

The table must be expanded, and lines added as necessary, to cover the subsidisable network.

1	Railway line between Station A	Station B	2	Systems for monitoring condition	3	Length of rail line km	4	Gauge mm	5			6	7	8	9	10
									Standard of construction							
									Subgrade	Ballast	Sleeper					

Where it may be uncertain which portion or portions of a road or railway line are included in the agreement, a sketch plan showing the start and end points of the sections must be included on a separate A4-size page.

Ancillary transport infrastructure must be listed and descriptors appropriate to the class of infrastructure must be used to describe its location, size and standard of construction, and accompanying sketch plans must be used to further enable the accurate identification of each item.

ANNEXURE E

[Regulation 19(1) and 19(6)]

**FORM: ESTIMATES OF EXPENDITURE ON MUNICIPAL TRANSPORT
INFRASTRUCTURE**

WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013 (ACT 1 OF 2013)

WESTERN CAPE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

..... MUNICIPALITY

**SUBMISSION TO THE HEAD OF DEPARTMENT OF ESTIMATES OF EXPENDITURE ON
MUNICIPAL ROADS, RAILWAY LINES OR OTHER TRANSPORT INFRASTRUCTURE**

1. The information required in terms of regulation 18(1) must be provided by completing the relevant columns in Tables 1A and 1B, 2, 3A and 3B or 4A and 4B, below.
2. A separate completed table must be submitted for estimates of expenditure on each road or group of roads, each municipal public transport road or group of roads, each municipal railway line and each other element of transport infrastructure:
3.
 - 3.1 Monitoring systems (complete Table 1A below)
 - 3.2 Roads (complete Table 1B below)
 - 3.3 Municipal public transport roads (complete Table 2 below)
 - 3.4 Municipal railway lines (complete Table 3 below)
 - 3.5 Transport infrastructure other than roads or railway lines (complete Table 4 below).
4. Estimates for subsequent years for multi-year projects required by regulation 18(3) must be submitted in the same tables in the lines immediately below the estimate for the project for the following year.
5. The information required in regulation 18(6) must be provided by completing the relevant columns in Tables 5, 6, 7 and 8, in this Annexure.

6. A separate completed table must be submitted for proposed amendments to estimates on expenditure on roads, municipal public transport roads and municipal railway lines and each other element of transport infrastructure:
 - 6.1 Roads (complete Table 5 below)
 - 6.2 Municipal public transport roads (complete Table 6 below)
 - 6.3 Municipal railway lines (complete Table 7 below)
 - 6.4 Transport infrastructure other than roads or railway lines (complete Table 8 below).
7. Estimates and proposed amendments to estimates must be submitted under cover of a letter with the Municipality's letterhead, and signed and dated by the Municipal Manager or person designated to perform this task by the Council, to the following address:

The Head of Department
Department of Transport and Public Works
P.O. Box 2603
CAPE TOWN
8000

TABLES 3A and 3B: ANNUAL ESTIMATES OF EXPENDITURE ON MUNICIPAL RAILWAY LINES FOR 20...../20.....

..... **MUNICIPALITY**

1. In **Table 3A** below, provide an estimate of the annual *pro rata* subsidisable share of the operational cost of maintaining the system or systems for monitoring the condition of railway lines under the control of the municipality.

Table 3A

<i>Pro rata</i> share of annual operational cost of systems approved by the Head of Department for the monitoring of the condition of subsidisable rail infrastructure under the control of the municipality, based on the relationship between the length of the subsidisable portion of the network and the total length of all non-subsidisable railway lines under the control of the municipality	Estimated annual expenditure
	R.....

TABLES 4A and B: ANNUAL ESTIMATES OF EXPENDITURE ON TRANSPORT INFRASTRUCTURE OTHER THAN ROADS OR RAILWAY LINES: 20.../20... MUNICIPALITY

1. In **Table 4A** below, provide an estimate of the annual *pro rata* subsidisable share of the operational cost of maintaining the system or systems for monitoring the condition of transport infrastructure, other than roads or railway lines, under the control of the municipality.

Table 4A

<p><i>Pro rata</i> share of annual operational cost of systems approved by the Head of Department for the monitoring of the condition of subsidisable transport infrastructure, other than road or rail infrastructure, under the control of the municipality, based on the relationship between the length or area of the subsidisable portion of the network and the total length or area of all similar non-subsidisable items under the control of the municipality</p>	Estimated annual expenditure
	R.....

ANNEXURE F

Calculation of subsidy percentage




[Regulations 20(1), (2) and (3)]






<i>Annual budgeted municipal revenue, excluding grants for capital work, etc.</i>	Subsidy percentage on expenditure on the activities—					
	Capital expenditure in respect of planning necessary in terms of Part 4 of the Act to determine the most suitable route or location and reserve	Capital expenditure in respect of the construction, relocation or widening of roads other than public transport roads, in respect of the construction or alteration of the layout of ancillary transport infrastructure, in respect of the acquisition of property for securing or increasing the reserve for roads other than public transport roads, or in respect of ancillary transport infrastructure	Capital expenditure in respect of relocation or widening of public transport roads or railway lines, and the acquisition of property for securing or increasing the reserve for public transport roads or railway lines	Capital expenditure in respect of the alteration, deviation or removal necessitated by the construction of transport infrastructure, of anything used for delivering municipal services, including electrical supply or any telecommunication services, any pipe, post, standard, wire, cable, conduit, sewer or appliance not excluded from subsidy in terms of regulation 22(a)	Current expenditure in respect of maintenance or management of roads other than public transport roads or ancillary transport infrastructure	Current expenditure in respect of the maintenance or management of public transport roads or railway lines
After the Act comes into operation, values in this column are to be increased or decreased annually on 30 June by the Minister in accordance with the Consumer Price Index, and rounded to the nearest R10 million						
Up to R300 million	95,00%	95,00%	95,00%	95,00%	95,00%	95,00%
From R301 million to R600 million	80,00%	80,00%	95,00%	80,00%	80,00%	95,00%
Category B and C municipalities above R600 million	60,00%	60,00%	70,00%	60,00%	60,00%	70,00%
Category A municipalities	30,00%	30,00%	40,00%	30,00%	30,00%	40,00%







ANNEXURE G






[Regulation 1(2) and 26]






**TYPES OF ADVERTISEMENT AND ADVERTISEMENTS EXEMPT FROM THE
REQUIREMENTS OF SECTION 36(1) OF THE ACT**




Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
Class 1	Billboard	Any screen or board larger than 4,5 square metres in total area supported by a free-standing structure which is used or intended to be used to display advertisements		
1(a)	Gantry billboard	<p>A billboard mounted on a gantry structure which is constructed for the sole purpose of displaying advertisements, and may be—</p> <p>(a) a portal gantry comprising a structure supported by poles or pillars on both sides of a road and which spans the entire width of a road; or</p> <p>(b) a cantilever gantry supported by poles or pillars on the side of a road or in the road median and which may only span part of a road</p>		No
1(b)	Large billboard	Any billboard larger than 18 square metres in area		No
1(c)	Small billboard	A billboard 18 square metres or smaller in area		No




Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
	Product replica or three dimensional advertisement	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		No
Class 2				
2(a)	Sky advertisement	An advertisement where the top edge of any point of that advertisement exceeds the height of the roof plane to which it is affixed	 	No
2(b)	Roof advertisement	An advertisement affixed to a roof of a building where the top edge of any point of that advertisement does not exceed the height of the roof plane to which it is affixed, or an advertisement which is painted onto a roof of a building	 	Yes





Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
2(c)	Wall advertisement	An advertisement which is affixed to an external wall of a building, or painted onto an external wall of a building used for commercial, office, industrial or entertainment purposes		Yes
2(d)	Advertisement in fabric of building -fixed message -changeable message			Yes
2(e)	Projecting advertisement	An advertisement which is affixed to a wall of a building and which at some point projects more than 250 millimetres in front of the surface of such wall		Yes
2(f)	Veranda, balcony, canopy, under-awning advertisement	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	  	Yes




Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
				
2(g)	Mast, tower, bridge and pylon advertisement	A billboard affixed to or painted on a mast, tower, bridge or pylon that is not used primarily for advertising purposes	  	No
2(h)	Window advertisement	An advertisement which is temporarily or permanently painted on, or attached to the window-glass of a building, or which is displayed within two metres of any window or external opening through which it can be seen from the outside of the building		Yes




<p>Large SIGN CLASS</p>	<p>ADVERTISEMENT TYPE</p>	<p>DESCRIPTION</p>	<p>PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT</p>	<p>EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT</p>
<p>Class 3</p>				
<p>3(a)</p>	<p>On-premises business advertisement in an urban area</p>	<p>An advertisement aimed at identifying and locating business enterprises and industries in an urban area, but excludes a residential or community advertisement</p>		<p>Yes</p>
<p>3(b)</p>	<p>Residential or community services advertisements Small notices and advertisements displayed on premises in residential areas used as— (a) places of residence, for identification and direction or for warnings with regard to residences, including— (i) names of houses, flat complexes, farms and smallholdings; and (ii) signs such as “Beware of the dog”, “No parking” and “Close the gate”; (b) buildings constructed or used for community purposes showing the name and nature of the institution, and nature and extent of services and include religious, cultural, educational and recreational institutions; (c) small scale accommodation facilities with a residential character showing the name and nature of the facility or of the proprietor or partners; and (d) accommodation of small business enterprises and practices such as medical institutions, showing the names of practitioners and nature and extent of services.</p>		  	<p>Yes</p>
<p>3(c)</p>	<p>Agricultural and related land use advertisement</p>	<p>An advertisement for agricultural and related land use in rural areas including advertisements of relevance to— (a) farms, farming enterprises and agricultural products; (b) farm stalls; (c) community facilities such as churches; (d) agricultural field trials.</p>		<p>Yes, but farm name advertisements must conform to regulation 34(4)</p>



Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
3(d)	Banner Flag	<p>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 flagstuffs projecting vertically, horizontally or at an angle, or attached to buildings or to special structures, and includes flags which are not displayed on approved flag poles and excludes banners carried as part of a procession</p> <p>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 flags carried as part of a procession</p>	 	<p>No</p> <p>No</p>
Class 4				
4(a)	Street furniture	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 traffic signs, traffic signals, traffic signal controller boxes, street lights or any other road-related structures		<p>Yes</p>

Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
4(b)	Forecourt advertisement	An advertisement in 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		Yes
Class 5				
5(a)	Service facility sign	An advertisement at a filling station or roadside rest and service area		Yes
5(b)	Road traffic project sign	Advertisement relating to projects specifically intended for road users and which are aimed at the provision of road services, the promotion of road safety or the management and conservation of roadside environments.		Yes

<p>Large SIGN CLASS</p>	<p>ADVERTISEMENT TYPE</p>	<p>DESCRIPTION</p>	<p>PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT</p>	<p>EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT</p>
<p>5(c)</p>	<p>Tourism direction sign</p>	<p>Road traffic sign normally having a trapezoidal shape with white lettering and symbols on a brown background, of which the main objective 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</p>		<p>Yes, provided they are acceptable to/approved by, the relevant tourism and road traffic authorities</p>
<p>5(d)</p>	<p>Tourism information advertisement</p>	<p>An advertisement other than a road traffic sign providing on-site information on a tourist attraction or heritage site</p>		<p>Yes</p>
<p>5(d)</p>	<p>Gateway advertisement</p>	<p>A pole mounted location advertisement at the entrance to a town or suburb that carries the name of the town or suburb</p>		<p>Yes</p>
<p>Class 6</p>				
<p>6(a)</p>	<p>Vehicular: - Advertisement not main purpose</p>	<p>An advertisement painted on or affixed to a self-driven or self-propelled vehicle which is normally moving on land or water and which is not used for the sole purpose of advertising</p>		<p>Yes</p>

Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
6(b)	Vehicular, -Advertising Trailer -Self-propelled Advertising Vehicle	A trailer as defined in section 1 of the National Road Traffic Act that is designed or adapted for the sole purpose of advertising		Yes
6(c)	Aerial advertisement	An advertisement painted on, attached to or produced by an aircraft, including a captive balloon, kite, unmanned free balloon, moored airship, para-sailing 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 a banner or producing smoke signals		No
6(d)	Walking sandwich board and other portable notice	'A' frame boards shoulder strapped to a person or any other board carried by a person for the purpose of advertising		Yes

Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
Class 7				
7(a)	Construction site advertisement	<p>An advertisement affixed flat against or on top of a fence or wall forming the boundary of a construction site, or a freestanding advertisement on a construction site, or a building wrap</p> <p>A building wrap is a vinyl advertisement fixed flat against the walls of buildings under construction or renovation or against scaffolding used during such operations</p>		Yes
7(b)	Project Board	An advertisement displaying the involvement of a contractor or consultant in a construction project		Yes
7(c)	Sporting events, festivals, exhibitions	Temporary advertisements relating to the event displayed while the event is taking place.		No
7(d)	<p>Estate agent's board</p> <p>Auction advertisement</p>	<p>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</p> <p>An advertisement announcing 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</p>		Yes

Large SIGN CLASS	ADVERTISEMENT TYPE	DESCRIPTION	PHOTOGRAPHIC EXAMPLES OF ADVERTISEMENT	EXEMPT FROM REQUIREMENTS OF SECTION 36(1) OF THE ACT IN TERMS OF SECTION 36(3)(c) OF THE ACT
7(e)	Lampost advertising	Any temporary advertising placard attached to an electrical light standard 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, the provincial legislature, 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		Yes, provided that, in the case of multiple advertisements the permissible number of bits of information is not exceeded
Class 8				
8(a)	Security sign	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		Yes

ANNEXURE H

[Regulations 27(1), (2) and (3)]

WESTERN CAPE TRANSPORT INFRASTRUCTURE ACT, 2013 (ACT 1 OF 2013)

WESTERN CAPE DEPARTMENT OF TRANSPORT AND PUBLIC WORKS

FORM FOR APPLICATION IN TERMS OF SECTION 36(1) OF THE ACT FOR THE MINISTER’S PERMISSION TO DISPLAY AN ADVERTISEMENT CONTEMPLATED IN SECTION 36(1), WHERE APPLICABLE, FOR A SIMULTANEOUS APPLICATION IN TERMS OF SECTION 43(1) OR (4), WHERE THE MINISTER IS THE ROAD AUTHORITY

A separate application form must be submitted for each advertisement and for each change of the display of an existing advertisement.

Locational information

Road number allocated in terms of section 12(4) of the Act

Kilometre distance along the road

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

Details of advertisement, including details of the supporting structure

Description of property on which advertisement will be situated:

Category of advertisement (e.g. large billboard, tower, bridge or pylon advertisement. See Annexure G):

Is the advertisement to be erected or installed on or within transport infrastructure, within the building lines of transport infrastructure or within a building restriction area?

If it is the intention to mount the advertisement on an existing supporting structure, indicate whether the supporting structure was approved, and if so indicate whether the approval is still valid and attach a copy of the approval.....

Agent of applicant (if applicable)

Name of representative or agent

Identity number or 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

Name of applicant or representative of applicant

Identity number or 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 or representative duly authorised thereto:

Signature Date:

Land owner (if different from applicant)

Name of land owner

Identity number or 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 applicant duly authorised thereto:

Signature Date:

Municipality

Name of representative of municipality

Name of municipality

Postal address and code

Telephone number(s)

Fax number

E-mail address

Status of the application to the municipality

Indicate whether or not the municipality has granted permission for the proposed display of the advertisement in terms of its by-law regulating billboards and the display of advertisements and in terms of section 43(5) of the Act in the event that the municipality is the responsible authority or whether permission required in terms of other applicable legislation has been granted, as follows:

Indicate whether or not permission granted for the advertisement
[Attach copy of permission if applicable]

Indicate name of by-law regulating billboards and the display of advertisements

Indicate whether or not permission granted for the advertisement in terms of section 43(5) of the Act in the event that the municipality is the responsible authority
[Attach copy of permission if applicable]

Indicate whether or not permission has been granted in terms of other applicable legislation, if any
[Indicate name of applicable law or laws and attach copy of permission, if applicable]

Signed **Date**

on behalf of **MUNICIPALITY**

by in his/her capacity as
duly authorised thereto

Municipality’s stamp:

The application must be accompanied by the following:

1. Location plan

A location plan to a scale of 1:5000 showing the road from which the advertisement will be visible, the road number allocated in terms of section 12(4) of the Act, the kilometre distance along the road, on which side of the road the advertisement is to be placed and GPS co-ordinates.

2. 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 200 metres upstream and downstream of the proposed sign, 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 road reserve boundary, building lines, building restriction areas, street names, route and section numbers, kilometre distances along the road, all existing advertising signs in the area, road traffic signs and traffic signals, the approximate extent of the visual zone and the dimensional position of the sign for which application is made.

3. Signage Master Plan

A signage master plan in respect of any development where the erection of numerous advertisements is proposed or the rationalisation of previously approved advertisements is required so as to allow it to consider a consistent design master plan prior to assessment of any individual advertisement.

4. Details of advertisement

Detailed drawings of the advertisement, the proposed letter sizes and length of the proposed message.

5. Further details for certain types of advertisement

In respect of electronic advertisements, large and small billboards, tower structures, product replicas and three-dimensional advertisements, tower and pylon advertisements and aerial advertisements—

- (aa) elevations of the proposed advertisement to a scale of not less than 1:500 or photographs of a size not less than 200 millimetres by 250 millimetres, taken from points on the road reserve from which the advertisement will be visible, showing all existing advertisements and road traffic signs, showing the proposed advertisement superimposed thereon; and
- (bb) details of the position from which an elevation plan is provided or a photograph has been taken, the distance from such position to the proposed advertisement, the position of the advertisement and its structure in relation to its surroundings; and
- (cc) areas of the advertisement to be illuminated.

6. Application for erection and details of supporting structure

In terms of regulation 27(2) permission to erect a structure or structures supporting the advertisement must be applied for in terms of the requirements of section 43(1) or (4) of the Act. The information required to support the application for the structure is specified in Annexure J, and those details must be included with this application.

In addition to any requirements of section 43 of the Act, details of the supporting structure including the structural design of the advertisement support system and a certificate issued by a structural engineer attesting to the safety of the construction and that it will not endanger road users. If it is the intention to mount the advertisement on an existing supporting structure with a valid approval, a copy of the relevant approval.

7. Additional information to be submitted when requested

If requested by the Minister—

- (a) the municipality must request the applicant to furnish; or
- (b) the applicant must furnish,

and forward to the Head of Department, such additional information reasonably required by the Minister to assess of the impact that the display of the advertisement on road safety and transport operation. This information may include but is not limited to:

- (i) A layout plan—
 - (i) drawn to scale of at least 1:2000 and showing a distance of not less than 500 metres upstream and downstream of the proposed site of the advertisement for which application is made;

- (ii) which accurately shows 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;
- (iii) any other information of document required by the Minister that will allow a detailed evaluation of any factor which could affect road safety; and
- (ii) 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, and illumination.

Approval by Minister

I herewith approve the application for the display of the proposed advertisement in terms of section 36(1) of the Act, subject to the following conditions specific to the case.

.....

.....

.....

.....

which approval shall remain valid for a period of years from the date of this approval, or until the advertisement is removed or altered by the applicant

and as responsible authority, approval is further granted in terms of section 43(5) of the Act, subject to the following conditions:

.....

.....

.....

.....

which approval shall remain valid for a period of years from the date of this approval, or until the advertisement is removed or altered by the applicant.

Signed

**PROVINCIAL MINISTER OF TRANSPORT AND PUBLIC WORKS
WESTERN CAPE PROVINCIAL GOVERNMENT**

ANNEXURE I

[Regulation 46]

FORM FOR APPLICATION FOR APPROVAL, AUTHORISATION OR PERMISSION

Name of applicant or representative of applicant

.....

Identity number of applicant

Postal address and code

Telephone number(s)

Fax number

E-mail address

Signature of or on behalf of applicant Date:

Agent of applicant (if applicable)

Name of representative or agent

Identity number or registration number of agent

Postal address and code

Telephone number(s)

Fax number

E-mail address

Signature of or on behalf of agent Date:

Description of property in respect of which application is being made (if relevant to the application)

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

Land owner (if applicable)

Name of land owner

Identity number or registration number of land owner

Postal address and code

Telephone number(s)

Fax number

E-mail address

I/We support the application

Signature of or on behalf of land owner Date:

Details of the application and of the infrastructure affected by the proposal (refer also to Appendix J and the minimum information to be supplied)

.....

.....

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.....

.....

.....

FOR OFFICE USE ONLY:

Consent granted/refused on

Comments:

.....

ANNEXURE J
[Regulations 46 and 47]

**MINIMUM INFORMATION TO BE SUPPLIED WITH EACH APPLICATION AND
SCHEDULE OF FEES AND CHARGES RELATED TO PROVINCIAL TRANSPORT
INFRASTRUCTURE**

Section of Act	Nature of approval or authorisation sought	Minimum information to be supplied	Application fee (R)
16(1)	Application to close, relocate or alter transport infrastructure	<ol style="list-style-type: none"> 1. Description of transport infrastructure concerned enabling positive identification; if a road, include the number of the road; 2. If a portion of a road or railway line is to be relocated, the kilometre values of relevant portion; 3. GPS co-ordinates; 4. Sketch plan showing existing and proposed locations as well as names of affected properties, property boundaries, and names of property owners; 5. Record of discussions held with property owners and other persons likely to be affected, and any comments elicited; 6. Reasons for the proposal.	.....
18(1)(a) with 18(4)	Application for permission 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 or decision contemplated in NEMA or NHRA	<ol style="list-style-type: none"> 1. Description of the specific piece of land or portion thereof as described in the relevant Deeds Office. In the case of a portion of land, a sketch or description that is sufficient to enable the Department to identify it must be submitted if a Surveyor General's diagram is not available; 2. Description of the transport infrastructure affected by the proposal; 3. Description of the intended land use in the township or subdivided property and how the transport infrastructure is likely to be affected, together with available traffic and transport studies demonstrating this and proposed mitigating measures; 4. Reasons for the proposal.	.....
18(2) with 18(4)	Application to 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 building lines of transport infrastructure in respect of which notice in terms of section 17(3) has been published, or to construct, alter or add to any structure of any nature whatsoever on, over or under that area.	<ol style="list-style-type: none"> 1. Description or number of road or other transport infrastructure; 2. If a road or railway line is affected, the kilometre values of the affected portion(s); 3. GPS co-ordinates; 4. Sketch plan showing the proposed service or other structure relative to the transport infrastructure and relevant building lines; 5. If a service, the nature of the service, its size, details of sleeves, proposed methods of construction and maintenance; 6. If a structure, plans for the structure or alterations proposed; 7. Reasons for the proposal and the alternatives considered.	.....
18(3) with 18(4)	Application for approval of a change or intensification in land use on land within an area adjacent to proposed transport infrastructure referred to in section 18(3) of the Act	<ol style="list-style-type: none"> 1. Identification of the property involved and the transport infrastructure affected by the proposal, including— <ol style="list-style-type: none"> (a) the description of the specific piece of land or portion thereof as described in the relevant Deeds Office, and in the case of a portion of land, a sketch or description that is sufficient to enable the Department to identify it must be submitted if a Surveyor General's diagram is not available; (b) plans or sketch plans showing the development and its relation to the transport infrastructure concerned;	.....

Section of Act	Nature of approval or authorisation sought	Minimum information to be supplied	Application fee (R)
		(c) GPS co-ordinates; (d) if the transport infrastructure concerned is an existing road, it must be identified by number and kilometre distances from a specified datum; 2. A description of the intended activities within the development and how the transport infrastructure is likely to be affected, including the impact of accesses to the development, together with all relevant traffic impact and public transport studies that have guided the proposal; 3. Details of mitigating measures that are suggested to address any adverse transport-related effects of the proposed change in land use; and 4. The applicant's own comments on the effects the proposal may have on the integrated transport plan or plans for the area concerned.	
21(6)	Application for the temporary closure or relocation of a road or railway line	1. Description or number of road or railway line; 2. Kilometre values of road or railway line portion to be closed or deviated; 3. GPS co-ordinates; 4. Sketch plan showing existing and proposed road or railway line alignments as well as names of affected properties, property boundaries, and names of property owners; 5. Record of discussions held with property owners and other persons likely to be affected, and any comments elicited; 6. Reasons for the proposal.	.....
40(1)	Application to construct an ingress to or an exit from transport infrastructure	1. Description or number of road or other transport infrastructure concerned; 2. If a road, kilometre value of proposed ingress or exit; 3. GPS co-ordinates; 4. Sketch plan showing the proposal; 5. Proposed use of the ingress or exit; 6. Description of how the transport infrastructure is likely to be affected, together with available studies demonstrating this and proposed mitigating measures; 7. Reasons for the proposal.	.....
41(5)(a)	Application to relocate an access to a road	1. Description or number of road concerned; 2. Kilometre values of existing and proposed accesses; 3. GPS co-ordinates; 4. Sketch plan showing the proposal; 5. Proposed use of the ingress or exit; 6. Description of how the transport infrastructure is likely to be affected, together with available studies demonstrating this and proposed mitigating measures; 7. Reasons for the proposal.	.....
42(1)(b)	Application to deposit or leave a disused vehicle or machine or part thereof or any refuse within 200 metres from the centre line of any road or railway line where it is visible from that road or railway line	1. Description or number of road or railway line; 2. Kilometre values of road or railway line affected; 3. GPS co-ordinates; 4. Description of the specific piece of land or portion thereof as described in the relevant Deeds Office. In the case of a portion of land, a sketch or description that is sufficient to enable the Department to identify it must be submitted if a Surveyor General's diagram is not available;	.....

Section of Act	Nature of approval or authorisation sought	Minimum information to be supplied	Application fee (R)
		5. Sketch plan showing the vehicle, machine or part thereof relative to the transport infrastructure concerned; 6. Reasons for the proposal.	
43(1)	Application to— (a) erect or install a structure or other thing which is attached to the land on which it stands, including a structure or thing that does not form part of that land; (b) construct or lay anything under or below the surface of land; (c) construct anything which projects over the land; (d) carry electric or other wires or pipelines across or laying underground cables or pipelines over, under or on the land concerned; or (e) make any structural addition or alteration to any structure or thing referred to in paragraph (a), (b), (c) or (d) including advertisement support structures but excluding services dealt with under section 43A of the Act— (i) on or within the reserve of transport infrastructure; (ii) within the building lines of transport infrastructure; or (iii) within a building restriction area.	1. Identification of the property involved and of the transport infrastructure affected by the proposal, including— (a) the description of the specific piece of land or portion thereof as described in the relevant Deeds Office, and in the case of a portion of land, a sketch or description that is sufficient to enable the Department to identify it must be submitted if a Surveyor General's diagram is not available; (b) plans or sketch plans showing the development and its relation to the transport infrastructure concerned; (c) GPS co-ordinates; (d) if the transport infrastructure concerned is an existing road or railway line, it must be identified by number and kilometre distances from a specified datum; 2. A description of the intended activities within the development and how the transport infrastructure is likely to be affected, including the impact of accesses to the development, together with all relevant traffic impact and public transport studies that have guided the proposal; 3. Details of mitigating measures that are suggested to address any adverse transport-related effects of the proposed change in land use; and 4. Its own comments on the effects the proposal may have on the integrated transport plan or plans for the area concerned.	.....
43(4)	Application for a departure from restrictions imposed by section 43(1) read with section 43(2) within the reserve of transport infrastructure, or within the building lines of transport infrastructure, or within a building restriction area. ²	1. Description or number of road or other transport infrastructure; 2. Kilometre values of road or railway line affected; 3. GPS co-ordinates; 4. Sketch plan showing the proposed structure relative to the transport infrastructure and relevant building lines; 5. If a service-carrying structure, the nature of the service, its size, details of sleeves, proposed methods of construction and maintenance; 6. If a structure, plans for the structure or alterations proposed; 7. Reasons for the proposal and any alternatives considered.	.....
44(1)	Application for approval of a development involving a change or intensification in land use on land within an area adjacent to	1. Description of the specific piece of land or portion thereof as described in the relevant Deeds Office. In the case of a portion of land a sketch or description that is sufficient to enable the Department to identify it must be submitted if a Surveyor General's diagram is not available;	.....

² Note that in the case of advertisements permission must also be obtained in terms of Chapter 3 as well as the applicable municipal By-law, and other legislation, if applicable. [See Chapter 3 read with Annexures G and H]

Section of Act	Nature of approval or authorisation sought	Minimum information to be supplied	Application fee (R)
	transport infrastructure	2. Plans or sketch plans showing the development and its relation to the transport infrastructure concerned; 3. GPS co-ordinates; 4. Description of the transport infrastructure affected by the proposal. If the infrastructure is an existing road or railway line, identify by number and furnish kilometre distances from a specified datum; 5. Description of the intended activities within the development and how the transport infrastructure is likely to be affected, together with available traffic and transport studies demonstrating this and proposed mitigating measures; 6. Reasons for the proposal.	
47(2)(b)	Application to remove one or more gates from transport infrastructure	1. Description of the transport infrastructure affected by the proposal. If the infrastructure is an existing road, it must be identified by number and kilometre distances from a specified datum must be furnished; 2. Plans or sketch plans showing the gate or gates concerned and any fencing along or around the transport infrastructure and any proposed changes to these; 3. GPS co-ordinates; 4. The record of discussion held with property owners and other persons likely to be affected, and any comments elicited; 5. Reasons for the proposal.	.....
47(5)	Application to erect a fence on or within the boundaries of any transport infrastructure, or to remove a fence erected in accordance with section 47 of the Act on or within the boundaries of any transport infrastructure	1. Description of the transport infrastructure affected by the proposal. If the transport infrastructure is an existing road, it must be identified by number and the kilometre distances from specified datum furnished; 2. GPS co-ordinates; 3. In the case of proposed fencing, the proposed standards and specifications thereof to be considered for approval; 4. Plans or sketch plans showing the proposed fencing which is to be removed; 5. The record of discussions held with, property owners and other persons likely to be affected, and any comments elicited; 6. Reasons for the proposal.	.....
48(1)	Application to erect a gate across a road	1. Description or number of road; 2. Kilometre value where gate is proposed; 3. GPS co-ordinates; 4. Plan or sketch plan showing the proposed gate, any existing or proposed fencing along or across the road and any property boundaries relevant to the application; 5. Record of discussions held with, property owners and other persons likely to be affected, and any comments elicited; 6. Reasons for the proposal.	.....
50(1)	Application to conduct mining operations on or under any transport infrastructure or building restriction area	1. Description of transport infrastructure concerned enabling positive identification; if a road, include the number of the road; 2. If a portion of a road or railway line is affected, the kilometre values of relevant portion; 3. GPS co-ordinates; 4. Description and sketch plan of intended mining operation showing the proposed extent of the mining operation relative to the transport infrastructure and building lines concerned;	.....

Section of Act	Nature of approval or authorisation sought	Minimum information to be supplied	Application fee (R)
		5. The materials to be mined, the proposed methods of mining and rehabilitation of the area and whether or not the Department responsible for Mineral Resources has been consulted; 6. Methods of safeguarding the transport infrastructure against damage during and after the mining activity; 7. Reasons for the proposal and the alternatives considered.	
51(1)	Application to carry on a trade, sell goods or exhibit, offer or manufacture for sale goods on or in a transport infrastructure or building restriction area	1. Description of transport infrastructure concerned enabling positive identification; if a road, include the number of the road; 2. If a portion of a road or railway line is affected, the kilometre values of relevant portion; 3. GPS co-ordinates; 4. Nature of the proposed business and goods that will be manufactured or offered for sale, and the intended method of advertising the business or its products; 5. Sketch plan showing the proposed site relative to the transport infrastructure and relevant building lines concerned; 6. Details of whether the proposed business will be compliant with applicable municipal by-laws and the Businesses Act, 1991 (Act 71 of 1991); 7. In the case of roads and ancillary road infrastructure, whether or not the premises or area is zoned or demarcated for the purpose proposed in the application in accordance with applicable legislation; 8. In the case of railway lines and ancillary public transport infrastructure whether or not special areas have been designated by the responsible authority for trading purposes; 9. Whether or not the proposal, including the advertising component, in any way constitutes a danger to persons, traffic or property.	.....
60(3)	Application for authorisation to do something forbidden in the Act	1. Full description of the proposed action, including reference to the section of the Act which forbids it. If it relates to a particular item of transport infrastructure, a full description of the infrastructure enabling its identification and the possible effect of the proposed action on the transport infrastructure concerned; 2. Reasons for the request.	.....
62(2)	Appeals	No minimum prescribed.	.....

WES-KAAPSE DEPARTEMENT VAN VERVOER EN OPENBARE WERKE
WES-KAAPSE WET OP VERVOERINFRASTRUKTUUR, 2013 (WET 1 VAN 2013)
WES-KAAPSE REGULASIES OP VERVOERINFRASTRUKTUUR

Die Provinsiale Minister van Vervoer en Openbare Werke is van voorneme om, kragtens artikel 54(1) van die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013 (Wet 1 van 2013), die regulasies uiteengesit in die Bylae te maak.

BYLAE

INDELING VAN REGULASIES

INLEIDENDE BEPALINGS

Regulasies

1. Uitleg

HOOFSTUK 1
PROSES VAN VERVOERSTELSELBEPLANNING EN PROJEKBEPLANNING VIR
VERVOERINFRASTRUKTUUR

Deel 1

Professionele ingenieurs en stadsbeplanners

2. Professionele ingenieurs of stadsbeplanners vir toesig oor en goedkeuring van tegniese strategieë of planne geassosieer met Departement se vervoerstelselbeplanning

Deel 2

Klassifikasie van verklaarde paaie

3. Funksionele klassifikasie van verklaarde paaie
4. Klassifikasie van verklaarde paaie
5. Assessering van voorheen verklaarde paaie
6. Bepaling van padkantontwikkelingsomgewing

Deel 3

Metode vir vervoerstelselbeplanning vir vervoernetwerk onder beheer van Minister

7. Toestand van bestaande infrastruktuur en instandhoudings- en opgraderingsvereistes
8. Vereistes vir vervoerstelselbeplanning

Deel 4***Rekords van vervoerinfrastruktuur***

9. Lys van verklaarde vervoerinfrastruktuur in Provinsie

Deel 5***Verkeersaarbestuursplanne***

10. Paaie wat verkeersaarbestuursplanne benodig
11. Persone wat verkeersaarbestuursplanne opstel
12. Samewerking tussen owerhede rakende assessering en beplanning
13. Proses van assessering en beplanning vir verkeersaarbestuursplanne
14. Inhoud van verkeersaarbestuursplanne en skaal van fisiese planne

Deel 6***Beplanningsproses vir verklaring van vervoerinfrastruktuur en tegniese beplanningsproses vir vervoerinfrastruktuurprojekte***

15. Oorlegpleging vir verklaring van nuwe vervoerinfrastruktuur of permanente sluiting van bestaande vervoerinfrastruktuur
16. Begin-, konsep- en lewensvatbaarheidstadiums van projekbeplanning

HOOFSTUK 2**SUBSIDIËRING VAN VERVOERINFRASTRUKTUUR**

17. Aansoek vir subsidie vir vervoerinfrastruktuur
18. Subsidie-ooreenkomste
19. Indiening van begrotings
20. Berekening van subsidiepersentasie
21. Items wat vir subsidie kwalifiseer
22. Items wat nie vir subsidie kwalifiseer nie
23. Tersaaklike faktore by bepaling van subsidiebedrag van uitgawe
24. Rekening wat gehou moet word
25. Indiening van subsidie-eise

HOOFSTUK 3**ADVERTENSIES OP OF SIGBAAR VANAF PROVINSIALE VERVOERINFRASTRUKTUUR*****Deel 1******Tipes advertensies, vrygestelde advertensies en aansoekprosedure***

26. Advertensies vrygestel van die vereistes van artikel 36(1) van die Wet
27. Aansoeke vir toestemming om advertensies langs paaie te vertoon

Deel 2***Impak op padveiligheid, verkeer en vervoerbedrywighe***

28. Oorwegings by assessering van aansoeke vir toestemming vir advertensies
29. Voorwaardes vir goedkeuring

Deel 3***Tegniese standaarde van toepassing op advertensies***

30. Verbodinge rakende advertensies
31. Vereistes vir advertensies
32. Verligting en elektroniese advertensies
33. Spreiverligting
34. Bykomende vereistes vir bepaalde advertensietipes
35. Instandhouding

Deel 4***Klagtes***

36. Klagtes

HOOFSTUK 4**PUBLISERING EN BETEKENING VAN KENNISGEWINGS, AANSOEKE VIR TOESTEMMING VIR OF GOEDKEURING VAN SEKERE HANDELINGE EN GELDE EN HUURGELD GEASSOSIEER MET VERVOERINFRASTRUKTUUR****Deel 1*****Minimum vereistes vir die publiserings en betekening van kennisgewings en verwittiging van belanghebbende en geaffekteerde partye***

37. Algemene vereistes vir publiserings van kennisgewings
38. Algemene vereistes vir betekening van kennisgewings
39. Kennisgewing van verandering van breedte van reserwe
40. Kennisgewing van verandering van reserwe van bykomstige infrastruktuur
41. Kennisgewing van verandering van boulyn of boubeperkingsgebied
42. Kennisgewing aan belanghebbende en geaffekteerde partye van beplanningsproses en planne
43. Kennisgewing aan belanghebbende en geaffekteerde partye van verbreding of verandering nie langer as 1000 meter nie
44. Kennisgewing aan belanghebbende en geaffekteerde partye van beplanning voor intrekking van verklaring van vervoerinfrastruktuur
45. Kennisgewing aan belanghebbende en geaffekteerde partye van tydelike sluiting of verlegging van paaie of spoorlyne

Deel 2***Aansoeke vir goedkeuring, magtiging of toestemming***

- 46. Aansoeke vir goedkeuring, magtiging of toestemming kragtens die Wet
- 47. Bepaling van gelde en huurgeld

Deel 3***Appelle***

- 48. Appelle teen besluit deur Departementshoof of beampte

**HOOFSTUK 5
DIVERSE BEPALINGS**

- 49. Herroeping van regulasies
- 50. Kort titel en inwerkingtreding

AANHANGSELS

- AANHANGSEL A Funksionele klassifikasie van paaie
- AANHANGSEL B Padkantontwikkelingsomgewing: Riglyne
- AANHANGSEL C Inligting wat verskaf moet word by aansoek vir subsidie vir munisipale paaie, spoorlyne of ander vervoerinfrastruktuur
- AANHANGSEL D Vorm vir memorandum van subsidie-ooreenkoms
- AANHANGSEL E Vorm: Begrotings van uitgawes aan munisipale vervoerinfrastruktuur
- AANHANGSEL F Berekening van subsidiapersentasie
- AANHANGSEL G Tipes advertensies en advertensies vrygestel van die vereistes van artikel 36(1) van die Wet
- AANHANGSEL H Vorm vir aansoek vir Minister se goedkeuring ingevolge artikel 36(1) van die Wet
- AANHANGSEL I Vorm vir aansoek vir goedkeuring, magtiging of toestemming
- AANHANGSEL J Minimum inligting wat verskaf moet word met elke aansoek en skedule van gelde en heffings rakende provinsiale vervoerinfrastruktuur

INLEIDENDE BEPALINGS

Uitleg

1. (1) In hierdie regulasies het 'n woord of uitdrukking waaraan daar in die Wet 'n betekenis geheg is, dieselfde betekenis en, tensy dit uit die samehang anders blyk, beteken—

“**advertensiesleepwa**” ’n sleepwa soos omskryf in artikel 1 van die Nasionale Padverkeerswet wat ontwerp of aangepas is vir die uitsluitlike doel van advertensie;

“**bis**” die basiese eenheid vir die meet van die lengte van advertensieboodskappe, en kan bestaan uit letters, syfers, simbole, logo's, grafika of afkortings ooreenkomstig die waardes in regulasie 31(1) bepaal;

“**diensfasiliteitteken**” ’n advertensie by ’n vulstasie of padkantdiensgebied;

“**die Wet**” die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013 (Wet 1 van 2013);

“**Distriks- Padingenieur**” ’n persoon in artikel 4(2)(a) van die Wet beoog, aangestel as ’n ingenieursvertegenwoordiger van die Departementshoof in een van die streekpadinstandhoudingskantore van die Departement;

“**ECSA**” die Ingenieursraad van Suid-Afrika ingestel ingevolge die Wet op die Ingenieursweseprofessie;

“**eienaar**”, met betrekking tot ’n advertensie, die persoon wat die advertensie besit of sal besit nadat dit opgerig is, of enige persoon wat ’n reg op, of aandeel in, die eienskapskap van die advertensie het;

“**elektroniese advertensie**” ’n advertensie wat ’n elektronies beheerde, verligte vertoonoppervlak het wat toelaat dat die advertensie op verskillende maniere verander, geanimeer of verlig kan word;

“**funksionele klassifikasie**” of “**funksionele klas**” die klassifikasie van ’n pad as een van die klasse paaie genoem in die kolom met die opskrif “Beskrywing” in Aanhangsel A;

“**geanimeer**”, met betrekking tot ’n advertensie, dat die sigbaarheid of boodskap van die advertensie verbeter word deur middel van bewegende eenhede, flitsende ligte of soortgelyke toestelle, of dat die advertensie ’n veranderlike elektroniese boodskap bevat;

“**geïntegreerde ontwikkelingsplan**” ’n plan beoog in artikel 25 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

“**hoogte**”, met betrekking tot ’n advertensie, die maksimum vertikale afstand vanaf die vlak van die grond, pad of oppervlak, na gelang van die geval, tot die bokant van die advertensie;

“**ingenieur**” of “**professionele ingenieur**” ’n persoon wat ingevolge die Wet op die Ingenieursweseprofessie as ’n ingenieur geregistreer is;

“**installasies**” masjinerie, voertuie en ander toerusting wat by die konstruksie, herstel of instandhouding van paaie gebruik word en deur die Departementshoof as padinstallasies geklassifiseer is;

“**kandela**” ’n verligtingseenheid soos van tyd tot tyd deur die Internasionale Kommissie oor Verligting bepaal;

“kapitaalbesteding” besteding aan vervoerinfrastruktuur ten opsigte van—

- (a) nuwe konstruksie; of
- (b) die rehabilitering of verbetering van die waarde van die bestaande bate, hetsy deur beduidend by te dra tot ’n toename in sy dienslewe, sy produktiwiteit te verhoog, sy kapasiteit te verhoog, sy grootte te vergroot of sy gebruik te verander,

en ook besteding aan beplanning, ontwerp en toesighouding oor konstruksie, verkryging van eiendom en verskuiwing van dienste;

“kombinasie-advertensie” ’n advertensie bestaande uit ’n aantal kleiner, individuele advertensies, wat gewoonlik verskillende ondernemings, eiendomme of dienste vertoon, langs mekaar geplaas op ’n enkele steunstruktuur wat spesiaal ontwerp is om meer as een advertensie te akkommodeer;

“kontrakwerk” werk ten opsigte van vervoerinfrastruktuur wat ’n munisipaliteit by ooreenkoms aan ’n persoon opgedra het om namens hom uit te voer, maar nie ook goedere en materiaal wat op kontrak verskaf is vir werk wat deur die munisipaliteit self verrig is of gaan word nie;

“landelik”, met betrekking tot ’n gebied van ’n munisipaliteit, ’n gebied buite die stadsrand;

“lopende uitgawes” korttermynbesteding aan die instandhouding van vervoerinfrastruktuur wat ten volle bestee word in die fiskale tydperk waarin dit aangegaan word en nie die batewaarde van die infrastruktuur verhoog nie;

“metropolitaanse munisipaliteit” ’n metropolitaanse munisipaliteit soos in artikel 1 van die Strukturewet omskryf;

“motorvoertuig” ’n motorvoertuig soos in die Nasionale Padverkeerswet omskryf;

“Nasionale Strategiese Landvervoerraamwerk” die strategiese raamwerk opgestel ingevolge artikel 34 van die NLTA;

“oppervlakte”, met betrekking tot ’n advertensie, die oppervlakte in vierkante meter van die kleinste reghoek wat die uiterste perke van die advertensie of gekombineerde advertensie omvat, tesame met enige materiaal of kleur wat ’n integrale deel van die agtergrond van die advertensie uitmaak of gebruik word om die advertensie te onderskei van die struktuur of gebou waarteen dit geplaas is;

“padkantdiensgebied” ’n gebied met regstreekse toegang vanaf ’n pad, waarin fasiliteite en dienste soos petrol- en diesilverkope, restaurante, kitskoswinkels, toilette, speelgronde of piekniekplekke vir motoriste verskaf word;

“padkantontwikkelingsomgewing” die aard van die beboude omgewing langs ’n pad of deel van ’n pad, of oorheersend in die korridor van ’n pad of in ’n deel van die korridor van ’n pad, soos in die tabel in Aanhangsel B gespesifiseer, wat inligting verskaf wat nodig is vir besluite oor spasiëring van kruisings en toegang;

“padverkeerstekens” ’n padverkeerstekens soos in die Nasionale Padverkeerswet omskryf;

“professionele ingenieurstechnoloog” ’n ingenieurstechnoloog wat as sodanig geregistreer is ingevolge die Wet op die Ingenieursweseprofessie;

“stadsbeplanner” ’n professionele beplanner wat as sodanig geregistreer is ingevolge die Wet op die Beplanningsprofessie, 2002 (Wet 36 van 2002);

“stadsrand” die lyn wat die buitenste perk van ’n stadsgebied definieer of, waar die stadsrand aangedui is deur middel van ’n lyn in die goedgekeurde geïntegreerde ontwikkelingsplan wat op die gebied van die betrokke munisipaliteit van toepassing is, daardie lyn;

“**Stedelike Vervoerwet**” die Wet op Stedelike Vervoer, 1977 (Wet 78 van 1977);

“**steunstruktuur**” ’n struktuur beoog in paragraaf (b) van die omskrywing van “advertensie” in artikel 1(1) van die Wet;

“**sypaadjie**” ’n sypaadjie van ’n pad soos in die Nasionale Padverkeerswet omskryf;

“**tekenklas**” die advertensieklasifikasie ingevolge die South African Manual on Outdoor Advertising Control, deur die nasionale departement verantwoordelik vir Omgewingsake gepubliseer, soos van tyd tot tyd gewysig;

“**totale koste van indienseneming**” die koste vir ’n munisipaliteit van die indienseneming van ’n persoon, en bestaan uit—

(a) ’n basiese salaris plus toelaes, insluitende werkgewersbydraes tot ’n aftreefonds en mediese hulpfonds, ’n behuisingsubsidie, ’n jaarlikse bonus en ander toelaes wat nie as bedryfstoeleas omskryf word nie; en

(b) waar toepaslik, bydraes gelewer ingevolge die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet 130 van 1993), werkloosheidversekeringsfondsbydraes en ’n motortoelae;

“**verkeersaar**” ’n hoë-ordepad met beperkte toegang wat ’n mobiliteitsroete is waarvan die vernaamste funksie is om voorsiening te maak vir die beweging van passasiers- en goederevoertuie tussen stede of dorpe, of gebiede binne stede of dorpe, met so min beperkings moontlik;

“**verkeersaarbestuursplan**” ’n verkeersaarbestuursplan in regulasie 13 beoog;

“**verkeersbestuursplan**” die Departement se plan, van tyd tot tyd bygewerk, wat aan die vereistes van die Nasionale Tesourie se Infrastruktuurlewingverbeteringsprogram voldoen;

“**verlig**”, met betrekking tot ’n advertensie, dat dit geïnstalleer is met elektriese of ander krag met die doel om dit te verlig, hetsy deurlopend of afwisselend;

“**vervoerinfrastruktuurwerknemer**” ’n werknemer van ’n munisipaliteit wat uitsluitlik betrokke is by pligte in verband met vervoerinfrastruktuur, maar nie ook ’n werknemer wat slegs in ’n werkwinkel werk nie;

“**voertuig**” ’n voertuig soos in die Nasionale Padverkeerswet omskryf;

“**voorhof**” ’n buitenshuise gebied wat ’n funksionele deel uitmaak van ’n gebou wat ’n onderneming huisves, insluitende die gebied van ’n vulstasie waar die pompe geleë is, ’n terras voor ’n restaurant, omringende heinings, mure, skerms of soortgelyke strukture, maar uitgesonderd sypaadjiegebiede voor sakepersele;

“**vry hoogte**”, met betrekking tot ’n advertensie, die minimum vertikale afstand vanaf die vlak van die grond, pad of oppervlak, na gelang van die geval, tot die onderkant van die advertensie;

“**Wet op die Ingenieursweseprofessie**” die Wet op die Ingenieursweseprofessie, 2000 (Wet 46 van 2000).

(2) Die verskillende tipes advertensies waarna daar in hierdie regulasies verwys word, word in die eerste vier kolomme van Aanhangsel G beskryf.

HOOFSTUK 1 PROSES VAN VERVOERSTELSELBEPLANNING EN PROJEKBEPLANNING VIR VERVOERINFRASTRUKTUUR

Deel 1

Professionele ingenieurs en stadsbeplanners

Professionele ingenieurs of stadsbeplanners vir toesig oor en goedkeuring van tegniese strategieë of planne geassosieer met Departement se vervoerstelselbeplanning

2. Die Departementshoof moet verseker dat die personeel van die Departement se professionele ingenieurs of stadsbeplanners insluit, soos by artikel 4 van die Wet vereis, met voldoende toepaslike ondervinding en met die nodige bekwaamheid vir die doel van toesighouding oor die onderneming van die vervoerstelselbeplanning wat ingevolge artikel 11(1)(a) van die Wet vereis word en vir die goedkeuring van strategieë of planne wat opgestel word.

Deel 2

Klassifikasie van verklaarde paaie

Funksionele klassifikasie van verklaarde paaie

3. (1) 'n Verantwoordelike owerheid moet die funksionele klassifikasie van die paaie onder sy gesag bepaal.

(2) Voordat hy die funksionele klassifikasie van 'n pad soos beoog in subregulasie (1) bepaal moet die verantwoordelike owerheid—

- (a) 'n proses van openbare deelname soos beoog in regulasie 42 volg waarin belanghebbende en geaffekteerde persone ten minste 30 dae het om kommentaar te lewer;
- (b) die kommentaar oorweeg wat na aanleiding van die proses in paragraaf (a) beoog ontvang is; en
- (c) met die betrokke owerhede oorleg pleeg.

(3) 'n Verantwoordelike owerheid moet verseker dat die funksionele klassifikasie van elke pad in die betrokke geïntegreerde vervoerplan en munisipale ruimtelike ontwikkelingsraamwerk, die provinsiale ruimtelike ontwikkelingsraamwerk en die provinsiale landvervoerraamwerk opgeneem word.

(4) Indien die verantwoordelike owerheid in subregulasie (1) bedoel die Minister is, moet hy of sy die vereiste inligting aan die betrokke munisipaliteite verskaf vir opname in hul geïntegreerde vervoerplanne en munisipale ruimtelike ontwikkelingsraamwerke.

(5) Indien die verantwoordelike owerheid in subregulasie (1) bedoel 'n munisipaliteit is, moet hy die Minister voorsien van die vereiste inligting vir opname in die provinsiale ruimtelike ontwikkelingsraamwerk en provinsiale landvervoerraamwerk.

Klassifikasie van verklaarde paaie

4. Wanneer die verantwoordelike owerheid 'n pad ingevolge artikel 5(2) van die Wet klassifiseer as een van die kategorieë bedoel in artikel 5(1)(a), (b), (c) of (d) van die Wet moet hy die volgende beskrywers vir elke klas pad oorweeg:

- (a) Primêre paaie is deurroetes van groter provinsiale belang as ander hoofpaaie, maak die provinsiale stelsel van deurpaaie uit, val tipies in funksionele klas 1 of 2 en voltooi die hoofnetwerk, waarvan die Nasionale Padnetwerk die ruggraat is;
- (b) hoofpaaie—
 - (i) in landelike gebiede, is in wese paaie wat dorpe met mekaar verbind en val tipies in funksionele klas 2 of 3;
 - (ii) in stedelike gebiede, is in wese die verlenging van die landelike hoofpaaie deur die verskillende munisipale gebiede en kan in funksionele klas 1, 2 of 3 val;
- (c) distrikspaaie is paaie in 'n landelike konteks, meer van plaaslike belang as hoofpaaie, en val tipies in funksionele klas 3;
- (d) kleinpaaie is paaie in 'n landelike gebied, van min belang, feitlik heeltemal tot voordeel van plaaslike verkeer, wat as gevolg van die klein verkeersvolumes nie die status van distrikspaaie regverdig nie, en val tipies in funksionele klas 4 of 5.

Assessering van voorheen verklaarde paaie

5. (1) Die gesamentlike assesserings beoog in artikel 9(1) van die Wet moet die volgende vir elke pad bepaal:

- (a) Die beskrywers tersaaklik tot die pad ingevolge regulasie 4(1);
- (b) of die beskrywers rakende die pad aandui dat 'n verandering in die kategorie van die pad nodig is ingevolge artikel 9(8) of (9) van die Wet en of die verklaring van die pad ingetrek moet word sodat die pad terselfdertyd deur 'n munisipaliteit aangewys kan word as 'n straat of openbare deurgang onder uitsluitlike beheer van daardie munisipaliteit;
- (c) watter reserwebreedte die geskikste sal wees, met inagneming van toekomstige groei;
- (d) watter beperkings of veranderinge aan enige boulyn of boubeperkingsgebied aangrensend aan die pad nodig sal wees;
- (e) die toestand van die pad, insluitende die fisiese en finansiële instandhoudingsvereistes ten opsigte van die pad; en
- (f) watter owerheid in die beste posisie is om die owerheid verantwoordelik vir die pad te wees of te word.

(2) Wanneer 'n pad ingevolge artikel 9(3)(a) van die Wet geklassifiseer word, moet dit geplaas word in die kategorie waarvoor sy beskrywers die naaste ooreenstem met die beskrywers vir een van die kategorieë in regulasie 4(1) uiteengesit, of soos anders tussen die partye ooreengekom.

(3) Ondanks subregulasie (2)—

- (a) waar veranderinge aan die beskrywers verwag word wat die pad in 'n hoër kategorie sal plaas, moet die pad in daardie hoër kategorie geplaas word; en
- (b) indien 'n munisipaliteit in die beste posisie is om verantwoordelikheid vir 'n pad te aanvaar, moet dit nie as 'n primêre pad gekategoriseer word nie.

(4) Die ooreenkoms beoog in subregulasie (2) kan 'n boekstaving insluit dat die verklaring van 'n pad ingetrek behoort te word sodat die pad terselfdertyd deur 'n munisipaliteit aangewys kan word as 'n straat of openbare deurgang onder uitsluitlike beheer van daardie munisipaliteit.

Bepaling van padkantontwikkelingsomgewing

6. (1) 'n Verantwoordelike owerheid moet die padkantontwikkelingsomgewing langs alle paaie onder sy gesag met funksionele klassifikasies van klasse 1 tot 5 vir alle redelik homogene grondgebruiksone langs die paaie definieer.

(2) Die vyf tipes padkantontwikkelingsomgewings is soos in die tabel in Aanhangsel B uiteengesit.

(3) Voordat die padkantontwikkelingsomgewing vir elke pad gedefinieer word, moet die verantwoordelike owerheid—

- (a) 'n proses van openbare deelname beoog in regulasie 42 volg waarin belanghebbende en geaffekteerde persone ten minste 30 dae het om kommentaar te lewer; en
- (b) die kommentaar oorweeg wat na aanleiding van die proses in paragraaf (a) beoog ontvang is.

(4) Nadat die verantwoordelike owerheid die padkantontwikkelingsomgewing langs sy paaie gedefinieer het, moet planne wat die paaie en die padkantontwikkelingsomgewing langs hulle toon, in die betrokke geïntegreerde vervoerplan, munisipale ruimtelike ontwikkelingsraamwerk, die provinsiale ruimtelike ontwikkelingsraamwerk en die provinsiale landvervoerraamwerk opgeneem word.

(5) Indien die verantwoordelike owerheid bedoel in subregulasie (4) die Minister is, moet hy of sy die vereiste inligting aan die betrokke munisipaliteite verskaf vir opname in hul geïntegreerde vervoerplanne en munisipale ruimtelike ontwikkelingsraamwerke.

(6) Indien die verantwoordelike owerheid bedoel in subregulasie (4) 'n munisipaliteit is, moet die munisipaliteit die Minister voorsien van die vereiste inligting vir opname in die provinsiale ruimtelike ontwikkelingsraamwerk en provinsiale landvervoerraamwerk.

Deel 3

Metode vir vervoerstelselbeplanning vir vervoernetwerk onder beheer van Minister

Toestand van bestaande infrastruktuur en instandhoudings- en opgraderingsvereistes

7. (1) Met die doel om die vervoerstelselbeplanning te doen wat in artikel 11(1)(a) van die Wet beoog word, moet die Departementshoof gepaste stelsels vir toestandassessering en instandhoudingsbestuur instel om te verseker dat betroubare inligting beskikbaar is om programme te ontwikkel vir instandhoudings- en opgraderingsaktiwiteite op vervoerinfrastruktuur onder die beheer van die Minister.

(2) Die Departementshoof moet verseker dat data wat vir sodanige stelsels noodsaaklik is, op 'n deurlopende grondslag versamel word en dat die betrokke databasisse in stand gehou en bygewerk word.

(3) Met die doel om die funksies te verrig wat in artikel 4(3) van die Wet beoog word, moet die betrokke professionele ingenieur of professionele ingenieurstechnoloog die instandhoudings- en opgraderingsprogram vir die vervoerinfrastruktuur onder die beheer van die Minister bepaal, en in die proses moet hy of sy—

- (a) multikriteria- sosio-ekonomiese ontledings gebruik wat vir vervoerprojekte geskik is om die lewensvatbaarheid van bepaalde voorstelle vir instandhouding of opgradering te assesser; en
- (b) optimeringstechnieke gebruik wat deur die Departementshoof gespesifiseer is om prioriteite vir die algehele program te bepaal.

(4) Die programme wat ingevolge subregulasie (3) bepaal is, moet in die batebestuursplan weergegee word en moet in die Departement se begrotingsproses in ag geneem word.

Vereistes vir vervoerstelselbeplanning

8. Benewens die vereistes van regulasie 7, vir doeleindes van die uitvoering van die vervoerstelselbeplanning in artikel 11(1)(a) van die Wet beoog, moet die betrokke professionele ingenieurs of stadsbeplanners die volgende in ag neem:

- (a) Die vereistes van die NLTA;
- (b) identifiseerbare gapings in die passasier- en vragvervoernetwerke; en
- (c) tersaaklike geïntegreerde vervoerplanne en ruimtelike ontwikkelingsraamwerke.

Deel 4

Rekords van vervoerinfrastruktuur

Lys van verklaarde vervoerinfrastruktuur in Provinsie

9. (1) Die omvattende lys en gepaardgaande verbandhoudende data van alle verklaarde vervoerinfrastruktuur in die Provinsie wat ingevolge artikel 12(1) van die Wet opgestel moet word, moet, sover redelikerwys moontlik, die volgende inligting insluit:

- (a) en opsigte van 'n pad—
 - (i) die kategorie en nommer, indien beskikbaar;
 - (ii) besonderhede van die verklaring van die pad, insluitende die *Staatskoerant*nommer, die kennisgewingnommer en die datum van publikasie in die *Staatskoerant*;
 - (iii) beskrywing, oorsprong en bestemming;
 - (iv) die lengte en breedte;
 - (v) die standaard van konstruksie;
 - (vi) die getal brugstrukture met 'n spanwydte van meer as ses meter;
 - (vii) die lengte van keermure hoër as twee meter;
 - (viii) tipe grensheinings of -mure;
 - (ix) stelsels om die toestand te moniteer en beskikbare toestandverslae;
 - (x) verkeerstellings;
 - (xi) beskikbare planne;

- (xii) besonderhede van die verkryging van die eiendom waarop die pad geleë is en bewys van verkryging;
- (xiii) padverlofregoooreenkomste en goedkeurings van toegange en geboue binne boubeperkingsgebiede;
- (xiv) tipe en ligging van strukture, insluitende diensinfrastruktuur, geïnstalleer op of binne die padreserwe en enige ooreenkomste in verband daarmee;
- (xv) die funksionele klassifikasie van die pad;
- (b) ten opsigte van bykomstige vervoerinfrastruktuur—
 - (i) beskrywing van die infrastruktuur en die ligging daarvan;
 - (ii) besonderhede van die verklaring van die infrastruktuur, insluitende die *Provinsiale Koerant*-nommer, die kennisgewingnommer en die datum van publikasie in die *Provinsiale Koerant*;
 - (iii) die standaard van konstruksie;
 - (iv) tipe grensheinings of -mure;
 - (v) beskikbare planne; en
 - (vi) besonderhede van die verkryging van die eiendom waarop die pad geleë is en bewys van verkryging.

(2) Die Departementshoof moet, in soverre dit nodig is vir die doel om aan artikel 12(1) van die Wet te voldoen, die betrokke munisipaliteit versoek om die data in subregulasie (1) bedoel te verskaf vir verklaarde vervoerinfrastruktuur onder die beheer van die munisipaliteit.

(3) Die Departementshoof kan munisipaliteite bystaan wat nie die nodige tegniese kennis het om die lys in artikel 12(6) van die Wet bedoel, te voltooi nie.

(4) Wanneer 'n munisipaliteit sy lys van vervoerinfrastruktuur ingevolge artikel 12(6)(c) van die Wet bywerk, moet hy terselfdertyd die Departementshoof voorsien van die tersaaklike inligting om die Departementshoof in staat te stel om aan artikel 12(5)(b) van die Wet te voldoen.

(5) Waar die inligting wat ingevolge subregulasie (4) verskaf is, op nuwe infrastruktuur betrekking het, moet die Departementshoof by ontvangs daarvan—

- (a) 'n identifikasienommer of -kode aan elke nuwe item vervoerinfrastruktuur toeken, wat versoenbaar moet wees met die nommer- of koderingstelsel in artikel 12(4) van die Wet beoog; en
- (b) die munisipaliteit in kennis stel van die betrokke nommer of nommers of kode of kodes.

(6) Die Departementshoof kan, by die toekenning van 'n identifikasienommer of -kode aan infrastruktuur wat ooreenkomstig subregulasie (5) deur 'n munisipaliteit verklaar is, dit van ander voorheen verklaarde infrastruktuur onderskei deur die byvoeging van 'n voor- of agtervoegsel wat deur sorteerstelsels in die Departement herken kan word.

Deel 5

Verkeersaarbestuursplanne

Paaie wat verkeersaarbestuursplanne benodig

10. (1) Die Minister en munisipaliteite moet so gou as moontlik verkeersaarbestuursplanne opstel vir verklaarde paaie wat onder hul beheer is en in funksionele klasse 1 of 2 in landelike gebiede of in funksionele klasse 1, 2 of 3 in stedelike gebiede val.

(2) Indien 'n munisipaliteit twyfel of 'n verklaarde pad in een van die klasse val wat 'n verkeersaarbestuursplan vereis, moet die aangeleentheid na die Departementshoof verwys word vir leiding.

Persone wat verkeersaarbestuursplanne opstel

11. Verkeersaarbestuursplanne moet deur of onder toesig van professionele ingenieurs of stadsbeplanners opgestel word.

Samewerking tussen owerhede rakende assessering en beplanning

12. (1) Waar die Minister die verantwoordelike owerheid is ten opsigte van 'n pad in regulasie 10(1) bedoel, moet die Minister—

- (a) met die munisipaliteite in wie se gebiede die pad geleë is, oorleg pleeg rakende hul geïntegreerde vervoerplanne, ruimtelike ontwikkelingsraamwerke of ander strategiese ontwikkelingsbeplanning; en
- (b) met entiteite, afgesien van die betrokke munisipaliteit of munisipaliteite, wat vervoerinfrastruktuur, vervoerdienste of grootmaatinfrastruktuurdienste in die gebied verskaf, oorleg pleeg rakende daardie dienste en toekomstige uitbreidings of veranderings daarvan wat by die opstel van die verkeersaarbestuursplan in ag geneem moet word.

(2) Wanneer 'n konsep van 'n verkeersaarbestuursplan beskikbaar is, moet die Minister 'n afskrif van die konsepplan verskaf—

- (a) aan elke betrokke munisipaliteit en die munisipaliteit versoek om binne 'n bepaalde tyd skriftelike kommentaar op die konsepplan in te dien;
- (b) aan entiteite, afgesien van munisipaliteite, wat vervoerinfrastruktuur, vervoerdienste of grootmaatinfrastruktuurdienste in die gebied verskaf en wat deur die verkeersaarbestuursplan geraak kan word en die entiteite versoek om binne 'n bepaalde tyd skriftelike kommentaar op die konsepplan in te dien.

(3) 'n Munisipaliteit moet, wanneer hy reageer op 'n versoek kragtens subregulasie (2)(a) gemaak, spesifiek verwys na die uitwerking wat enige alternatiewe of beperkings in die konsepplan op enige geïntegreerde vervoerplan, ruimtelike ontwikkelingsraamwerk of ander strategiese munisipale ontwikkelingsbeplanning van die munisipaliteit kan hê.

(4) 'n Entiteit moet, wanneer hy reageer op 'n versoek kragtens subregulasie (2)(b), spesifiek verwys na die uitwerking wat enige alternatiewe of beperkings in die konsepplan kan hê op enige vervoerstelsels of infrastruktuur wat daardie entiteit besit.

(5) Waar 'n munisipaliteit die verantwoordelike owerheid is ten opsigte van 'n pad in regulasie 10(1) bedoel, moet die munisipaliteit, indien meer as een munisipaliteit die verantwoordelike owerheid is, gesamentlike assesserings met die ander betrokke munisipaliteit of munisipaliteite doen en die geïntegreerde vervoerplanne, ruimtelike ontwikkelingsraamwerk of ander strategiese munisipale ontwikkelingsbeplanning uitruil wat waarskynlik die verkeersaarbestuursplan wat opgestel gaan word, sal raak of daardeur geraak sal word.

(6) Wanneer 'n konsep van 'n verkeersaarbestuursplan beskikbaar is, moet die munisipaliteit oorleg pleeg met, en 'n kopie van die konsepplan verskaf aan—

- (a) die Minister en hom of haar versoek om binne 'n bepaalde tyd skriftelike kommentaar op die konsepplan in te dien; en
- (b) entiteite, afgesien van die Minister, wat vervoerinfrastruktuur, vervoerdienste of grootmaatinfrastruktuurdienste in die gebied verskaf en wat deur die verkeersaarbestuursplan geraak kan word en versoek dat skriftelike kommentaar op die konsepplan binne 'n bepaalde tyd ingedien word.

(7) Die Minister moet, wanneer hy of sy reageer op 'n versoek kragtens subregulasie (6)(a), spesifiek verwys na die uitwerking wat enige alternatiewe of beperkings in die konsepplan kan hê op enige vervoerstelsels of -infrastruktuur wat onder die beheer van die Minister is.

(8) 'n Entiteit moet, wanneer hy reageer op 'n versoek kragtens subregulasie (6)(b), spesifiek verwys na die uitwerking wat enige alternatiewe of beperkings in die konsepplan kan hê op enige vervoerstelsels of -infrastruktuur wat deur daardie entiteit besit word.

Proses van assessering en beplanning vir verkeersaarbestuursplanne

13. By die opstel van 'n verkeersaarbestuursplan moet die betrokke owerheid 'n projekbeplanningsproses onderneem wat—

- (a) 'n proses van openbare deelname insluit soos in regulasie 42 beoog, waarin belanghebbende en geaffekteerde persone ten minste 30 dae het om kommentaar te lewer;
- (b) 'n geïntegreerde omgewingsbestuursproses ooreenkomstig WNOB insluit, indien die WNOB dit vereis;
- (c) nie net toegepas word op die pad ten opsigte waarvan die verkeersaarbestuursplan opgestel word nie maar ook op die breër korridors waarin dit geleë is;
- (d) waar gepas, verkeers- en vervoermodellering insluit wat deur na behore gekwalifiseerde en ervare professionele ingenieurs of professionele ingenieurstechnoloë gedoen word;
- (e) die bewaring en moontlike verbetering van die betrokke pad en van geassosieerde vervoerinfrastruktuur binne die korridor in ag neem sodat die pad sy mobiliteitsfunksie behoorlik kan verrig;
- (f) multikriteria- sosio-ekonomiese ontledings geskik vir vervoerprojekte gebruik by die bepaling van die beste gebruik van die betrokke pad en van vervoerinfrastruktuur in die korridor; en
- (g) kennis neem van—
 - (i) die geïntegreerde vervoerplanne, ruimtelike ontwikkelingsraamwerke of ander tersaaklike strategiese beplanningsinligting wat tydens die prosesse van oorlegpleging ingevolge regulasie 12 ontvang is, asook die kommentaar daarop;
 - (ii) die ligging en konfigurasie van groot bestaande en beplande kruisings waar die pad kruis met paaie met 'n funksionele klassifikasie van 1, 2 of 3, insluitende die basiese konfigurasie en die metode om prioriteit te beheer tussen motorvoertuie wat op die pad reis en motorvoertuie wat die pad binnegaan of kruis deur middel van kruispaaië;

- (iii) regte wat in titelaktes op eiendom of deur gebruik verskans is, asook in bestaande privaat toegange tot die betrokke pad wat die implementering of toekomstige opgradering van die vervoerinfrastruktuur kan raak;
- (iv) die padkantontwikkelingsomgewing en die behoefte aan toegangsbeperkings, insluitende die sluiting van bestaande mediaankruisings in die geval van dubbelrybaanpaaie, parkeerbeperkings om verkeersvloei te optimeer en die impak van enige sodanige veranderinge op eiendomme in die omgewing;
- (v) voortspuitend uit die oorwegings in subparagraaf (iv) uiteengesit, die behoefte aan en praktiese moontlikheid van die verskaffing van versamelpaaie parallel met die betrokke pad en die behoefte aan enige ander maatreëls om impakte op eiendomme in die omgewing te versag; en
- (vi) die behoefte aan openbare vervoerroetes of -bane, asook aan fasiliteite vir niegemotoriseerde vervoer binne die korridor.

Inhoud van verkeersaarbestuursplanne en skaal van fisiese planne

14. (1) 'n Verkeersaarbestuursplan moet—

- (a) bestaan uit 'n fisiese plan wat die lopende bestuur van 'n verkeersaar lei, insluitende beperkings ten opsigte van aangrensende grond, ten opsigte van die gebruik daarvan, toegang daartoe, parkering daarop, en fasiliteite vir openbare vervoer en niegemotoriseerde vervoer, tesame met 'n beleidsverklaring vir die bestaande en toekomstige gebruik, en vasgestelde stadiums van toekomstige opgradering, van daardie verkeersaar; en
- (b) die volgende vermeld:
 - (i) Die verantwoordelike owerheid vir die betrokke pad;
 - (ii) die klassifikasie van die pad ingevolge artikel 5 van die Wet; en
 - (iii) die nommer van die pad wat ingevolge artikel 12(4) van die Wet toegeken is.

(2) Die beleid vir die bestaande en toekomstige gebruik van die pad en die beperkings wat ingevolge artikel 11(3)(c) en (e) van die Wet by die verkeersaarbestuursplan ingesluit moet word, moet die volgende konseptuele beplanningselemente insluit:

- (a) Die funksionele klassifikasie van die pad vermeld in die geïntegreerde vervoerplan vir die gebied waarin die pad geleë is of, indien nie in daardie plan vermeld nie, die funksionele klassifikasie soos ooreengekom tussen die Minister en die betrokke munisipaliteit in die geval van paaie onder beheer van die Minister of soos deur die verantwoordelike owerheid bepaal in die geval van munisipale paaie;
- (b) enige beperkings opgelê ten tyde van die verklaring van die pad of by ooreenkoms met eiendomseienaars of entiteite wat vervoerinfrastruktuur, vervoerdienste of grootmaat-infrastruktuurdienste verskaf;
- (c) bestaande gebruike van grond aangrensend aan die pad en waar grondgebruike beperk word om die behoorlike funksionering van die pad en ander vervoerinfrastruktuur te verseker;

- (d) die padkantontwikkelingsomgewing aangrensend aan die pad soos vermeld in die betrokke geïntegreerde vervoerplan of ruimtelike ontwikkelingsraamwerk of, indien nie in daardie planne vermeld nie, die padkantontwikkelingsomgewing soos ooreengekom tussen die verantwoordelike owerheid en die betrokke munisipaliteit in die geval van paaie onder die beheer van die Minister of soos bepaal deur die verantwoordelike owerheid in die geval van munisipale paaie;
- (e) enige voorspelde grondgebruikontwikkeling wat 'n verandering in die padkantontwikkelingsomgewing kan veroorsaak en voorspellings van die verkeer- en vervoervraag wat deur kruisende openbare paaie en toegange na privaat ontwikkelingsgeakkommodeer moet word;
- (f) die ligging en konfigurasie van groot bestaande en beplande kruisings waar die pad kruis met paaie met 'n funksionele klassifikasie van 1, 2 of 3, insluitende die basiese konfigurasie en die metode om prioriteit te beheer tussen motorvoertuie wat op die pad reis en motorvoertuie wat die pad binnegaan of oorsteek deur middel van kruispaaië;
- (g) die omskrywing volgens breedte, ligging of opgemete koördinate van die padreserwe, asook enige verbrede gedeeltes van die padreserwe op plekke waar paaie ander paaie kruis en die implikasies van enige grondverkryging wat nodig kan wees;
- (h) bestaande en toekomstige verkeersbane, openbare vervoer of parkeerinhamme, skouers, sypaadjies, voetpaaie en kruisingfasiliteite, en enige toegewyde funksies wat nodig kan wees vir privaat motorvoertuie, openbarevervoervoertuie, fietse en voetgangers;
- (i) bestaande toegange, gebiede waar nuwe toegange nie toegelaat sal word nie en waar en wanneer dit die bedoeling is om bestaande toegange te sluit;
- (j) waar toepaslik, bestaande en beplande mediaangapings, asook gebiede waar nuwe mediaangapings nie toegelaat sal word nie en waar en wanneer dit die bedoeling is om bestaande mediaangapings te sluit; en
- (k) waar parkering of ander aktiwiteite toegelaat of verbied word of in die toekoms verbied sal word.

(3) Die fisiese planne wat ingevolge artikel 11(3)(d) van die Wet verskaf moet word, moet die volgende insluit:

- (a) Planne, op 'n skaal van 1:10 000 of 'n ander gepaste skaal, wat alle bestaande en toekomstige verkeersare en enige ander vervoerinfrastruktuur aandui in die korridor waarin die verkeersaar geleë is, waarvan die teenwoordigheid en bestuur noodsaaklik is vir die funksionering van die verkeersaar; en
- (b) planne, op 'n skaal van 1:2000 of 'n ander geskikte skaal, wat die pad en enige ander vervoerinfrastruktuur toon met die inligting in subregulasies (1) en (2) beoog duidelik daarop aangedui.

(4) Indien die verantwoordelike owerheid die Minister is, moet hy of sy die verkeersaarbestuursplan aan die betrokke munisipaliteite verskaf vir opname in die betrokke geïntegreerde vervoerplanne en ruimtelike ontwikkelingsraamwerke.

(5) Indien die verantwoordelike owerheid 'n munisipaliteit is, moet hy die Minister voorsien van die verkeersaarbestuursplan vir opname in die provinsiale landvervoerraamwerk.

Deel 6

Bepanningsproses vir verklaring van vervoerinfrastruktuur en tegniese beplanningsproses vir vervoerinfrastruktuurprojekte

Oorlegpleging vir verklaring van nuwe vervoerinfrastruktuur of permanente sluiting van bestaande vervoerinfrastruktuur

15. Waar 'n munisipaliteit voornemens is om vervoerinfrastruktuur te verklaar of permanent te sluit ingevolge artikel 19 van die Wet, moet hy met die Minister oorleg pleeg en hom of haar versoek om skriftelike kommentaar op die beplanning binne 'n vermelde tyd in te dien.

Begin-, konsep- en lewensvatbaarheidstadiums van projekbeplanning

16. (1) Die professionele ingenieurs of professionele ingenieurstechnoloë wat die begin-, konsep- en lewensvatbaarheidstadiums van projekbeplanning en voorlopige ontwerp vir die projekbeplanningsproses in artikel 13 van die Wet beoog onderneem, moet, waar gepas, die aktiwiteite volg wat gestel is in die riglynbestek van dienste wat deur ECSA bepaal is ingevolge artikel 34(2) van die Wet op die Ingenieursweseprofessie en soos van tyd tot tyd in sy Raadskennisgewings gepubliseer.

(2) Gedurende die beginstadium van die beplanning moet die professionele ingenieurs of professionele ingenieurstechnoloë—

- (a) die beperkings stel wat veranderinge aan die bestek van die beplanningsoefening kan vereis, of vereis dat versagtingsmaatreëls getref word om die impak van die voorstel te versag; en
- (b) nakoming verseker van die vereistes van die WNOB, die WNEH en die Wes-Kaapse Wet op Grondgebruikbeplanning, 2014 (Wet 3 van 2014), insluitende die vereiste van openbare deelname.

(3) Die professionele ingenieurs of professionele ingenieurstechnoloë wat die beplanning onderneem, moet kennis neem van—

- (a) data wat die verantwoordelike owerheid moontlik uit sy rekords kan verskaf, enige vervoer- of verkeersmodellering wat beskikbaar is en die resultate van enige multikriteria- sosio-ekonomiese ontledings wat moontlik reeds beskikbaar is en wat die vervoerinfrastruktuurnetwerk in die omgewing van die projek dek; en
- (b) die geïntegreerde vervoerplanne, ruimtelike ontwikkelingsraamwerke of enige ander tersaaklike strategiese beplanningsinligting wat ontvang is tydens 'n proses van oorlegpleging soos wat in regulasie 12 beskryf is, asook die kommentaar daarop.

HOOFSTUK 2

SUBSIDIËRING VAN VERVOERINFRASTRUKTUUR

Aansoek vir subsidie vir vervoerinfrastruktuur

17. (1) Wanneer 'n munisipaliteit aansoek doen vir 'n subsidie vir vervoerinfrastruktuur soos in artikel 24(1) van die Wet beoog, moet hy die Minister voorsien van volledige besonderhede van—

- (a) die geraamde koste, die voorgestelde datums van die konstruksie- of instandhoudingsaktiwiteit en die toepaslike persentasiekoers van die subsidie wat vir elke aktiwiteit vermeld in artikel 24(6) van die Wet aangevra word, in die vorm van Tabelle 1A en 1B, 2, 3A en 3B of 4A en 4B by Aanhangsel C, na gelang van die geval; en
- (b) die batebestuurstelsel wat hy ingestel het of van voorneme is om in te stel om die toestand van sy vervoerinfrastruktuur te monitor en die geraamde *pro rata*-deel van die bedryfskoste van stelsels deur die Departementshoof goedgekeur vir die monitering van die toestand van subsidieerbare vervoerinfrastruktuur onder die beheer van die munisipaliteit, gebaseer op die verhouding tussen die lengte of oppervlakte van die subsidieerbare gedeelte van die netwerk en die totale lengte of oppervlakte van alle soortgelyke niesubsidieerbare items onder die beheer van die munisipaliteit.

(2) Wanneer die munisipaliteit vir 'n subsidie aansoek doen, moet die munisipaliteit huidige, tersaaklike inligting wat deur die stelsels bedoel in subregulasie (1)(b) gelewer is, aan die Departementshoof voorlê vir goedkeuring.

Subsidie-ooreenkomste

18. (1) Die Departementshoof mag nie 'n subsidie aan 'n munisipaliteit betaal nie tensy 'n skriftelike subsidie-ooreenkoms tussen die Minister en die munisipaliteit aangegaan is, soos in artikel 24(2) van die Wet beoog.

(2) Die subsidie-ooreenkoms moet in die vorm uiteengesit in Aanhangsel D wees.

(3) Die volgende inligting moet in 'n bylae by die subsidie-ooreenkoms ingesluit word in die vorm in Aanhangsel D uiteengesit:

(a) Ten opsigte van paaie—

- (i) die klassifikasie as een van die kategorieë bedoel in artikel 5(1)(a), (b), (c) of (d) van die Wet en sy identifikasienommer toegeken ingevolge artikel 12(4), indien beskikbaar;
- (ii) besonderhede van die verklaring, insluitende, waar van toepassing, die nommer en datum van die *Provinsiale Koerant* en die kennisgewingnommer;
- (iii) 'n beskrywing van die pad, insluitende sy begin en bestemming;
- (iv) die lengte en breedte van die pad;
- (v) die standaard van konstruksie;
- (vi) die aantal brugstrukture met 'n spanwydte van meer as ses meter;
- (vii) die lengte van keermure hoër as twee meter;
- (viii) die tipe grensheinings of -mure;
- (ix) stelsels om die toestand van die pad te monitor, asook beskikbare toestandverslae; en
- (x) waar dit nie duidelik uit die beskrywing in subparagraaf (iii) beoog is watter deel of dele van die pad by die ooreenkoms ingesluit is nie, 'n skets om die begin- en eindpunte aan te dui;

(b) ten opsigte van spoorlyne—

- (i) 'n beskrywing van die spoorlyn, insluitende stasiename by sy oorsprong en bestemming;
- (ii) die lengte van die spoorlyn;

- (iii) die spoorwydte;
 - (iv) die standaard van konstruksie;
 - (v) die aantal brugstrukture met 'n spanwydte van meer as ses meter;
 - (vi) die lengte van keermure hoër as twee meter;
 - (vii) die tipe grensheinings of -mure;
 - (viii) die sinjaalstelsel en sentrale beheer;
 - (ix) alle stasies, met getal en lengte van platforms by elk en of daar universele toegang is;
 - (x) stelsels om die toestand van die spoorlyn te monitor, asook beskikbare toestandverslae; en
 - (xi) waar dit nie uit die beskrywing beoog in subparagraaf (i) duidelik is watter deel of dele van die spoorlyn by die ooreenkoms ingesluit is nie, 'n skets om die begin- en eindpunte aan te dui; en
- (c) ten opsigte van bykomstige vervoerinfrastruktuur—
- (i) 'n geskikte beskrywing van die ligging, grootte en standaard van konstruksie; en
 - (ii) gepaardgaande sketsplanne om verdere akkurate identifisering van elke item moontlik te maak.

Indiening van begrotings

19. (1) Die begrotings van uitgawes wat ingevolge artikel 25(1) van die Wet deur 'n munisipaliteit aan die Departementshoof voorgelê moet word, moet in die vorm uiteengesit in Tabela 1A en 1B, 2, 3A en 3B of 4A en 4B by Aanhangel E, na gelang van die geval, wees.

(2) 'n Distriks- of plaaslike munisipaliteit moet 'n afskrif van die begrotings van uitgawes aan die Distriks- Padingenieur stuur.

(3)(a) Waar meerjarige projekte aangepak is of gaan word, moet begrotings van uitgawes vir sodanige projekte vir elke daaropvolgende munisipale finansiële jaar gedurende die verwagte leeftyd van die projek, tot vyf jaar, terselfdertyd as die begrotings in subregulasie (1) beoog, ingedien word.

(b) Paragraaf (a) is nie op deurlopende roetine-instandhoudingsprojekte van toepassing nie.

(4) 'n Distriks- of plaaslike munisipaliteit wat voornemens is om begrotings van uitgawes ingevolge artikel 25(1) van die Wet in te dien, moet met die betrokke Distriks- Padingenieur oorleg pleeg ten minste twee maande voor die sperdatum van 1 Desember vir indiening in artikel 25(1) van die Wet beoog en hom of haar voorsien van 'n voorlopige begrotings nie later nie as 16 Oktober van dieselfde jaar.

(5) 'n Metropolitaanse munisipaliteit wat voornemens is om 'n begrotings van uitgawes ingevolge artikel 25(1) van die Wet in te dien, moet met die betrokke professionele of tegniese personeel by die Departement se hoofkantoor oorleg pleeg ten minste twee maande voor die sperdatum van 1 Desember vir indiening en hulle voorsien van voorlopige begrotings nie later nie as 16 Oktober van dieselfde jaar.

(6) Voorgestelde wysigings van begrotings soos in artikel 25(4) van die Wet beoog—

- (a) moet ingedien word in die vorm uiteengesit in Tabel 5, 6, 7 of 8 by Aanhangel E, na gelang van die geval;

- (b) moet duidelik gemerk word “Voorgestelde wysiging van begroting” en moet gepas gedateer word; en
- (c) in die geval van ’n distriks- of plaaslike munisipaliteit, moet op dieselfde datum na die Distriks- Padingenieur aangestuur word.

Berekening van subsidiepersentasie

20. (1) Die subsidiepersentasie op gesubsidieerde vervoerinfrastruktuur beoog in artikel 26 van die Wet is soos in Aanhangsel F uiteengesit vir die volgende kategorieë uitgawes:

- (a) Kapitaalbesteding ten opsigte van beplanning wat ingevolge Deel 4 van die Wet nodig is om die geskikste roete of ligging en reserwe te bepaal:
- (b) kapitaalbesteding ten opsigte van—
 - (i) die konstruksie, verskuiwing of verbreding van paaie behalwe openbare vervoerpaaie;
 - (ii) die konstruksie of verandering van die uitleg van bykomstige vervoerinfrastruktuur; en
 - (iii) die verkryging van eiendom om die reserwe van paaie, afgesien van openbare vervoerpaaie, te verkry of te vergroot of van bykomstige vervoerinfrastruktuur;
- (c) kapitaalbesteding ten opsigte van die konstruksie, verskuiwing of verbreding van openbare vervoerpaaie of spoorlyne, en die verkryging van eiendom om die reserwe van openbare vervoerpaaie of spoorlyne te verkry of te vergroot;
- (d) kapitaalbesteding ten opsigte van die verandering, verlegging of verwydering, as gevolg van die konstruksie van vervoerinfrastruktuur, van enigiets wat gebruik word vir die lewering van munisipale dienste, insluitende elektrisiteitsvoorsiening of enige telekommunikasiedienste, enige pyp, paal, standpaal, draad, kabel, geleier, rioolpyp of toestel wat nie ingevolge regulasie 22(a) van subsidie uitgesluit word nie;
- (e) lopende uitgawes ten opsigte van instandhouding of bestuur van paaie, afgesien van openbare vervoerpaaie, of bykomstige vervoerinfrastruktuur; en
- (f) lopende uitgawes ten opsigte van die instandhouding of bestuur van openbare vervoerpaaie of spoorlyne.

(2) Die waardes in die eerste kolom van Aanhangsel F vermeld, moet jaarliks op 30 Junie deur die Minister verhoog of verlaag word ooreenkomstig die Verbruikersprysindeks en tot die naaste R10 miljoen afgerond word.

(3) ’n Munisipaliteit kan, in ’n uitsonderlike geval, skriftelik by die Departementshoof aansoek doen vir ’n subsidiepersentasie wat verskil van die persentasie in Aanhangsel F uiteengesit.

(4) Die subsidiepersentasies waarvoor daar ingevolge subregulasie (3) aansoek gedoen kan word, is soos van tyd tot tyd deur die Minister bepaal.

(5) ’n Munisipaliteit wat ingevolge subregulasie (3) aansoek doen, moet die omstandighede wat tot die aansoek aanleiding gee, volledig uiteensit, insluitende, waar van toepassing—

- (a) bewys van ’n ongewoon hoë vlak deurverkeer wat geen bestemming binne die betrokke munisipale gebied het nie;
- (b) die finansiële posisie van die munisipaliteit;
- (c) enige standarde deur die Departementshoof bepaal wat tot hoë projekkoste sal lei; en
- (d) die nodigheid om die ongewone verlegging van dienste te hanteer wat tot hoë projekkoste sal lei.

Items wat vir subsidie kwalifiseer

21. (1) 'n Munisipaliteit kom in aanmerking vir 'n subsidie vir die volgende items in verband met werk aan vervoerinfrastruktuur wat uitgevoer word ooreenkomstig die planne en spesifikasies wat deur die Departementshoof goedgekeur is:

- (a) 'n *Pro rata*-deel van die bedryfskoste van stelsels deur die Departementshoof goedgekeur vir die monitering van die toestand van subsidieerbare vervoerinfrastruktuur onder beheer van die munisipaliteit, gebaseer op die verhouding tussen die lengte of oppervlakte van die subsidieerbare deel van die netwerk en die totale lengte of oppervlakte van alle soortgelyke niesubsidieerbare items onder die beheer van die munisipaliteit;
- (b) die koste van beplanning wat nodig is om die geskikste roete en reserwe vir die vervoerinfrastruktuur te bepaal, of sulke aktiwiteite onderneem word deur—
 - (i) die munisipaliteit se eie konstruksie- of instandhoudingspersoneel;
 - (ii) werk gedoen namens die munisipaliteit deur 'n ander munisipaliteit op 'n agentskapsbasis; of
 - (iii) kontrakwerk;
- (c) die koste van—
 - (i) ontwerp in artikel 24(6)(b) van die Wet beoog; en
 - (ii) toesighouding, as deel van konstruksie in artikel 24(6)(c) van die Wet beoog, deur die Departementshoof bepaal;
- (d) installasiehuurkoste vir die tyd gebruik, teen tariewe deur die Departementshoof bepaal, welke tariewe die koste moet insluit van instandhouding, vervanging van die installasies en versekering teen tariewe wat vir die Departementshoof aanvaarbaar is;
- (e) die totale koste van indiensneming van vervoerinfrastruktuurwerknemers, uitgesonderd pensioen- en aftreegratifikasies, maar insluitende oortydbetaling teen tariewe wat vir die Departementshoof aanvaarbaar is: Met dien verstande dat waar die werknemers nie voltyds op vervoerinfrastruktuur in diens is nie, koste toegedeel word volgens die tyd wat daaraan bestee is;
- (f) pad- en spoormaakmateriaal;
- (g) kontrakwerk, deur die Departementshoof goedgekeur, op konstruksie of instandhouding;
- (h) laboratoriumtoetse teen tariewe wat vir die Departementshoof aanvaarbaar is;
- (i) opmeting om die ligging of verskuiwing van vervoerinfrastruktuur te bepaal teen tariewe wat vir die Departementshoof aanvaarbaar is;
- (j) behoudens artikel 26(3) van die Wet, vergoeding betaal vir die onteining van grond vir vervoerinfrastruktuur ingevolge artikel 34 van die Wet;
- (k) opmeet- en oordragkoste, insluitende die koste van beëdigde taksasies en arbitrasie, ten opsigte van grond wat benodig word vir insluiting in die reserwe van vervoerinfrastruktuur;
- (l) die verskaffing by kruisings van padverkeerstekens deur die Departementshoof aanvaar as deel van 'n goedgekeurde roeteaanwystekensstelsel;
- (m) die verligting van verkeersversperrings tydens die tydelike verlegging van 'n pad;
- (n) die verskaffing van straatbeligtingskemas deur die Departementshoof goedgekeur;

- (o) die skoonmaak, gelykmaak en tydelike verbetering van grond wat vir toekomstige verbreding van vervoerinfrastruktuur verkry is;
- (p) die konstruksie van randstene en geute, asook dele van die padbaan vir parkering;
- (q) die konstruksie van sypaadjies deur die Departementshoof goedgekeur;
- (r) belandskapping deur die Departementshoof goedgekeur;
- (s) advertering wat by of ingevolge die Wet vereis word, behalwe uitgawes aan of in verband met advertering waarvoor 'n grondeienaar aanspreeklik is;
- (t) die oprigting van heinings ingevolge artikel 47 van die Wet;
- (u) die uitwissing, tot die tevredenheid van die Departementshoof, van—
 - (i) 'n pad wat, as gevolg van die verlegging of sluiting daarvan, nie meer as 'n pad benodig word nie; of
 - (ii) 'n verlegging wat verskaf is vir tydelike gebruik gedurende die konstruksie of herstel van 'n pad;
- (v) werk, wat met die vooraf goedkeuring van die Departementshoof onderneem word, binne of buite die grense van die reserwe van vervoerinfrastruktuur, ten einde gronderosie op die infrastruktuur te voorkom; en
- (w) sodanige ander items wat die Departementshoof van tyd tot tyd oor die algemeen of spesifiek kan goedkeur.

(2) Ondanks enige andersluidende bepaling in hierdie regulasies is 'n subsidie nie betaalbaar nie ten opsigte van enige besteding aan enige werk wat nie aan die planne, riglyne en spesifikasies wat deur die Departementshoof goedgekeur is, voldoen nie.

Items wat nie vir subsidie kwalifiseer nie

22. Besteding aan die volgende word nie gesubsidieer nie:

- (a) Die verandering, verlegging of verwydering wat meegebring word deur die konstruksie van vervoerinfrastruktuur, diensinfrastruktuur, of enige pyp, paal, standpaal, draad, kabel, geleier, rioolpyp of toestel waar die installasie van die dienste nie deur die betrokke munisipaliteit goedgekeur is nie;
- (b) die herstel van skade veroorsaak aan enige vervoerinfrastruktuur as gevolg van die installering, instandhouding of herstel van enige elektrisiteits-, gas-, riool-, stormwater-, telefoon- of waterdiens of van enige deel van enige sodanige dienste op, in, langs of onder daardie vervoerinfrastruktuur, of van enige fout of ander tekortkoming, ongeag hoe dit veroorsaak is, in enige sodanige diens of deel, tensy die besteding aangegaan is by die herstel van skade wat veroorsaak is deur werke wat, na die mening van die Departementshoof, vir normale oppervlaktreinerings nodig is;
- (c) die instandhouding van enige deel van 'n pad, afgesien van die padbaan en sypaadjies wat vir voetgangerverkeer verskaf is; en
- (d) die verkryging en instandhouding van installasies, gereedskap, toerusting en materiaal, behalwe vir gebruik op vervoerinfrastruktuur.

Tersaaklike faktore by bepaling van subsidiebedrag van uitgawe

23. (1) Die Departementshoof moet, by die goedkeuring van 'n begroting van uitgawes deur 'n munisipaliteit voorgelê ingevolge artikel 25(1) van die Wet of die oorweging van die wysiging of skrapping van enige uitgawe ingevolge artikel 25(3) van die Wet, die volgende in ag neem:

- (a) Die behoefte aan en wenslikheid van instandhoudingsprojekte, soos gemotiveer in die munisipaliteit se begroting, gebaseer op sy instandhoudingstelsels, en met inagneming van die uitwerking van verkeersdigtheid, klimaatstoestande en die beskikbaarheid en toestand van materiaal, en gestaaf deur enige beskikbare toestandverslae;
- (b) die behoefte aan en wenslikheid van opgraderingsprojekte, soos gemotiveer in die munisipaliteit se begroting, gebaseer op vervoerveiligheidsoorwegings, ontleding van verkeers- en vervoerbehoefes en die behoeftes van ander padgebruikers, asook multikriteria-ontledings waarin sosio-ekonomiese en ander gepaste beginsels beliggaam is;
- (c) of die betrokke infrastruktuur in die toekoms waarskynlik in belangrikheid sal toeneem of afneem;
- (d) bewys van die proses van projekprioritisering wat gevolg is;
- (e) die munisipaliteit se huidige geïntegreerde vervoerplan;
- (f) in die geval van 'n distriks- of plaaslike munisipaliteit, die aanbevelings van die betrokke Distriks- Padingenieur;
- (g) in die geval van 'n pad in 'n metropolitaanse gebied wat befonds word ingevolge die Stedelike Vervoerwet, die huidige status van die befonding ten opsigte van daardie pad; en
- (h) in die geval van 'n pad, die funksionele klassifikasie daarvan.

(2) Enige verhoging in die bedrag van subsidie-uitgawes wat ingevolge artikel 27(2)(a) van die Wet deur die Departementshoof gemagtig is, mag nie meer as 20 persent van die bedrag wat oorspronklik goedgekeur is, beloop nie.

Rekening wat gehou moet word

24. (1) 'n Munisipaliteit moet 'n afsonderlike rekening hou vir elke item van vervoerinfrastruktuur waarvoor 'n subsidie geëis is of sal word, en, behalwe waar anders bepaal in hierdie regulasies, moet die uitgawes ten opsigte van elke item gedebiteer word teen die gepaste kategorie uitgawes in die rekening vir daardie item.

(2) Die uitgawes bedoel in subregulasie (1) moet alle uitgawes insluit wat aangegaan is vir die aktiwiteite in artikel 24(6) van die Wet beoog.

Indiening van subsidie-eise

25. 'n Munisipaliteit moet, benewens enige maandelikse of ander gereelde vorderingsverslae wat vereis word ingevolge oordragbetalingsooreenkomste wat ooreenkomstig die WOFB aangegaan is, nie later nie as 31 Julie elke jaar aan die Departementshoof op vorms deur die Departementshoof verskaf, 'n staat in tweevoud voorlê van die werklike uitgawes wat vir subsidie in aanmerking kom en aangegaan is tydens die onmiddellik voorafgaande munisipale finansiële jaar en, in die geval van distriks- en plaaslike munisipaliteite, terselfdertyd 'n kopie daarvan aan die Distriks- Padingenieur stuur.

HOOFSTUK 3 ADVERTENSIES OP OF SIGBAAR VANAF PROVINSIALE VERVOERINFRASTRUKTUUR

Deel 1

Tipes advertensies, vrygestelde advertensies en aansoekprosedure

Advertensies vrygestel van die vereistes van artikel 36(1) van die Wet

26. 'n Aansoek vir toestemming ingevolge artikel 36(1) van die Wet word nie vereis nie ten opsigte van—

- (a) 'n toerismekaanwysingsteken soos beskryf in regulasies kragtens die Nasionale Padverkeerswet;
- (b) 'n advertensie wat vertoon word op 'n gebou, buite die padreserwe, waarin 'n besigheid of onderneming bedryf word en wat hoogstens die naam van die besigheid of onderneming of 'n beskrywing van sy aard en die naam van die eienaar bevat;
- (c) advertensietipes in die algemeen of met betrekking tot 'n spesifieke pad of deel van 'n pad wat in die laaste kolom van Aanhangsel G as vrygestel aangedui word.

Aansoeke vir toestemming om advertensies langs paaie te vertoon

27. (1) 'n Aansoek ingevolge artikel 36(1) van die Wet moet by die betrokke plaaslike of metropolitaanse munisipaliteit ingedien word en moet—

- (a) in die formaat in Aanhangsel H uiteengesit wees;
- (b) geteken wees deur die aansoeker vir die advertensie en deur die eienaar van die grond waarop die voorneme is om die advertensie op te rig of te vertoon, of deur die agent van daardie aansoeker of eienaar wat skriftelik gemagtig is deur die aansoeker of die eienaar, na gelang van die geval;
- (c) vergesel gaan van die dokumente in paragrawe 1 tot 7 van Aanhangsel H gelys; en
- (d) vergesel gaan van die aansoekgeld, indien enige, deur die munisipaliteit gestel.

(2) Waar 'n vrystaande steunstruktuur gebruik word om 'n advertensie te vertoon, moet 'n aansoek beoog in subregulasie (1) 'n aansoek insluit soos beoog in artikel 43(1) of (4) van die Wet, na gelang van die geval.

(3) By die indiening van die aansoek beoog in subregulasie (1) by die munisipaliteit moet die aansoeker 'n elektroniese afskrif of papierafskrif van die aansoek in die vorm van Aanhangsel H by die Minister indien.

(4) 'n Behoorlik gemagtigde persoon by die munisipaliteit wat die aansoek ontvang, moet by ontvangs van die aansoek—

- (a) verseker dat die aansoek aan die vereistes van subregulasie (1) voldoen;
- (b) in die ruimte wat op die vorm in Aanhangsel H verskaf word, aandui of die munisipaliteit goedkeuring of goedkeurings verleen het vir die vertoon van die advertensie ingevolge sy verordening oor reklameborde en die vertoning van advertensies, of artikel 43(1) of (4) van die Wet in die geval dat die munisipaliteit die verantwoordelike owerheid is, of enige ander toepaslike wet;

- (c) die aansoeker meedeel dat die aansoek na die Minister verwys word vir oorweging ingevolge artikel 36(1), en waar toepaslik artikel 43(1) of (4), van die Wet; en
 - (d) die aansoek na die Minister aanstuur.
- (5) Indien die Minister bykomende inligting nodig om die impak van die vertoon van die advertensie op padveiligheid en vervoerbedrywighede te assesser—
- (a) kan die Minister; en
 - (b) moet die munisipaliteit, op versoek van die Minister,
- die aansoeker versoek om die bykomende inligting wat redelikerwys deur die Minister vereis word, te verskaf en na die Departementshoof aan te stuur.
- (6) Die bykomende inligting in subartikel (5) beoog, kan die volgende insluit, maar is nie beperk nie tot:
- (a) 'n Uitlegplan—
 - (i) geteken op 'n skaal van ten minste 1:2000 en wat 'n afstand toon van nie minder nie as 500 meter voor en na die voorgestelde terrein van die advertensie waarvoor aansoek gedoen word;
 - (ii) wat al die inligting soos vir die terreinsketsplan vereis word, die posisies waarvandaan aansigte of foto's verskaf word, horisontale boogposisies, padhellings, spoedbeperkings, straat- en padbeligtingspale akkuraat aantoon; en
 - (iii) enige ander inligting of dokument wat die Minister vereis wat 'n gedetailleerde evaluering van enige faktor wat padveiligheid kan beïnvloed, moontlik maak; en
 - (b) 'n tekening of foto op 'n gepaste skaal van die advertensie, wat alle besonderhede van die inhoud van die advertensie toon, insluitende woorde, syfers, simbole, kleure, grafika en verligting.
- (7) Die Minister moet binne 30 dae na ontvangs van 'n volledige aansoek in hierdie regulasie beoog, die aansoeker en die betrokke munisipaliteit skriftelik van sy of haar besluit in kennis stel.

Deel 2

Impak op padveiligheid, verkeer en vervoerbedrywighede

Oorwegings by assessering van aansoeke vir toestemming vir advertensies

28. (1) By die oorweging van 'n aansoek vir toestemming ingevolge artikel 36(1) van die Wet moet die Minister volgens heersende toestande van verkeers- en vervoerbedrywighede en die padkantomgewing vasstel of—

- (a) die grootte van die advertensie, tesame met ander tekens in die gebied, indien enige, die sigbaarheid en leesbaarheid van padverkeerstekens sal beïnvloed as gevolg van potensiële visuele oorlading;
- (b) die advertensie, of enige deel daarvan, weens sy kleur, lettergrootte, simbole, grafika of verligting sal meebring dat die advertensie die aandag van bestuurders sal aftrek en sodoende tot onveilige bestuurstoestande sal lei;
- (c) die getal padverkeerstekens en advertensies in enige gebied 'n bestuursgevaar inhou omdat die aandag van voertuigbestuurders afgetrek word;

- (d) die kleur, of kombinasie van kleure, wat die advertensie bevat oorheersend ooreenstem met die kleure of kombinasies van kleure wat in die regulasies kragtens die Nasionale Padverkeerswet vir padverkeerstekens vasgestel is;
- (e) die spoedbeperking, en die mate waarin die verkeer daarby hou, die verkeersvolume, die gemiddelde volgfstand en ongelukgeskiedenis van die pad strenger beheer van advertensies vereis;
- (f) die hoeveelheid inligting wat die advertensie bevat, gemeet in bis, binne die perke is wat in regulasie 31 uiteengesit word;
- (g) die advertensie na behore geplaas en georiënteer is en of dit nader as vyf meter vanaf 'n padreserwegrens is;
- (h) die posisie van die advertensie die sigbaarheid van, sigafstand tot, of doeltreffendheid van, enige padverkeersteken of reeks sodanige tekens negatief sal raak;
- (i) die advertensie vir 'n padverkeersteken aangesien kan word;
- (j) die verligting van die advertensie waarskynlik voertuigbestuurders se aandag sal aftrek van padverkeerstekens wat nie verlig word nie;
- (k) die posisie van die advertensie die vloei van inligting vanaf padverkeerstekens na voertuigbestuurders sal ontwrig waar hulle 'n reeks padverkeerstekens teëkom wat vir verkeersregulering, waarskuwing of leiding bedoel is; en
- (l) die posisie van die advertensie moontlik voertuigbestuurders se aandag sal aftrek op plekke waar die verkeer draai, om draaie beweeg, saamvloei of uiteenloop, of in die gebied van kruisings of wisselaars, of waar voertuigbestuurders se ononderbroke aandag aan die bestuurstaak belangrik is vir padveiligheid.

(2) By die assessering van die potensiële impak van 'n voorgestelde advertensie op padveiligheid en vervoerbedrywighede kan die Minister die metodologie gebruik wat deur die Departement ontwikkel is, getitel *Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Signs*.¹

Voorwaardes vir goedkeuring

29. Indien die Minister toestemming verleen vir die vertoon van 'n advertensie ingevolge artikel 36(1) van die Wet, moet die toestemming—

- (a) die tydperk vermeld waarvoor die toestemming geldig is, wat nie langer as vyf jaar mag wees nie; en
- (b) meld dat die advertensie nie beweeg of heropgerig mag word nie en dat geen verandering aan die boodskap wat vertoon word aangebring mag word behalwe vir die doel van opknapping of instandhouding, sonder om eers die verdere skriftelike toestemming van die Minister te verkry nie.

¹Die riglyndokument getiteld *The Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Signs* kan van die Departementshoof verkry word.

Deel 3**Tegniese standaarde van toepassing op advertensies****Verbodinge rakende advertensies**

30. Ondanks die ander bepalings van hierdie regulasies mag geen advertensie, insluitende 'n advertensie wat die Minister vrygestel het van die toepassing van artikel 36(1) van die Wet—

- (a) 'n gevaar vir persone of eiendom inhou nie;
- (b) so geplaas word dat dit die aandag van voertuigbestuurders aftrek, of elemente bevat wat dit aftrek, op 'n wyse wat waarskynlik tot onveilige bestuurstoestande sal lei nie;
- (c) in so 'n mate verlig word dat dit ongemak veroorsaak vir of die sig belemmer van naderende voetgangers of voertuigbestuurders nie;
- (d) geanimeer word nie;
- (e) tot ernstige benadeling van vervoerbedrywighede lei nie deur die verlaging van die verkeerskapasiteit of die vermindering van 'n veilige bedryfspoeid;
- (f) aan padverkeerstekens geheg of met padverkeerstekens gekombineer word nie, tensy dit spesifiek kragtens die Nasionale Padverkeerswet gemagtig is, padverkeerstekens onduidelik maak, verwarring met padverkeerstekens veroorsaak, met die funksionering van padverkeerstekens inmeng of padveiligheidsgevaare skep nie;
- (g) enige obstruksie vir 'n motoris se uitsig van die padbaan of sy inkomende bane veroorsaak nie ongeag die rigting waarin die motoris reis, die uitsig van voetgangers belemmer of die sig van pad- of sypaadjie-eienskappe soos aansluitings, draaie en veranderings in breedte belemmer nie;
- (h) binne 'n radius van 200 meter van die middelpunt van enige kruising op 'n pad of vanaf enige punt waar bane saamvloei of uiteenloop, gemeet vanaf die geelstreep-breekpunte opgerig word nie;
- (i) oor voetganger- of fietsverkeersroetes uitsteek nie tensy die vry hoogte van die advertensie hoër as 2,4 meter is;
- (j) in die geval van 'n banier, binne 30 meter vanaf enige padverkeersteken of verkeerslig opgerig word nie;
- (k) in die omgewing van kruisings met verkeersligte opgerig word en die kleure rooi, geel of groen vertoon nie indien sodanige kleure 'n padveiligheidsgevaar sal inhou;
- (l) die woorde “stop” of “gevaar” in 'n prominente posisie gebruik of die indruk van die noodigheid of vereiste om te stop of van die bestaan van gevaar op enige pad skep nie;
- (m) 'n geraas, geluid of rook afgee nie.

Vereistes vir advertensies

31. (1) Vir die doeleindes van hierdie regulasies word biswaardes soos volg bereken:

Woorde van tot en met ag letters	1,0 bis
Woorde van meer as ag letters	2,0 bis
Getalle van tot en met vier syfers	0,5 bis
Getalle van vyf tot ag syfers	1,0 bis
Getalle van meer as ag syfers	2,0 bis
Simbool of afkorting	0,5 bis
Groot logo's en grafika	2,0 bis

(2) Die bewoording van 'n advertensie moet bondig en leesbaar wees.

(3) Geen advertensie wat 'n enkele boodskap vertoon en sigbaar is vanaf—

- (a) 'n deurpad of pad met 'n vertoonde spoedbeperking van 120 km/h, mag meer as ses bis inligting oorskry nie; of
- (b) 'n pad afgesien van 'n deurpad met 'n vertoonde spoedbeperking van minder as 120 km/h, mag 10 bis inligting oorskry nie.

(4) Geen kombinasie-advertensie, of enige ander teken wat meer as een advertensie of boodskap vertoon, mag meer as ses bis inligting per onderneming, eiendom of diens bevat nie, of per individuele advertensie of boodskap wat op die kombinasie-advertensie vertoon word, tensy sodanige advertensie vertoon word as 'n besigheidsteken op die perseel in 'n stedelike gebied met betrekking tot 'n pad buiten 'n deurpad met 'n vertoonde spoedbeperking van 60 km/h of minder.

(5) Geen telefoonnommers, adresse, webwerwe of e-posadresse mag vertoon word nie, behalwe waar spesifiek toegelaat in artikel 20(1) van die Wet of op advertensies wat nooddienste vertoon.

(6) Geen boodskap mag oor meer as een advertensie gestrek word nie.

Verligting en elektroniese advertensies

32. (1) Verligting word op 'n advertensie toegelaat slegs indien dit nie tot onveilige bestuurstoestande lei nie.

(2) Die verligtingsvlak op enige advertensie waar verligting toegelaat word, mag nie die volgende oorskry nie:

Verligte oppervlakte	Maksimum verligting
Minder as 0,5 vierkante meter	1000 kandela per vierkante meter
0,5 tot 2,0 vierkante meter	800 kandela per vierkante meter
2,0 tot 10 vierkante meter	600 kandela per vierkante meter
10 of meer vierkante meter	350 kandela per vierkante meter

(3) 'n Advertensie mag nie verlig word nie tensy die pad deur oorhoofse ligte verlig word oor die volle afstand waarbinne die advertensie vanaf die pad sigbaar is en die bron van die verligting vir aankomende verkeer verberg is.

(4) 'n Verligte advertensie mag nie die uitsig van 'n bestuurder of voetganger belemmer of in die regstreekse siglyn van 'n verkeerslig wees nie.

(5) 'n Advertensie mag nie 'n boodskap bevat waarvan die persoon wat die advertensie sien, nie van bewus is nie.

(6) Geen ligbron of ligstraal mag—

(a) beweeg of gerig word op so 'n manier dat dit die aandag van voertuigbestuurders van die bestuurstaak aftrek nie;

(b) so geposisioneer of gerig word dat dit regstreeks op of na 'n pad skyn nie.

Spreiverligting

33. (1) Behoudens regulasie 32 moet 'n ligbron vir 'n advertensie geposisioneer word om die doeltreffende verspreiding van lig te verseker en ligvermorsing of “ligstorting” te minimeer.

(2) Geen ligbron wat vir spreiverligting van 'n advertensie gebruik word, mag vir verkeer wat in enige rigting beweeg, sigbaar wees nie.

Bykomende vereistes vir bepaalde advertensietipes

34. (1) 'n Groot reklamebord, ongeag of dit uit 'n elektroniese advertensie bestaan, moet ten minste 200 meter weg van enige padverkeersteken wees.

(2) Die voorkant van 'n groot reklamebord wat uit 'n elektroniese advertensie bestaan, moet reghoekig met die middellyn van die pad wees.

(3) 'n Straatnommer wat 'n spesifieke perseel aandui, moet 'n minimum grootte van 150 millimeter en 'n maksimum grootte van 350 millimeter hê.

(4) 'n Plaasnaamadvertensie wat 'n spesifieke perseel aandui, moet—

(a) 'n minimum lettergrootte van 100 millimeter en 'n maksimum lettergrootte van 140 millimeter hê;

(b) voldoen aan die betrokke toerismekaanwysingstekenontwerp uiteengesit in die regulasies kragtens die Nasionale Padverkeerswet;

(c) in die geval van 'n enkele plaas of kleinhoeve, vertoon word langs die ingang van die toegangspad wat daarheen lei; en

(d) in die geval van meer as een plaas of kleinhoeve wat 'n ongenommerde of privaat toegangspad deel, 'n enkele boodskap dra waarop die betrokke eiendomseienaars ooreengekom het, of by gebrek aan so 'n ooreenkoms, die naam van die eiendom wat die verste van die betrokke pad af is.

(5) Geen advertensies mag by 'n ingang na 'n multi-ondernemingeiendom of multi-eiendomontwikkeling in 'n stedelike gebied in verhouding tot 'n pad met 'n vertoonde spoedbeperking van meer as 60 km/h opgerig word nie.

(6) Advertensies wat opgerig is by 'n ingang na 'n multi-ondernemingeiendom of multi-eiendomontwikkeling in 'n stedelike gebied in verhouding tot 'n pad met 'n vertoonde spoedbeperking van 60 km/h of minder, moet bestaan uit 'n kombinasie-advertensie met hoogstens een vierkante meter per onderneming, eiendom of diens.

(7) Baniere mag nie—

- (a) aan 'n brug oor 'n pad geheg word nie; of
- (b) vertoon word op so 'n manier dat dit inmeng met, of 'n gevaar inhou vir, verbygaande voetgangers of verkeer nie.

(8) Diensfasiliteittekens—

- (a) mag net op die betrokke diensfasiliteitperseel opgerig of vertoon word, aangrensend aan en regstreeks toeganklik van 'n pad waarop die advertensie gemik is;
- (b) kan dubbelkantig wees, maar mag nie aan albei kante van die pad vertoon word nie;
- (c) mag nie geanimeer wees nie en mag verlig word slegs terwyl die betrokke dienste verskaf word;
- (d) mag nie die volgende afmetings oorskry nie:

Langs 'n pad in 'n stedelike gebied wat 'n deurpad is	6 vierkante meter
Langs 'n pad in 'n stedelike gebied wat nie 'n deurpad is nie	4,5 vierkante meter
Langs 'n pad in 'n landelike gebied	18 vierkante meter

(9) Toerisme-inligtingstekens mag net ooreenkomstig die regulasies kragtens die Nasionale Padverkeerswet vertoon word.

(10) Advertensiesleepwaens mag—

- (a) in stedelike gebiede geparkeer word slegs op terreine wat vooraf deur die munisipaliteit aangewys is, en moet behoorlik aan albei punte beveilig wees om sterk wind te weerstaan;
- (b) nie op 'n pad gesleep word indien hulle onstabiel is nie, insluitende onstabieleit wat deur sterk wind veroorsaak word.

(11) 'n Lugadvertensie mag nie—

- (a) bokant 'n openbare pad gevlieg word nie;
- (b) wanneer dit aan 'n gebou of struktuur geheg is, op 'n hoogte van meer as 45 meter van die oppervlak, gemeet vanaf grondvlak, gevlieg word nie;
- (c) verlig of geanimeer word nie, met uitsondering van 'n lugskip;
- (d) buite dagligure vertoon word nie, met uitsondering van 'n vasgehegte lugskip.

(12) Projekborde—

- (a) mag nie op of langs 'n deurpad opgerig word nie tensy dit op die konstruksie of rehabilitasie van die deurpad self van toepassing is;
- (b) mag nie verlig of geanimeer word nie;
- (c) mag vertoon word slegs terwyl die betrokke werke werklik plaasvind, insluitende enige defekaanspreklikheidstydperk.

- (13) 'n Sekuriteitsteken op 'n plaas—
- (a) mag vertoon word slegs by die kruising van 'n pad en 'n privaat toegangspad of by die ingang na die betrokke eiendom; en
 - (b) mag nie verlig of geanimeer word nie.
- (14) Net een sekuriteitsteken op 'n plaas of kleinhoewe word toegelaat.

Instandhouding

35. (1) Alle advertensies moet in 'n goeie en veilige toestand gehou word.
- (2) Enigiemand wat 'n advertensie vertoon of toelaat dat dit vertoon word—
- (a) is verantwoordelik om dit in 'n veilige en behoorlike toestand te hou en dit weer te verf;
 - (b) moet ten minste een jaarlikse inspeksie van die advertensie doen om die veiligheid daarvan te verseker; en
 - (c) moet 'n rekord hou van alle inligting wat tydens 'n inspeksie aangeteken is.

Deel 4 **Klagtes**

Klagtes

36. (1) Iemand wat vermoed dat 'n advertensie strydig met die Wet of hierdie regulasies vertoon of opgerig is of word, kan 'n skriftelike klag by die Departementshoof indien.
- (2) By ontvangs van so 'n klag moet die Departementshoof die aangeleentheid sonder versuim ondersoek en, waar gepas, stappe doen kragtens artikel 38(2) en (3) van die Wet.

HOOFSTUK 4 **PUBLISERING EN BETEKENING VAN KENNISGEWINGS, AANSOEKE VIR** **TOESTEMMING VIR OF GOEDKEURING VAN SEKERE HANDELINGE EN GELDE** **EN HURGELD GEASSOSIEER MET VERVOERINFRASTRUKTUUR**

Deel 1

Minimum vereistes vir die publisering en betekening van kennisgewings en verwittiging van belanghebbende en geaffekteerde partye

Algemene vereistes vir publisering van kennisgewings

37. 'n Kennisgewing wat ingevolge die Wet in die *Provinsiale Koerant* gepubliseer moet word, moet—
- (a) in die amptelike tale van die Provinsie gepubliseer word; en
 - (b) in die geval van 'n munisipaliteit, by die munisipale kantore van die betrokke munisipaliteit vertoon word.

Algemene vereistes vir betekening van kennisgewings

38. (1) Enige kennisgewing of ander dokument wat ingevolge die Wet deur 'n verantwoordelike owerheid aan 'n persoon beteken moet word, word geag beteken te wees—

- (a) wanneer dit persoonlik aan daardie persoon afgelewer is;
- (b) wanneer dit by daardie persoon se woonplek of sakeplek in die Republiek gelaat is by 'n persoon wat skynbaar ouer as sestien jaar is;
- (c) wanneer dit per geregistreerde of gesertifiseerde pos ge-pos is na daardie persoon se laaste bekende woon- of sakeadres in die Republiek en 'n erkenning van die pos daarvan van die posdiens verkry is;
- (d) indien daardie persoon se adres in die Republiek onbekend is, wanneer dit beteken is aan daardie persoon se agent of verteenwoordiger in die Republiek op die wyse in paragraaf (a), (b) of (c) bepaal; of
- (e) indien daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opvallende plek op die eiendom of perseel, indien enige, waarop dit betrekking het, aangebring is.

(2) Wanneer enige kennisgewing of ander dokument beteken moet word aan die eienaar, okkupeerder of houer van enige eiendom of reg op enige eiendom, is dit voldoende indien daardie persoon in die kennisgewing of ander dokument beskryf word as die eienaar, okkupeerder of houer van die betrokke eiendom of reg, en dit is nie nodig om daardie persoon te noem nie.

Kennisgewing van verandering van breedte van reserwe

39. 'n Kennisgewing in artikel 6(3)(c) of (4)(d) van die Wet beoog, moet—

- (a) die betrokke pad of spoorlyn identifiseer met verwysing na plek- of stasiename;
- (b) die geraakte deel van die betrokke pad of spoorlyn volgens kilometerafstande vermeld vanaf 'n vermelde datum;
- (c) die oorspronklike en veranderde reserwebreedtes van die pad of spoorlyn of gedeeltes van die pad of spoorlyn vermeld; en
- (d) 'n plan bevat wat die inligting in paragrawe (a) tot (c) vermeld aandui, of 'n tyd en plek aandui waar so 'n plan vir insae beskikbaar sal wees.

Kennisgewing van verandering van reserwe van bykomstige infrastruktuur

40. 'n Kennisgewing in artikel 7(7)(c) of (8)(d) van die Wet beoog, moet—

- (a) die betrokke bykomstige infrastruktuur identifiseer deur gepaste beskrywers te gebruik;
- (b) die oorspronklike en veranderde reserwe van die bykomstige infrastruktuur vermeld; en
- (c) 'n plan bevat wat die inligting vermeld in paragraaf (a) aandui, of 'n tyd en plek aandui waar so 'n plan vir insae beskikbaar sal wees.

Kennisgewing van verandering van boulyn of boubeperkingsgebied

41. 'n Kennisgewing in artikel 8(4)(c) van die Wet beoog, moet—

- (a) die betrokke vervoerinfrastruktuur identifiseer deur gepaste beskrywers te gebruik;
- (b) die oorspronklike en veranderde boulyn of boubeperkingsgebied vermeld;

- (c) 'n plan bevat wat die inligting vermeld in paragrafe (a) en (b) aandui, of 'n tyd en plek aandui waar so 'n plan vir insae beskikbaar sal wees.

Kennisgewing aan belanghebbende en geaffekteerde partye van beplanningsproses en planne

42. (1) Die verantwoordelike owerheid moet, voor die begin van die beplanningsproses in artikel 13(4) van die Wet beoog, aan belanghebbende en geaffekteerde partye in die gebied waarin die projek beplan word, kennis gee van die beoogde beplanning—

- (a) in die geval van die Minister—
- (i) deur die plasing van kennisgewings in ten minste twee van die amptelike tale van die Provinsie wat die meeste in die gebied gebruik word—
 - (aa) in die plaaslike koerant of koerante in die gebied;
 - (bb) in 'n koerant of koerante wat in die gebied sirkuleer en deur die Minister bepaal word as 'n koerant van rekord; of
 - (ii) deur middel van radio-uitsendings wat die gebied dek;
- (b) in die geval van 'n munisipaliteit, in ooreenstemming met artikel 21 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000).

(2) 'n Kennisgewing in subregulasie (1) beoog, moet—

- (a) kommentaar of vertoë aanvra van belanghebbende en geaffekteerde partye teen of voor 'n bepaalde datum ten minste 30 dae na die datum van die kennisgewing; en
- (b) meld dat 'n persoon wat nie kan skryf nie, gedurende kantoorure na 'n plek toe kan kom waar 'n personeellid van die verantwoordelike owerheid daardie persoon sal help om daardie persoon se kommentaar of vertoë te transkribeer.

(3) Die kennisgewing beoog in subregulasie (1) moet, waar van toepassing—

- (a) die betrokke roete deur plek- of stasiename, en die geraakte deel van die roete volgens kilometerafstande vanaf 'n bepaalde datum, identifiseer;
- (b) die betrokke bykomstige infrastruktuur identifiseer deur gepaste beskrywers te gebruik;
- (c) die aard van die voorgenome beplanningsoefening en enige voorgestelde veranderinge aan die bestaande situasie beskryf; en
- (d) 'n sketsplan bevat wat die inligting vermeld in paragrafe (a), (b) en (c) aandui, of 'n tyd en plek aandui waar so 'n plan vir insae beskikbaar sal wees.

(4) Die kennisgewing in artikel 13(5) van die Wet beoog, moet die plan bevat wat opgestel is deur die proses in artikel 13 van die Wet beskryf, of 'n tyd en plek aandui waar die plan vir insae beskikbaar sal wees.

(5) Die plan wat in subregulasie (4) beoog word, moet die inligting beoog in subregulasie (3) vermeld en, waar van toepassing, alle beplande veranderinge aandui.

(6) Belanghebbende en geaffekteerde partye wat hulself gedurende die beplanningsproses aan die verantwoordelike owerheid bekend gestel het en versoek het om individueel van die resultate van die proses in kennis gestel te word, moet sover moontlik aldus in kennis gestel word op die wyse wat versoek is.

Kennisgewing aan belanghebbende en geaffekteerde partye van verbreding of verandering nie langer as 1000 meter nie

43. Die verantwoordelike owerheid moet, in 'n kennisgewing in artikel 13(11) van die Wet beoog, belanghebbende en geaffekteerde partye ooreenkomstig regulasie 38 in kennis stel van sy voorneme om ooreenkomstig artikel 13(10) van die Wet op te tree, en sodanige kennisgewing—

- (a) moet die inligting in regulasie 42(3)(a) of (b) vermeld, bevat;
- (b) moet—
 - (i) die oorspronklike en voorgestelde reserwebreedtes vermeld en aandui; of
 - (ii) in die geval van ander voorgestelde veranderinge aan vervoerinfrastruktuur, die oorspronklike en voorgestelde stand van die vervoerinfrastruktuur vermeld en aandui; en
- (c) skriftelike kommentaar voor 'n datum nie later nie as 30 dae na die kennisgewing aanvra.

Kennisgewing aan belanghebbende en geaffekteerde partye van beplanning voor intrekking van verklaring van vervoerinfrastruktuur

44. (1) Die verantwoordelike owerheid moet 'n kennisgewing van die voorgenome beplanning beoog in artikel 15(4) van die Wet op belanghebbende en geaffekteerde partye ooreenkomstig regulasie 38 beteken, welke kennisgewing—

- (a) in die geval van paaie en spoorlyne, die betrokke roetes of gedeeltes van roetes deur plek- of stasiename, en die geraakte deel van die roete volgens kilometerafstande vanaf 'n bepaalde datum, moet identifiseer;
- (b) in die geval van bykomstige vervoerinfrastruktuur, die betrokke infrastruktuur moet identifiseer deur gepaste beskrywers te gebruik; en
- (c) 'n plan moet bevat wat die inligting vermeld in paragrawe (a) en (b) aandui, of 'n tyd en plek moet aandui waar so 'n plan vir insae beskikbaar sal wees.

Kennisgewing aan belanghebbende en geaffekteerde partye van tydelike sluiting of verlegging van paaie of spoorlyne

45. Die kennisgewing aan geaffekteerde partye in artikel 21(5) van die Wet beoog, moet—

- (a) ooreenkomstig regulasie 38 beteken word;
- (b) die betrokke roete deur plek- of stasiename, en die geaffekteerde deel van die roete volgens kilometerafstande vanaf 'n bepaalde datum, identifiseer;
- (c) in die geval van die tydelike verlegging van 'n roete, 'n sketsplan bevat wat die verlegging uitbeeld; en
- (d) kommentaar of verhoë aanvra teen 'n vermelde datum, wat ten minste 14 dae na die datum van die kennisgewing moet wees.

Deel 2

Aansoeke vir goedkeuring, magtiging of toestemming

Aansoeke vir goedkeuring, magtiging of toestemming kragtens die Wet

46. Die aansoeke vir goedkeuring, magtiging of toestemming beoog in artikels 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1) en 60(3) van die Wet moet—

- (a) in die geval van vervoerinfrastruktuur onder die beheer van die Minister, by die Departementshoof ingedien word en die volgende insluit:
 - (i) ’n Voltooide aansoekvorm, soos in Aanhangel I uiteengesit;
 - (ii) op ’n afsonderlike vel of velle, die minimum inligting wat in die bepaalde geval verstrekk moet word, soos in Aanhangel J uiteengesit; en
 - (iii) die gelde, indien enige, soos in Aanhangel J uiteengesit; of
- (b) in die geval van vervoerinfrastruktuur onder die beheer van ’n munisipaliteit, by die betrokke munisipaliteit ingedien word in die vorm, en vergesel van die gelde, indien enige, wat daardie munisipaliteit voorskryf.

Bepaling van gelde en huurgeld

47. Gelde en heffings of die tariewe, skale of geldetariewe en heffings rakende die aansoeke beoog in artikels 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) en 62(2) van die Wet—

- (a) in die geval van vervoerinfrastruktuur onder die beheer van die Minister, word in Aanhangel J uiteengesit; of
- (b) in die geval van vervoerinfrastruktuur onder die beheer van ’n munisipaliteit, word deur daardie munisipaliteit bepaal ooreenkomstig prosedures voorgeskryf in wetgewing oor munisipale finansiële aangeleenthede en deur die munisipaliteit gepubliseer as deel van sy jaarlikse begrotingsproses.

Deel 3

Appèlle

Appèlle teen besluit deur Departementshoof of beampte

48. ’n Appèl na die Minister ingevolge artikel 62(1) van die Wet moet—

- (a) skriftelik by die kantoor van die Minister ingedien word by 8ste Vloer, Dorpsstraat 9, Kaapstad, binne 21 dae nadat die persoon wat die appèl indien, van die betrokke besluit in kennis gestel is;
- (b) van die voorgeskrewe gelde vergesel gaan; en
- (c) volledige besonderhede bevat van die besluit waarteen geappelleer word en afskrifte van korrespondensie rakende die besluit.

HOOFSUK 5 DIVERSE BEPALINGS

Herroeping van regulasies

49. Die regulasies gepubliseer onder Provinsiale Kennisgewing 632 van 1 Augustus 1980, Provinsiale Kennisgewing 394 van 8 Mei 1981, Provinsiale Kennisgewing 751 van 4 Desember 1981, Provinsiale Kennisgewing 796 van 24 Desember 1981, Provinsiale Kennisgewing 383 van 24 Junie 1983 en Provinsiale Kennisgewing 391 van 5 September 1996 word herroep.

Kort titel en inwerkingtreding

50. Hierdie regulasies heet die Wes-Kaapse Regulasies op Vervoerinfrastruktuur, 2017, en tree in werking op 'n datum wat die Provinsiale Minister van Vervoer en Openbare Werke in die *Provinsiale Koerant* bepaal.

AANHANGSEL A

[Regulasie 3]

Funksionele klassifikasie van paaie [Regulasie 3]

Funksie			Beskrywing		Mobiliteit					
Basiese funksie	Alternatiewe funksionele beskrywings	Bepalende funksie	Klasnommer	Klasnaam	Oorsprong / bestemming in die landelike konteks	Deurverkeerkomponent			GJDV (gemiddelde jaarlikse daaglikse verkeer)	
						In die landelike konteks	In die stedelike konteks	Afstand tussen parallelle paaie in stedelike konteks (km)	Landelik	Stedelik
Mobiliteit	Voertuigprioriteit, slegs voertuig, lang afstand, deur, hoë orde, hoë spoed, genommer, kommersieel, ekonomies, strategies, roete, verkeersaarpad of deurpad	Beweging is dominant, deurverkeer is dominant, die meeste verkeer begin of eindig nie in die onmiddellike omgewing nie, die funksie van die pad is om groot volumes verkeer tussen stedelike gebiede of landelike distrikte te dra	1	Hoofverkeersaar (deurpad in stedelike konteks)	Metrogebiede, groot stede, groot grensposte, verbind nasionale roetes	Eksklusief	Eksklusief	5 – 10 km	1000 – 100 000+	40 000 – 120 000+
			2	Groot verkeersaar	Stede en groot dorpe, vervoermodusse (hawens en internasionale lughawens), kleiner grensposte, verbind groot roetes	Eksklusief	Oorheersend	5 – 10 km	500 – 25 000+	20 000 – 60 000
			3	Klein verkeersaar	Dorpe, dorpie en landelike nedersettings, toeristebestemmings, vervoermodusse (spoorsylyne, seehawens, landingstroke), klein grensposte, ander roetes	Oorheersend	Groot	0,8 – 2,0 km	< 1 000	10 000 – 40 000
Toegang / Aktiwiteit	Toegang, gemengde voetganger- en voertuigverkeer, kort afstand, lae orde, lae spoed, gemeenskap / plaas, pad of straat	Toegang, draai- en kruis-bewegings word toegelaat, die meeste verkeer het ontstaan of bestemming in die distrik, die funksie van die pad is om 'n veilige omgewing te bied vir voertuie en voetgangers wat toegangspunte gebruik	4	Versamelpad of straat	Verbind boerderydistrikte, landelike nedersettings, toerismegebiede, nasionale en privaat parke en myne met mobiliteitsroetes	Minimaal	Ontmoedig		< 1000	< 10 000
			5	Plaaslike straat			Voorkom		< 1000	
			6	Looppad			Verbied			

AANHANGSEL B

[Regulasie 6]

Padkantontwikkelingsomgewing: Riglyne

Digtheidseienskappe in die stadsrand (stedelike gebiede)		
Padkantontwikkelings- omgewing	Vloeroppervlakverhouding (VOV)	Grootmaat (m²) – du/ha – bouhoogte
Sakekern	> 1	10 000 m ² /ha @50% dekking = 2 x verdieping @30% dekking = 3 x verdieping (Laat parking en belandskapping toe.) Residensieel = > bruto 100 du/ha (400 pp/ha)
Intermediêr	0,3 – 1	3000 m ² – 10 000 m ² /ha bv. 5 000 m ² @50% dekking = 1 x verdieping Residensieel = bruto 25 – 100 du/ha (100 – 400 pp/ha)
Voorstedelik	0,1 – 0,3	1000 m ² – 3000 m ² /ha = enkel/dubbelverdieping Residensieel = bruto < 10 du/ha
Digtheidseienskappe buite die stadsrand (niestedelike gebiede)		
Halflandelik	< 0,1	
Landelik	< 1 geb./10 ha	

Opmerking: Die werklike padkantontwikkelingsomgewings waarop besluit word, kan die beleid van die munisipaliteit teenoor toekomstige ontwikkeling van padkantontwikkelingsomgewings weerspieël, waar die vloeroppervlakverhoudings nog nie op die vlakke in die tabel hierbo is nie.

AANHANGSEL C

[Regulasie 17(1)]

WES-KAAPSE WET OP VERVOERINFRASTRUKTUUR, 2013 (WET 1 VAN 2013)**DEPARTEMENT VAN VERVOER EN OPENBARE WERKE****..... MUNICIPALITEIT****INLIGTING WAT VERSKAF MOET WORD BY AANSOEK VIR SUBSIDIE VIR
MUNISIPALE PAAIE, SPOORLYNE OF ANDER VERVOERINFRASTRUKTUUR**

1. Die inligting bedoel in regulasie 17 moet verstrek word deur die tersaaklike kolomme in Tabele 1A en 1B, 2 en 3A en 3B of 4A en 4B, in hierdie Aanhangsel in te vul.
2. 'n Afsonderlike voltooië tabel moet ingedien word vir elke pad of groep paaie, elke openbare vervoerpad of groep paaie, elke spoorlyn en elke ander element van vervoerinfrastruktuur, soos volg:
 - 2.1 Pad of groep paaie (voltooi Tabele 1A en 1B in hierdie Aanhangsel)
 - 2.2 Openbare vervoerpad of groep paaie (voltooi Tabele 1A en 2 in hierdie Aanhangsel)
 - 2.3 Spoorlyn (voltooi Tabele 3A en 3B in hierdie Aanhangsel)
 - 2.4 Ander vervoerinfrastruktuur as paaie of spoorlyne (voltooi Tabele 4A en 4B in hierdie Aanhangsel)
3. Aansoeke moet ingedien word onder dekking van 'n brief met die Munisipaliteit se briefhoof en geteken en gedateer wees deur die Munisipale Bestuurder of 'n persoon wat deur die Raad aangewys is om hierdie taak te verrig, by die volgende adres:

Die Departementshoof
Departement van Vervoer en Openbare Werke
Posbus 2603
KAAPSTAD
8000

AANHANGSEL D

[Regulasie 18(2)]

**WES-KAAPSE WET OP VERVOERINFRASTRUKTUUR, 2013
DEPARTEMENT VAN VERVOER EN OPENBARE WERKE**..... **MUNISIPALITEIT****MEMORANDUM VAN OOREENKOMS**

(ingevolge artikel 24(2) van die Wes-Kaapse Wet op Vervoerinfrastruktuur, 2013 (Wet 1 van 2013)
("die Wet") en regulasie 18(2))

Aangegaan deur en tussen

DIE PROVINSIALE MINISTER VAN VERVOER EN OPENBARE WERKE

(hierna "die Minister" genoem)

en

..... **MUNISIPALITEIT**

hierin verteenwoordig deur in sy/haar hoedanigheid as
....., behoorlik daartoe gemagtig

(hierna "die Munisipaliteit" genoem)

AANGESIEN die Minister die aansoek van die Munisipaliteit vir die betaling van 'n subsidie ingevolge artikel 24(1) van die Wet goedgekeur het, wil die partye nou die pad of paaie of dele van 'n pad of paaie, en spoorlyn of spoorlyne of dele van 'n spoorlyn of spoorlyne, en die bykomstige vervoeritem of -items wat vir 'n subsidie sal kwalifiseer, boekstaaf in 'n ooreenkoms soos in artikel 24(2) beoog;

EN AANGESIEN voornoemde pad of paaie of dele van 'n pad of paaie, en spoorlyn of spoorlyne of dele van 'n spoorlyn of spoorlyne, en bykomstige vervoeritem of -items in die bylae hierby geboekstaaf word;

EN AANGESIEN die Munisipaliteit sodanige subsidiefondse sal aanwend vir die algehele beheer en administrasie van die beplanning, ontwerp, konstruksie, instandhouding en bestuur van die vervoerinfrastruktuur in die bylae hierby gelys.

DERHALWE KOM DIE PARTYE SOOS VOLG OOREEN:

1. Die Minister sal verseker dat:
 - (a) die pad of paaie, en spoorlyn of spoorlyne, en bykomstige vervoeritem of -items in die bylae hierby gelys, by die opstel van die Departement se begrotingsproses ingesluit word, met dien verstande dat die vereistes van Deel 6 van die Wet nagekom is; en
 - (b) die Departementshoof na behore bemaagtig word deur juiste delegasies om die betaling van subsidies tydig te magtig en uit te voer.
2. Die Munisipaliteit onderneem om:
 - (a) te voldoen aan standarde en riglyne wat deur die Departementshoof bepaal word;
 - (b) die subsidiefondse te gebruik slegs vir die doeleindes wat deur die Minister goedgekeur is na aanleiding van 'n aansoek ingevolge artikel 24(1), en soos deur die Departementshoof bepaal ingevolge artikel 27(1); en
 - (c) te voldoen aan die standaardvoorwaardes van finansiële verslagdoening en ouditering wat ingevolge die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003), vereis word, en soos uiteengesit in die oordragbetalingsooreenkoms wat ooreenkomstig die WOFB aangegaan is.
3. Hierdie ooreenkoms is die enigste ooreenkoms tussen die partye betreffende die onderwerp daarvan, en enige wysiging van die ooreenkoms is van nul en gener waarde tensy dit op skrif gestel en deur beide partye onderteken is.
4. Indien daar bevind word dat enige van die klousules van hierdie ooreenkoms of aanhangsels daarby ongeldig is of nie vir die partye bindend is nie, raak daardie bevinding nie die geldigheid van hierdie ooreenkoms nie, en die partye stem in om deur die ander bepalings van die ooreenkoms gebind te word.

GETEKEN TE **OP** **20...**

.....
PROVINSIALE MINISTER VAN
VERVOER EN OPENBARE
WERKE
WES-KAAPSE PROVINSIALE
REGERING

AS GETUIES:

1.

2.

GETEKEN TE OP 20...

.....

DIE MUNISIPALITEIT

Verteenwoordig deur

in sy/haar hoedanigheid as

.....

behoorlik daartoe gemagtig

AS GETUIES:

1.

2.

Tabel 2: Spoorlyne

Die tabel moet uitgebrei en reëls moet bygevoeg word soos nodig, om die subsidieerbare netwerk te dek.

1	2	3	4	5			6	7	8	9	10
Spoorlyn tussen Stasie A Stasie B	Stelsels om toestand te moniteer	Lengte van spoorlyn	Spoorwydte	Standaard van konstruksie			Getal brugstrukture > 6 m spanwydte	Lengte van keermuur > 2 m	Tipe grensheinings of -mure	Sinjaalstelsel en sentrale beheer	Stasies, getal en lengte van platforms by elk, universele toegang?
		km	mm	Grondlaag	Ballas	Dwarslêer		m			

Waar daar onsekerheid kan wees oor watter deel of dele van 'n pad of spoorlyn by die ooreenkoms ingesluit is, moet 'n sketsplan wat die begin- en eindpunte van die gedeeltes aandui, op 'n aparte A4-grootte bladsy ingesluit word.

Bykomstige vervoerinfrastruktuur moet gelys word en beskrywers geskik vir die klas infrastruktuur moet gebruik word om die ligging, grootte en standaard van konstruksie daarvan te beskryf, en bygaande sketsplanne moet gebruik word om die akkurate identifisering van elke item verder moontlik te maak.

AANHANGSEL E

[Regulasie 19(1) en 19(6)]

**VORM: BEGROTINGS VAN UITGAWES AAN MUNISIPALE
VERVOERINFRASTRUKTUUR****WES-KAAPSE WET OP VERVOERINFRASTRUKTUUR, 2013 (WET 1 VAN 2013)****WES-KAAPSE DEPARTEMENT VAN VERVOER EN OPENBARE WERKE****..... MUNISIPALITEIT****VOORLEGGING AAN DIE DEPARTEMENTSHOOF VAN BEGROTINGS VAN
UITGAWES AAN MUNISIPALE PAAIE, SPOORLYNE OF ANDER
VERVOERINFRASTRUKTUUR**

1. Die inligting wat ingevolge regulasie 18(1) vereis word, moet verstrek word deur die tersaaklike kolomme in Tabelle 1A en 1B, 2, 3A en 3B of 4A en 4B hieronder in te vul.
2. 'n Aparte voltooide tabel moet ingedien word vir die begrotings van uitgawes aan elke pad of groep paaie, elke munisipale openbare vervoerpad of groep -paaie, elke munisipale spoorlyn en elke ander element van vervoerinfrastruktuur.
3.
 - 3.1 Moniteringstelsels (voltooi Tabel 1A hieronder)
 - 3.2 Paaie (voltooi Tabel 1B hieronder)
 - 3.3 Munisipale openbare vervoerpaaie (voltooi Tabel 2 hieronder)
 - 3.4 Munisipale spoorlyne (voltooi Tabel 3 hieronder)
 - 3.5 Ander vervoerinfrastruktuur as paaie of spoorlyne (voltooi Tabel 4 hieronder)
4. Begrotings vir daaropvolgende jare vir meerjarige projekte wat by regulasie 18(3) vereis word, moet ingedien word in dieselfde tabelle in die reëls onmiddellik onder die begroting vir die projek vir die volgende jaar.
5. Die inligting wat by regulasie 18(6) vereis word, moet verstrek word deur die tersaaklike kolomme in Tabelle 5, 6, 7 en 8 in hierdie Aanhangsel te voltooi.

6. 'n Afsonderlik ingevulde tabel moet ingedien word vir voorgestelde wysigings aan die begroting van uitgawes aan paaie, munisipale openbare vervoerpaaie, munisipale spoorlyne en elke ander element van vervoerinfrastruktuur.

6.1 Paaie (voltooi Tabel 5 hieronder)

6.2 Munisipale openbare vervoerpaaie (voltooi Tabel 6 hieronder)

6.3 Munisipale spoorlyne (voltooi Tabel 7 hieronder)

6.4 Ander vervoerinfrastruktuur as paaie of spoorlyne (voltooi Tabel 8 hieronder)

7. Begrotings en voorgestelde wysigings aan begrotings moet ingedien word onder dekking van 'n brief met die Munisipaliteit se briefhoof en geteken en gedateer deur die Munisipale Bestuurder of persoon wat deur die Raad aangewys is om hierdie taak te verrig, by die volgende adres:

Die Departementshoof
Departement van Vervoer en Openbare Werke
Posbus 2603
KAAPSTAD
8000

TABELLE 3A en 3B: JAARLIKSE BEGROTINGS VAN UITGAWES AAN MUNISIPALE SPOORLYNE VIR 20.../20...
..... MUNISIPALITEIT

1. In **Tabel 3A** hieronder, verskaf ’n raming van die jaarlikse *pro rata*- subsidieerbare deel van die bedryfskoste van instandhouding van die stelsel of stelsels vir monitering van die toestand van spoorlyne onder beheer van die munisipaliteit.

Tabel 3A

<p><i>Pro rata</i>-deel van jaarlikse bedryfskoste van stelsels deur die Departementshoof goedgekeur vir die monitering van die toestand van subsidieerbare spoorinfrastruktuur onder beheer van die munisipaliteit, gebaseer op die verhouding tussen die lengte van die subsidieerbare deel van die netwerk en die totale lengte van alle niesubsidieerbare spoorlyne onder beheer van die munisipaliteit</p>	<p>Geraamde jaarlikse uitgawe</p> <p>R.....</p>
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TABELLE 4A en B: JAARLIKSE BEGROTINGS VAN UITGAWES AAN ANDER VERVOERINFRASTRUKTUUR AS PAAIE OF SPOORLYNE: 20.../20...

..... **MUNISIPALITEIT**

1. In **Tabel 4A** hieronder, verskaf 'n raming van die jaarlikse *pro rata*-subsidieerbare deel van die bedryfskoste van instandhouding van die stelsel of stelsels vir monitering van die toestand van ander vervoerinfrastruktuur as paate of spoorlyne onder beheer van die munisipaliteit.

Tabel 4A

<p><i>Pro rata</i>-deel van jaarlikse bedryfskoste van stelsels deur die Departementshoof goedgekeur vir die monitering van die toestand van ander subsidieerbare vervoerinfrastruktuur as pad- of spoorinfrastruktuur onder die beheer van die munisipaliteit, gebaseer op die verhouding tussen die lengte of oppervlakte van die subsidieerbare deel van die netwerk en die totale lengte of oppervlakte van alle niesubsidieerbare items onder die beheer van die munisipaliteit</p>	<p>Geraamde jaarlikse uitgawes</p> <p>R.....</p>
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AANHANGSEL F




Berekening van subsidiepersentasie [Regulasie 20(1), (2) en (3)]






	Subsidiepersentasie op besteding aan die aktiwiteite—				
<i>Jaarlikse begrote munisipale inkomste, uitgesonderd toekennings vir kapitaalwerk, ens.</i>					
Na die inwerkingtreding van die Wet moet waardes in hierdie kolom jaarliks op 30 Junie deur die Minister verhoog of verlaag word ooreenkomstig die Verbruikersprysindeks en tot die naaste R10 miljoen afgerond word.	Kapitaalbesteding ten opsigte van beplanning nodig ingevolge Deel 4 van die Wet om die geskikste roete of ligging en reserwe te bepaal	Kapitaalbesteding ten opsigte van die konstruksie, verskuiving of verbreding van openbare vervoerpaate, ten opsigte van die konstruksie of verandering van die uitleg van bykomstige vervoerinfrastruktuur, en die verkryging van eiendom ten einde die reserwe vir paate, buiten openbare vervoerpaate, te verkry of te vergroot, of bykomstige vervoerinfrastruktuur	Kapitaalbesteding ten opsigte van die konstruksie, verskuiving of verbreding van openbare vervoerpaate of spoorlyne, en die verkryging van eiendom om die reserwe van openbare vervoerpaate of spoorlyne te verkry of te vergroot	Kapitaalbesteding ten opsigte van die verandering, verlegging of verwydering, genoodsaak deur die konstruksie van vervoerinfrastruktuur, van enigiets wat gebruik word vir die lewering van munisipale dienste, insluitende elektrisiteitsvoorsiening of enige telekommunikasiedienste, enige pyp, paal, standpaal, draad, kabel, geleier, rioolpyp of toestel wat nie ingevolge regulasie 22(a) van subsidie uitgesluit is nie	Lopende uitgawes ten opsigte van instandhouding of bestuur van openbare vervoerpaate of spoorlyne
Tot R300 miljoen	95,00%	95,00%	95,00%	95,00%	95,00%
Van R301 miljoen tot R600 miljoen	80,00%	80,00%	95,00%	80,00%	95,00%
Kategorie B- en C-munisipaliteite bo R600 miljoen	60,00%	60,00%	70,00%	60,00%	70,00%
Kategorie A-munisipaliteite	30,00%	30,00%	40,00%	30,00%	40,00%







AANHANGSEL G






[Regulasies 1(2) en 26]






TIPES ADVERTENSIES EN ADVERTENSIES VRYGESTEL VAN DIE VEREISTES VAN ARTIKEL 36(1) VAN DIE WET




Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
Klas 1	Reklamebord	Enige skerm of bord groter as 4,5 vierkante meter in totale oppervlakte gesteun deur 'n vrystaande struktuur wat gebruik word of bedoel is om gebruik te word om advertensies te vertoon		
1(a)	Bokreklamebord	'n Reklamebord gemonteer op 'n bokstruktuur wat gebou is met die uitsluitlike doel om advertensies te vertoon, en kan die volgende wees: (a) 'n portaalbok bestaande uit 'n struktuur wat deur pale of pilare aan albei kante van 'n pad gesteun word en wat oor die hele breedte van 'n pad strek; of (b) 'n vrydraerbok gesteun deur pale of pilare aan die kant van 'n pad of in die padmediaan en wat moontlik oor slegs 'n deel van 'n pad strek		Nee
1(b)	Groot reklamebord	Enige reklamebord groter as 18 vierkante meter in oppervlakte		Nee
1(c)	Klein reklamebord	'n Reklamebord 18 vierkante meter of kleiner in oppervlakte		Nee




Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
	Produkreplika of driedimensionele advertensie	'n Replika of toestel wat vir advertensie gebruik word wat vrystaande of aan 'n struktuur geheg kan wees, en sluit in 'n opblaasbare voorwerp wat nie 'n lugadvertensie is nie		Nee
Klas 2				
2(a)	Lugadvertensie	'n Advertensie waar die bokant van enige punt van daardie advertensie hoër is as die dakvlak waaraan dit geheg is	 	Nee
2(b)	Dakadvertensie	'n Advertensie geheg aan 'n dak van 'n gebou waar die bokant van enige punt van daardie advertensie nie hoër as die dakvlak is nie, of 'n advertensie wat op 'n dak van 'n gebou geveerf is	 	Ja






Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
2(c)	Muuradvertensie	'n Advertensie wat aan 'n buitemuur van 'n gebou geheg is, of geverf is op 'n buitemuur van 'n gebou wat vir kommersiële, kantoor-, industriële of vermaakdoeleindes gebruik word		Ja
2(d)	Advertensie in materiaal van gebou - vaste boodskap - veranderbare boodskap			Ja
2(e)	Uitsteekadvertensie	'n Advertensie wat aan 'n muur van 'n gebou geheg is en wat op die een of ander plek meer as 250 millimeter voor die oppervlak van sodanige muur uitsteek		Ja
2(f)	Veranda-, balkon-, kap-, of onderdakadvertensie	'n Advertensie— (a) plat op geheg of geverf op 'n borsweringmuur, balustrade of traliewerk (b) geheg plat op of geverf op 'n fascia (c) plat op geheg of geverf op die fascia van 'n dakstruktuur sonder mure (d) geheg aan of geverf op 'n pilaar, kolom of paal wat 'n dakstruktuur sonder mure ondersteun; of (e) geverf of gedruk op die materiaal van 'n blinding	  	Ja






Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
				
2(g)	Mas-, toring-, brug- en piloonadvertensie	'n Reklamebord geheg aan of gevef op 'n mas, toring, brug of piloon wat nie primêr vir advertensiedoeleindes gebruik word nie	  	Nee
2(h)	Vensteradvertensie	'n Advertensie wat tydelik of permanent gevef is op of geheg is aan die vensterglas van 'n gebou, of wat vertoon word binne twee meter van enige venster of eksterne opening waardeur dit van buite die gebou gesien kan word		Ja




Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
Klas 3				
3(a)	Op-persel-besigheidsadvertensie in 'n stedelike gebied	'n Advertensie wat gemik is op die identifisering en vind van sakeondernemings en nywerhede in 'n stedelike gebied, maar sluit 'n residensiële of gemeenskapsadvertensie uit		Ja
3(b)	<p>Residensiële of gemeenskapsdiensadvertensies</p> <p>Klein kennisgewings en advertensies wat vertoon word in woongebiede op persele wat gebruik word as—</p> <p>(a) woonplekke, vir identifikasie en rigtingaanwysing of vir waarskuwings met betrekking tot wonings, insluitende—</p> <p>(i) name van huise, woonstelkomplekse, plase en kleinboewes; en</p> <p>(ii) tekens soos “Oppas vir die hond”, “Geen parkering” en “Maak toe die hek”;</p> <p>(b) geboue wat vir gemeenskapsdoeleindes gebou is of gebruik word wat die naam en aard van die instelling toon, en aard en omvang van dienste en sluit in godsdienstige, kulturele, opvoedkundige en ontspanningsinstellings;</p> <p>(c) kleinskaalse akkommodasiefasilitite met 'n residensiële karakter wat die naam en aard van die fasiliteit of van die eenaar of vennote toon; en</p> <p>(d) akkommodasie van kleinsakeondernemings en praktyke soos mediese instellings, wat die name van praktisyne en die aard en omvang van dienste toon.</p>		  	Ja
3(c)	Advertensie van landbou- en verwante grondgebruike	<p>'n Advertensie van landbou- en verwante grondgebruik in landelike gebiede, insluitende advertensies van belang vir—</p> <p>(a) plase, boerdery-ondernemings en landbouprodukte;</p> <p>(b) plaasstalletjies;</p> <p>(c) gemeenskapsfasiliteite soos kerke;</p> <p>(d) landbouveldproewe.</p>		Ja, maar plaasnaam-advertensies moet aan regulasie 34(4) voldoen



Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
3(d)	Banier	'n Stuk doek of soortgelyke materiaal waarop 'n advertensie vertoon word op so 'n wyse dat dit ten volle leesbaar is in windlose toestande, geheg aan een of meer toue, pale of vlagpale wat vertikaal, horisontaal of met 'n hoek uitstaan, of geheg aan geboue of aan spesiale strukture, en sluit in vlae wat nie aan goedgekeurde vlagpale vertoon word nie en sluit uit baniere wat as deel van 'n optog gedra word		Nee
	Vlag	'n Stuk doek of soortgelyke materiaal waarop 'n advertensie vertoon word en wat geheg is aan 'n enkele tou, paal of vlagpaal wat vertikaal uitsteek op so 'n wyse dat die inhoud daarvan gewoonlik nie leesbaar is in windlose toestande nie, maar uitgesonderd vlae wat as deel van 'n optog gedra word		Nee
Klas 4				
4(a)	Straattoehore	Openbare fasiliteite en strukture wat nie hoofsaaklik vir advertensie bedoel is nie en sluit in sitbanke, planthouers, sypaadjievullishouers, paalgemonteerde houers, busskuilings sypaadjehorlosies en drinkfonteine, maar uitgesonderd padverkeerstekens, verkeersligte, verkeersligbeheerkaste, straatligte of enige ander padverwante strukture		Ja

Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
4(b)	Voorhofadvertensie	'n Advertensie in 'n voorhof van 'n sakeperseel, synde 'n advertensie wat in sodanige voorhof vertoon word om die aandag te vestig op kommersiële dienste, goedere te koop of ander dienste wat op die perseel beskikbaar is, maar sluit nie 'n kombinasie-advertensie by 'n vulstasie of padkantdiensgebied in nie		Ja
Klas 5				
5(a)	Diensfasiliteitteken	'n Advertensie by 'n vulstasie of padkant rus- en diensgebied		Ja
5(b)	Padverkeersprojekte	Advertensie rakende projekte spesifiek bedoel vir padgebruikers en wat gemik is op die verskaffing van paddienste, die bevordering van padveiligheid of die bestuur en bewaring van padkantomgewings		Ja

Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
5(c)	Toerismekaanwysingstekens	Padverkeerstekens met gewoonlik 'n trapesoidale vorm met wit letters en simbole op 'n bruin agtergrond, waarvan die hoofdoel is om toeriste in die laaste stadium van hulle reis in te lig en te lei, soos bedoel in die regulasies kragtens die Nasionale Padverkeerswet		<p>Ja, mits dit aanvaarbaar is vir of goedgekeur is deur die betrokke toerisme- en padverkeersowerhede</p>
5(d)	Toerisme-inligtingsadvertensie	'n Advertensie, uitgesluit 'n padverkeersteken, wat inligting ter plaatse verskaf oor 'n toerisme-aantreklikheid of erfenisterrein		<p>Ja</p>
5(d)	Ingangadvertensie	'n Paalgemonteerde liggingsadvertensie by die ingang tot 'n dorp of voorstad wat die naam van die dorp of voorstad dra		<p>Ja</p>
Klas 6				
6(a)	Voertuigadvertensies: -Advertensie nie hoofdoel nie	'n Advertensie geverf op of geheg aan 'n selfaangedrewe of selfaangedrewe voertuig wat gewoonlik op land of water beweeg en wat nie vir die uitsluitlike doel van advertering gebruik word nie	 	<p>Ja</p>

Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVLIGE ARTIKEL 36(3)(c) VAN DIE WET
6(b)	Voertuig -Advertensiesleepwa -Selfaangedrewe advertensievoertuig	'n Sleepwa soos omskryf in artikel 1 van die Nasionale Padverkeerswet wat ontwerp of aangepas is vir die uitsluitlike doel van advertering		Ja
6(c)	Lugadvertensie	'n Advertensie gevef op of geheg aan of voortgebring deur 'n vliegtuig, insluitende 'n gevang ballon, vlieër, onbemande los ballon, vasgemeerde lugskip, valskermsweeftuig, hangsweeftuig, model- of radiobehoorde vliegtuig, 'n vliegtuig wat agter 'n voertuig of seilboot gesleep word sodat dit opstyg, en 'n vliegtuig wat 'n banier sleep of rookseine maak	 	Nee
6(d)	Lopendetoebroodtjie-bord en ander draagbare kennisgewing	A-raamborde geheg aan 'n persoon of enige ander bord wat deur 'n persoon gedra word, vir die doel van advertering	 	Ja

Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
Klas 7				
7(a)	Konstruksierreinadvertensie	<p>'n Advertensie wat plat teen of op 'n heining of muur geheg is wat die grens van 'n konstruksierrein vorm, of 'n losstaande advertensie op 'n konstruksierrein, of 'n geboubedekking</p> <p>'n Geboubedekking is 'n vinieladvertensie wat plat geheg word teen die mure van geboue wat in aanbou is of opgeknop word of teen steierwerk wat tydens sulke werksaamhede gebruik word</p>		Ja
7(b)	Projekbord	'n Advertensie wat die betrokkenheid van 'n kontrakteur of konsultant by 'n konstruksieprojek vertoon		Ja
7(c)	Sportbyeenkomste, feeste, uitstallings	Tydlike advertensies van 'n gebeurtenis wat vertoon word terwyl die gebeurtenis plaasvind		Nee
7(d)	Eiendomsagentbord Veilingadvertensie	<p>'n Advertensie wat tydelik vertoon word om die feit te adverteer dat grond, 'n perseel, ontwikkeling of ander vorms van vaste eiendom te koop of te huur is</p> <p>'n Advertensie wat die verkoop van grond of 'n perseel aankondig wat nie gewoonlik vir kommersiële doeleindes gebruik word nie en kan 'n advertensie insluit wat veilings van huishoudelike goedere op residensiële eiendomme of lewende hawe of wild op plase aankondig</p>		Ja

Groot TEKENKLAS	ADVERTENSIE TIPE	BESKRYWING	FOTOGRAFIESE VOORBEELDE VAN ADVERTENSIE	VRYGESTEL VAN VEREISTES VAN ARTIKEL 36(1) VAN DIE WET INGEVOLGE ARTIKEL 36(3)(c) VAN DIE WET
7(e)	Lamppaaladvertensie	Enige tydelike advertensieplakkaat geheg aan 'n lamppaal wat enige byeenkoms, gebeurtenis, funksie, aktiwiteit of onderneming aankondig of die publiek se aandag daarop vestig, of die kandidatuur vir verkiesing tot die Parlement, die provinsiale wetgewer, plaaslike regering of enige soortgelyke liggaam, of 'n referendum, of enige plakkaat wat enige produk of diens adverteer of die verkoop van enige goedere, lewende hawe of eiendom aankondig		Ja, mits, in die geval van veelvoudige advertensies, die toelaatbare aantal bise inligting nie oorskry word nie
Klas 8				
8(a)	Sekuriteitsteken	'n Buitemuurse advertensie vir buurtwag, plaaswag en soortgelyke skemas, en 'n advertensie met die naam, adres en telefoonnommer van 'n sekuriteitsmaatskappy wat gekontrakteer is om die perseel waar die advertensie vertoon word, te beskerm		Ja

AANHANGSEL H

[Regulasie 27(1), (2) en (3)]

WES-KAAPSE WET OP VERVOERINFRASTRUKTUUR, 2013 (WET 1 VAN 2013)**WES-KAAPSE DEPARTEMENT VAN VERVOER EN OPENBARE WERKE****VORM VIR AANSOEK INGEVOLGE ARTIKEL 36(1) VAN DIE WET VIR DIE
MINISTER SE TOESTEMMING OM 'N ADVERTENSIE BEOOG IN
ARTIKEL 36(1) TE VERTOON EN, WAAR VAN TOEPASSING, VIR 'N
GELYKTYDIGE AANSOEK INGEVOLGE ARTIKEL 43(1) OF (4) WAAR DIE
MINISTER DIE PADOWERHEID IS**

'n Afsonderlike aansoekvorm moet vir elke advertensie en vir elke verandering van die vertoon van 'n bestaande advertensie ingedien word.

Liggingsinligting

Die padnommer wat ingevolge artikel 12(4) van die Wet toegeken is:

Kilometerafstand langs die pad:

Advertensie is geleë aan die kant van die pad waarop verkeer (N, S, O, W) beweeg.

Besonderhede van advertensie, insluitende besonderhede van die steunstruktuur

Beskrywing van eiendom waarop advertensie geleë sal wees:

.....

Kategorie van advertensie (bv. groot reklamebord, toring-, brug- of piloonadvertensie. Sien Aanhangsel G):

Gaan die advertensie opgerig of geïnstalleer word op of binne vervoerinfrastruktuur, binne die boulyne van vervoerinfrastruktuur of binne 'n boubeperkingsgebied?

Indien die bedoeling is om die advertensie op 'n bestaande steunstruktuur aan te bring, dui aan of die steunstruktuur goedgekeur is en, indien wel, dui aan of die goedkeuring nog geldig is en heg 'n kopie van die goedkeuring aan.

Agent van aansoeker (indien van toepassing)

Naam van verteenwoordiger of agent

Identiteitsnommer of registrasienommer van agent

Straatadres en kode

Posadres en kode

Telefoonnummer(s)
Faksnummer
E-posadres

Handtekening van of namens agent Datum:

Aansoeker

Naam van aansoeker of verteenwoordiger van aansoeker
Identiteitsnommer of registrasienommer van aansoeker
Handelsnaam (indien van toepassing)
Tipe besigheid
Straatadres en kode
Posadres en kode
Telefoonnummer(s)
Faksnummer
E-posadres

Handtekening van of namens aansoeker of verteenwoordiger behoorlik daartoe gemagtig:

Handtekening Datum

Grondeienaar (indien nie die aansoeker nie)

Naam van grondeienaar
Identiteitsnommer of registrasienommer van grondeienaar
.....
Straatadres en kode
Posadres en kode
Telefoonnummer(s)
Faksnummer
E-posadres

Handtekening van of namens aansoeker behoorlik daartoe gemagtig:

Handtekening Datum

Munisipaliteit

Naam van verteenwoordiger van munisipaliteit

Naam van munisipaliteit

Posadres en kode.....

Telefoonnommer(s)

Faksnommer

E-posadres

Status van die aansoek aan die munisipaliteit

Dui aan of die munisipaliteit toestemming verleen het al dan nie vir die voorgestelde vertoon van die advertensie ingevolge sy verordening wat reklameborde en die vertoon van advertensies reguleer en artikel 43(5) van die Wet indien die munisipaliteit die verantwoordelike owerheid is en of toestemming ingevolge ander toepaslike wetgewing verleen is, soos volg:

Dui aan of toestemming vir die advertensie verleen is

[Heg afskrif van toestemming aan, indien van toepassing.]

Vermeld naam van verordening wat reklameborde en die vertoon van advertensies in die munisipale gebied reguleer

Dui aan of toestemming ingevolge artikel 43(5) van die Wet verleen is indien die munisipaliteit die verantwoordelike owerheid is

[Heg afskrif van toestemming aan, indien van toepassing.]

Dui aan of toestemming verleen is ingevolge ander toepaslike wetgewing, indien enige:

.....

[Vermeld naam van toepaslike wet of wette en heg afskrif van toestemming aan, indien van toepassing.]

Geteken **Datum****namens** **MUNISIPALITEIT**

deur in sy/haar hoedanigheid as

....., **behoorlik daartoe gemagtig**

Stempel van munisipaliteit:

Die aansoek moet van die volgende vergesel gaan:

1. Liggingsplan

'n Liggingsplan op 'n skaal van 1:5000 wat die pad toon waarvandaan die advertensie sigbaar sal wees, die padnommer wat ingevolge artikel 12(4) van die Wet toegeken is, die kilometerafstand langs die pad, aan watter kant van die pad die advertensie geplaas gaan word en GPS-koördinate.

2. Terreinsketsplan

'n Sketsplan van die terrein waarop die advertensie opgerig of vertoon staan te word, geteken op 'n skaal van ongeveer 1:500 en vir 'n afstand van ten minste 200 meter voor en na die voorgestelde teken, met 'n aanduiding van alle padtekens in die padreserwe en alle natuurlike eienskappe, geboue en strukture wat sigafstande kan beïnvloed, paaie en strate, die padreserwegrens, boulyne, boubeperkingsgebiede, straatname, roete- en seksienommers, kilometerafstande langs die pad, alle bestaande advertensietekens in die gebied, padverkeerstekens en verkeersligte, die benaderde omvang van die visuele sone en die dimensionele posisie van die teken waarvoor aansoek gedoen word.

3. Padtekenmeesterplan

'n Tekenmeesterplan ten opsigte van enige ontwikkeling waar die oprigting van talle advertensies beoog word of die rasionalisering van voorheen goedgekeurde advertensies vereis word met die oog op die oorweging van 'n konsekwente ontwerpmeesterplan voordat enige individuele advertensie geassesseer word.

4. Besonderhede van advertensie

Gedetailleerde tekening van die advertensie, die voorgestelde lettergroottes en die lengte van die voorgestelde boodskap.

5. Verdere besonderhede vir sekere tipes advertensie

Ten opsigte van elektroniese advertensies, groot en klein reklameborde, toringstrukture, produkreplikas en driedimensionele advertensies, toring- en piloonadvertensies en lugadvertensies—

- (a) aansigte van die voorgestelde advertensie op 'n skaal van ten minste 1:500 of foto's van 'n grootte van ten minste 200 millimeter by 250 millimeter, geneem van punte op die padreserwe waarvandaan die advertensie sigbaar sal wees, wat alle bestaande

advertensies en padverkeerstekens aantoon, met die voorgestelde advertensie daarop gesuperponeer; en

- (b) besonderhede van die posisie waarvandaan 'n aansigplan verskaf word of 'n foto geneem is, die afstand van sodanige posisie na die voorgestelde advertensie, die posisie van die advertensie en die struktuur daarvan met betrekking tot sy omgewing; en
- (c) areas van die advertensie wat verlig gaan word.

6. Aansoek vir die oprigting en besonderhede van steunstruktuur

Ingevolge regulasie 27(2) moet aansoek gedoen word vir toestemming vir die oprigting van 'n struktuur of strukture wat die advertensie steun, ingevolge die vereistes van artikel 43(1) of (4) van die Wet. Die inligting wat ter stawing van die aansoek vir die struktuur vereis word, word in Aanhangsel J vermeld, en daardie besonderhede moet by hierdie aansoek ingesluit word.

Benewens enige vereistes van artikel 43 van die Wet, besonderhede van die steunstruktuur, insluitende die struktuurontwerp van die advertensiesteunstelsel en 'n sertifikaat uitgereik deur 'n strukturele ingenieur wat die veiligheid van die konstruksie en dat dit nie padgebruikers in gevaar sal stel nie, sertifiseer. Indien dit die voorneme is om die advertensie op 'n bestaande steunstruktuur met 'n geldige goedkeuring aan te bring, 'n afskrif van die betrokke goedkeuring.

7. Bykomende inligting wat op versoek verskaf moet word

Indien die Minister dit versoek, moet—

- (a) die munisipaliteit die aansoeker versoek om die bykomende inligting te verskaf; of
- (b) die aansoeker die bykomende inligting verskaf,

wat redelikerwys deur die Minister verlang word om die impak van die vertoon van die advertensie op padveiligheid en vervoerbedrywigheede te assesser, en dit na die Departementshoof aanstuur. Hierdie inligting kan die volgende insluit maar is nie daartoe beperk nie:

- (a) 'n Uitlegplan—
 - (i) geteken op 'n skaal van ten minste 1:2000 en wat 'n afstand toon van ten minste 500 meter voor en na die voorgestelde terrein van die advertensie waarvoor aansoek gedoen word;
 - (ii) wat al die inligting soos vir die terreinsketsplan vereis word, die posisies waarvandaan aansigte of foto's verskaf word, horisontale boogposisies, padhellinge, spoedbeperkings, straat- en padbeligtingspale akkuraat toon;
 - (iii) enige ander inligting of dokument wat die Minister vereis wat 'n gedetailleerde evaluering van enige faktor wat padveiligheid kan beïnvloed, moontlik maak; en
- (b) 'n tekening of foto op 'n gepaste skaal van die advertensie wat alle besonderhede van die inhoud van die advertensie aantoon, insluitende woorde, syfers, simbole, kleure, grafika en beligting.

Goedkeuring deur Minister

Ek verleen hiermee goedkeuring vir die aansoek vir die vertoning van die voorgestelde advertensie ingevolge artikel 36(1) van die Wet, behoudens die volgende voorwaardes spesifiek vir hierdie geval:

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

welke goedkeuring geldig bly vir 'n tydperk van jaar vanaf die datum van hierdie goedkeuring, of tot die advertensie deur die aansoeker verwyder of verander word

en as verantwoordelike owerheid verleen ek verdere goedkeuring ingevolge artikel 43(5) van die Wet, behoudens die volgende voorwaardes:

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

welke goedkeuring geldig bly vir 'n tydperk van jaar vanaf die datum van hierdie goedkeuring, of tot die advertensie deur die aansoeker verwyder of verander word.

Handtekening:

**PROVINSIALE MINISTER VAN VERVOER EN OPENBARE WERKE
WES-KAAPSE PROVINSIALE REGERING**

AANHANGSEL I

[Regulasie 46]

VORM VIR AANSOEK VIR GOEDKEURING, MAGTIGING OF TOESTEMMING**Naam van aansoeker of verteenwoordiger van aansoeker**

.....

Identiteitsnommer van aansoeker

Posadres en kode

Telefoonnommer(s)

Faksnommer

E-posadres

Handtekening van of namens aansoeker Datum

Agent van aansoeker (indien van toepassing)

Naam van verteenwoordiger of agent

Identiteitsnommer of registrasienommer van agent

Posadres en kode

Telefoonnommer(s)

Faksnommer

E-posadres

Handtekening van of namens agent Datum

Beskrywing van eiendom ten opsigte waarvan aansoek gedoen word (indien dit op die aansoek betrekking het)

.....

.....

.....

.....

.....

Grondeienaar (indien van toepassing)

Naam van grondeienaar

Identiteitsnommer of registrasienommer van grondeienaar

Posadres en kode

Telefoonnommer(s)

Faksnommer

E-posadres

Ek/Ons ondersteun die aansoek.

Handtekening van of namens grondeienaar

Datum:

Besonderhede van die aansoek en van die infrastruktuur wat deur die voorstel geraak word (sien ook Aanhangsel J en die minimum inligting wat verstrekk moet word)

.....

.....

.....

.....

.....

.....

SLEGS VIR KANTOORGEBRUIK:

Toestemming verleen/geweier op

Kommentaar

.....

AANHANGSEL J

[Regulasies 46 en 47]

MINIMUM INLIGTING WAT VERSKAF MOET WORD MET ELKE AANSOEK EN SKEDULE VAN GELDE EN HEFFINGS RAKENDE PROVINSIALE VERVOERINFRASTRUKTUUR

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
16(1)	Aansoek om vervoerinfrastruktuur te sluit, te verskuif of te verander	<ol style="list-style-type: none"> 1. Beskrywing van betrokke vervoerinfrastruktuur vir positiewe identifikasie; indien 'n pad, sluit die pad se nommer in; 2. Indien 'n deel van 'n pad of spoorlyn verskuif moet word, die kilometerwaardes van die betrokke deel; 3. GPS-koördinate; 4. Sketsplan van bestaande en voorgestelde liggings asook name van geraakte eiendomme, eiendomsgrense, en name van eiendomseienaars; 5. Rekord van samesprekings gehou met eiendomseienaars en ander persone wat waarskynlik geraak sal word, en enige kommentaar wat ontvang is; 6. Redes vir die voorstel.	.....
18(1)(a) met 18(4)	Aansoek vir toestemming vir die stigting van 'n dorp, vir onderverdeling van grond, vir enige verandering van grondgebruik ingevolge enige wet of dorpsbeplanningskema, of vir enige magtiging of besluit in WNOB of WNEH beoog	<ol style="list-style-type: none"> 1. Beskrywing van die spesifieke stuk grond of gedeelte daarvan soos in die betrokke Aktekantoor beskryf. In die geval van 'n gedeelte van grond, moet 'n skets of beskrywing wat voldoende is om die Departement in staat te stel om dit te identifiseer, ingedien word indien 'n Landmeter-generaal-diagram nie beskikbaar is nie; 2. Beskrywing van die vervoerinfrastruktuur wat deur die voorstel geraak word; 3. Beskrywing van die beoogde grondgebruik in die dorp of onderverdeelde eiendom en hoe die vervoerinfrastruktuur waarskynlik geraak sal word, tesame met beskikbare verkeers- en vervoerstudies wat dit ondersteun en voorgestelde versagtingsmaatreëls; 4. Redes vir die voorstel.	.....
18(2) met 18(4)	Aansoek om enige pypleiding, elektrisiteitsleiding of -kabel, telefoonlyn of -kabel of enige ander struktuur te lê, te bou, te verander of daaraan toe te voeg op, oor of onder die gebied binne die boulyne van vervoerinfrastruktuur ten opsigte waarvan 'n kennisgewing ingevolge artikel 17(3) gepubliseer is, of om enige struktuur van hoegenaamd enige aard op, oor of onder daardie gebied te bou, te verander of daaraan toe te voeg	<ol style="list-style-type: none"> 1. Beskrywing of nommer van pad of ander vervoerinfrastruktuur; 2. Indien 'n pad of spoorlyn geraak word, die kilometerwaardes van die deel/dele wat geraak word; 3. GPS-koördinate; 4. Sketsplan van die voorgestelde diens of ander struktuur in verhouding tot die vervoerinfrastruktuur en tersaaklike boulyne; 5. Indien 'n diens, die aard en grootte van die diens, besonderhede van hulse, voorgestelde metodes van konstruksie en instandhouding; 6. Indien 'n struktuur, planne vir die voorgestelde struktuur of veranderings. 7. Redes vir die voorstel en die alternatiewe wat oorweeg is.	.....

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
18(3) met 18(4)	Aansoek vir goedkeuring van 'n verandering of intensivering in grondgebruik op grond in 'n gebied wat grens aan voorgestelde vervoerinfrastruktuur bedoel in artikel 18(3) van die Wet	<ol style="list-style-type: none"> 1. Identifisering van die betrokke eiendom en die vervoerinfrastruktuur wat deur die voorstel geraak word, insluitende— <ol style="list-style-type: none"> (a) die beskrywing van die spesifieke stuk grond of gedeelte daarvan soos beskryf in die betrokke Aktekantoor, en in die geval van 'n gedeelte van grond moet 'n skets of beskrywing wat voldoende is om die Departement in staat te stel om dit te identifiseer, ingedien word indien 'n Landmeter-generaal-diagram nie beskikbaar is nie; (b) planne of sketsplanne van die ontwikkeling in verhouding tot die betrokke vervoerinfrastruktuur; (c) GPS-koördinate; (d) indien die betrokke vervoerinfrastruktuur 'n bestaande pad is, moet dit geïdentifiseer word deur 'n nommer en kilometerafstande vanaf 'n vermelde datum; 2. 'n Beskrywing van die voorgename aktiwiteit in die ontwikkeling en hoe die vervoerinfrastruktuur waarskynlik geraak sal word, insluitende die impak van toegange tot die ontwikkeling, tesame met alle tersaaklike verkeersimpak- en openbare vervoerstudies waardeur die voorstel gelei is. 3. Besonderhede van versagtingsmaatreëls wat voorgestel word om enige nadelige vervoerverwante gevolge van die voorgestelde verandering in grondgebruik te versag; 4. Die aansoeker se eie kommentaar op die gevolge wat die voorstel kan hê vir die geïntegreerde vervoerplan of planne vir die betrokke gebied.	.....
21(6)	Aansoek vir die tydelike sluiting of verskuiwing van 'n pad of spoorlyn	<ol style="list-style-type: none"> 1. Beskrywing of nommer van pad of spoorlyn; 2. Kilometerwaardes van deel van pad of spoorlyn wat gesluit of verskuif staan te word; 3. GPS-koördinate; 4. Sketsplan van bestaande en voorgestelde pad- of spoorlynbelynings asook name van geraakte eiendomme, eiendomsgrense en name van eiendomseienaars; 5. Rekord van samesprekings gehou met eiendomseienaars en ander persone wat waarskynlik geraak sal word, en enige kommentaar wat ontvang is; 6. Redes vir die voorstel.	.....
40(1)	Aansoek om 'n toegang tot of uitgang uit vervoerinfrastruktuur te bou	<ol style="list-style-type: none"> 1. Beskrywing of nommer van pad of ander betrokke vervoerinfrastruktuur; 2. Indien 'n pad, kilometerwaardes van voorgestelde toegang of uitgang; 3. GPS-koördinate; 4. Sketsplan wat die voorstel aantoon; 5. Voorgestelde gebruik van die toegang of uitgang; 6. Beskrywing van hoe die vervoerinfrastruktuur waarskynlik geraak sal word, tesame met beskikbare studies wat dit ondersteun en voorgestelde versagtingsmaatreëls; 7. Redes vir die voorstel.	.....

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
41(5)(a)	Aansoek om 'n toegang tot 'n pad te verskuif	<ol style="list-style-type: none"> 1. Beskrywing of nommer van betrokke pad; 2. Kilometerwaardes van bestaande en voorgestelde toegange; 3. GPS-koördinate; 4. Sketsplan wat die voorstel aantoon; 5. Voorgestelde gebruik van die toegang of uitgang; 6. Beskrywing van hoe die vervoerinfrastruktuur waarskynlik geraak sal word, tesame met beskikbare studies wat dit ondersteun en voorgestelde versagtingsmaatreëls; 7. Redes vir die voorstel.	.....
42(1)(b)	Aansoek om 'n voertuig of masjien in onbruik of 'n onderdeel daarvan of enige vullis binne 200 meter vanaf die middellyn van enige pad of spoorlyn te plaas of te laat waar dit vanaf daardie pad of spoorlyn sigbaar is	<ol style="list-style-type: none"> 1. Beskrywing of nommer van pad of spoorlyn; 2. Kilometerwaardes van pad of spoorlyn wat geraak word; 3. GPS-koördinate; 4. Beskrywing van die spesifieke stuk grond of gedeelte daarvan soos in die betrokke Aktekantoor beskryf. In die geval van 'n gedeelte van 'n stuk grond moet 'n skets of beskrywing wat voldoende is om die Departement in staat te stel om dit te identifiseer, ingedien word indien 'n Landmeter-generaal-diagram nie beskikbaar is nie; 5. Sketsplan wat die voertuig, masjien of onderdeel daarvan in verhouding tot die betrokke vervoerinfrastruktuur aantoon; 6. Redes vir die voorstel.	.....
43(1)	<p>Aansoek om—</p> <p>(a) 'n struktuur of ander ding op te rig of te installeer wat geheg is aan die grond waarop dit staan, insluitende 'n struktuur of ding wat nie deel van daardie grond uitmaak nie;</p> <p>(b) enigiets onder, of onder die oppervlak van, grond te bou of te lê;</p> <p>(c) enigiets te bou wat oor die grond uitsteek;</p> <p>(d) elektriese of ander drade of pypleidings te dra oor, of ondergrondse kables of pypleidings te lê oor, onder of op die betrokke grond;</p> <p>(e) enige strukturele byvoeging of verandering te maak aan enige struktuur of ding in paragraaf (a), (b), (c) of (d) bedoel;</p> <p>insluitend advertensiesteunstrukture maar uitgesluit dienste wat kragtens artikel 43A van die Wet hanteer word—</p>	<ol style="list-style-type: none"> 1. Identifisering van die betrokke eiendom en van die vervoerinfrastruktuur wat deur die voorstel geraak word, insluitende— <ol style="list-style-type: none"> (a) die beskrywing van die spesifieke stuk grond of gedeelte daarvan soos beskryf in die betrokke Aktekantoor, en in die geval van 'n gedeelte van 'n stuk grond moet 'n skets of beskrywing wat voldoende is om die Departement in staat te stel om dit te identifiseer, ingedien word indien 'n Landmeter-generaal-diagram nie beskikbaar is nie; (b) planne of sketsplanne van die ontwikkeling en die verhouding daarvan tot betrokke vervoerinfrastruktuur; (c) GPS-koördinate; (d) indien die betrokke vervoerinfrastruktuur 'n bestaande pad of spoorlyn is, moet dit geïdentifiseer word deur 'n nommer en kilometerafstande vanaf 'n vermelde datum; 2. 'n Beskrywing van die voorgename aktiwiteit in die ontwikkeling en hoe die vervoerinfrastruktuur waarskynlik geraak sal word, insluitende die impak van toegange tot die ontwikkeling, tesame met alle tersaaklike verkeersimpak- en openbare vervoerstudies waardeur die voorstel gelei is; 3. Besonderhede van versagtingsmaatreëls wat voorgestel word om enige nadelige vervoerwante gevolge van die voorgestelde verandering in grondgebruik te versag; 4. Die aansoeker se eie kommentaar op die gevolge wat die voorstel kan hê vir die geïntegreerde vervoerplan of planne vir die betrokke gebied.	.....

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
	(i) op of binne die reserwe van vervoerinfrastruktuur; (ii) binne die boulyne van vervoerinfrastruktuur; of (iii) binne 'n boubeperkingsgebied.		
43(4)	Aansoek vir 'n afwyking van beperkings gestel by artikel 43(1) gelees met artikel 43(2) binne die reserwe van vervoerinfrastruktuur, of binne die boulyne van vervoerinfrastruktuur of binne 'n boubeperkingsgebied. ²	<ol style="list-style-type: none"> 1. Beskrywing of nommer van pad of ander vervoerinfrastruktuur; 2. Kilometerwaardes van pad of spoorlyn wat geraak word; 3. GPS-koördinate; 4. Sketsplan van die voorgestelde struktuur in verhouding tot die vervoerinfrastruktuur en tersaaklike boulyne; 5. Indien 'n diensdraende struktuur, die aard en grootte van die diens, besonderhede van hulse, voorgestelde metodes van konstruksie en instandhouding; 6. Indien 'n struktuur, planne vir die struktuur of verandering wat voorgestel word; 7. Redes vir die voorstel en die alternatiewe wat oorweeg is.	.....
44(1)	Aansoek vir goedkeuring van 'n ontwikkeling wat 'n verandering of intensivering in grondgebruik behels op grond binne 'n gebied wat aan vervoerinfrastruktuur grens	<ol style="list-style-type: none"> 1. Beskrywing van die spesifieke stuk grond of deel daarvan soos in die betrokke Atekantoor beskryf. In die geval van 'n gedeelte van grond moet 'n skets of beskrywing wat voldoende is om die Departement in staat te stel om dit te identifiseer, ingedien word indien 'n Landmeter-generaal-diagram nie beskikbaar is nie; 2. Planne of sketsplanne van die ontwikkeling en hoe dit met die betrokke vervoerinfrastruktuur verband hou; 3. GPS-koördinate; 4. Beskrywing van die vervoerinfrastruktuur wat deur die voorstel geraak word. Indien die infrastruktuur 'n bestaande pad of spoorlyn is, moet dit geïdentifiseer word deur 'n nommer en kilometerafstande vanaf 'n vermelde datum; 5. Beskrywing van die beoogde aktiwiteite in die ontwikkeling en hoe die vervoerinfrastruktuur waarskynlik geraak sal word, tesame met beskikbare verkeers- en vervoerstudies wat dit toon en voorgestelde versagtingsmaatreëls; 6. Redes vir die voorstel.	.....
47(2)(b)	Aansoek om een of meer hekke van vervoerinfrastruktuur te verwyder	<ol style="list-style-type: none"> 1. Beskrywing van die vervoerinfrastruktuur wat deur die voorstel geraak word. Indien die infrastruktuur 'n bestaande pad is, moet dit geïdentifiseer word deur 'n nommer en kilometerafstande vanaf 'n vermelde datum; 2. Planne of sketsplanne van die betrokke hek of hekke en enige heining langs of om die vervoerinfrastruktuur en enige voorgestelde verandering daaraan; 3. GPS-koördinate;	.....

² Let daarop dat in die geval van advertensies toestemming ook verkry moet word ingevolge Hoofstuk 3 asook die toepaslike munisipale verordening, en ander wetgewing, indien van toepassing. [Kyk Hoofstuk 3 gelees met Aanhangsels G en H.]

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
		<p>4. Die rekord van samesprekings gehou met eiendomseienaars en ander persone wat waarskynlik geraak sal word, en enige kommentaar wat ontvang is;</p> <p>5. Redes vir die voorstel.</p>	
47(5)	Aansoek om 'n heining op te rig op of binne die grense van enige vervoerinfrastruktuur, of om 'n heining te verwyder wat ooreenkomstig artikel 47 van die Wet opgerig is op of binne die grense van enige vervoerinfrastruktuur	<p>1. Beskrywing van die vervoerinfrastruktuur wat deur die voorstel geraak word. Indien die vervoerinfrastruktuur 'n bestaande pad is, moet dit geïdentifiseer word deur 'n nommer en kilometerafstande vanaf 'n vermelde datum;</p> <p>2. GPS-koördinate;</p> <p>3. In die geval van 'n voorgestelde heining moet die voorgestelde standaarde en spesifikasies daarvan vir goedkeuring oorweeg word;</p> <p>4. Planne of sketsplanne wat die voorgestelde heining wat verwyder moet word, aantoon;</p> <p>5. Rekord van samesprekings gehou met eiendomseienaars en ander persone wat waarskynlik geraak sal word, en enige kommentaar wat ontvang is;</p> <p>6. Redes vir die voorstel.</p>	.....
48(1)	Aansoek om 'n hek oor 'n pad op te rig	<p>1. Beskrywing of nommer van pad;</p> <p>2. Kilometerwaarde waar hek voorgestel word;</p> <p>3. GPS-koördinate;</p> <p>4. Plan of sketsplan van die voorgestelde hek, enige bestaande of voorgestelde heining langs of oor die pad en enige eiendomsgrense tersaaklik vir die aansoek;</p> <p>5. Rekord van samesprekings gehou met eiendomseienaars en ander persone wat waarskynlik geraak sal word, en enige kommentaar wat ontvang is;</p> <p>6. Redes vir die voorstel.</p>	.....
50(1)	Aansoek om mynbedrywighede te beoefen op of onder enige vervoerinfrastruktuur of boubeperkingsgebied	<p>1. Beskrywing van betrokke vervoerinfrastruktuur vir positiese identifikasie; indien 'n pad, sluit die pad se nommer in;</p> <p>2. Indien 'n deel van 'n pad of spoorlyn geraak word, die kilometerwaardes van die betrokke deel;</p> <p>3. GPS-koördinate;</p> <p>4. Beskrywing en sketsplan van voorgenome mynbedrywighede, wat die voorgestelde omvang van die mynbedrywighede aantoon in verhouding tot die betrokke vervoerinfrastruktuur en boulyne;</p> <p>5. Die materiaal wat gemyn gaan word, die voorgestelde metodes van mynbou en rehabilitasie van die gebied en of die Departement verantwoordelik vir minerale hulpbronne geraadpleeg is of nie;</p> <p>6. Metodes om die vervoerinfrastruktuur te beveilig teen beskadiging tydens en na die mynbedrywighede;</p> <p>7. Redes vir die voorstel en die alternatiewe wat oorweeg is.</p>	.....
51(1)	Aansoek om handel te dryf, goedere te verkoop of goedere vir verkoop uit te stal, aan te bied of te vervaardig op of in 'n vervoerinfrastruktuur of boubeperkingsgebied	<p>1. Beskrywing van betrokke vervoerinfrastruktuur vir positiese identifikasie; indien 'n pad, sluit die pad se nommer in;</p> <p>2. Indien 'n deel van 'n pad of spoorlyn geraak word, die kilometerwaardes van die betrokke deel;</p> <p>3. GPS-koördinate;</p>	.....

Artikel van die Wet	Aard van goedkeuring of magtiging verlang	Minimum inligting verskaf te word	Aansoekgeld (R)
		4. Aard van die voorgestelde besigheid en goedere wat vervaardig of te koop aangebied sal word, en die beoogde metode om die besigheid of sy produkte te adverteer; 5. Sketsplan van die voorgestelde terrein in verhouding tot die betrokke vervoerinfrastruktuur en tersaaklike boulyne; 6. Besonderhede van of die voorgestelde besigheid sal voldoen aan toepaslike munisipale verordeninge en die Wet op Besighede, 1991 (Wet 71 van 1991); 7. In die geval van paaie en bykomstige padinfrastruktuur, of die perseel of gebied gesoneer of afgebaken is vir die doel wat in die aansoek voorgestel word ooreenkomstig toepaslike wetgewing; 8. In die geval van spoorlyne en bykomstige openbare vervoerinfrastruktuur, of spesiale gebiede vir handelsdoeleindes deur die verantwoordelike owerheid aangewys is al dan nie; 9. Of die voorstel, insluitende die adverteercomponent, op enige wyse 'n gevaar vir persone, verkeer of eiendom inhou.	
60(3)	Aansoek vir magtiging om iets te doen wat deur die Wet verbied word	1. Volledige beskrywing van die voorgestelde handeling, insluitende verwysing na die artikel van die Wet wat dit verbied. Indien dit met 'n bepaalde vervoerinfrastruktuuritem verband hou, 'n volledige beskrywing van die infrastruktuur wat die identifikasie daarvan moontlik maak en die moontlike uitwerking van die voorgestelde handeling op die betrokke vervoerinfrastruktuur; 2. Redes vir die versoek.	.....
62(2)	Appelle	Geen minimum voorgeskryf nie.	.....

ISEBE LENTSHONA KOLONI LEZOTHUTHO NEMISEBENZI YOLUNTU

**UMTHETHO WEZIXHOBO ZOKUSEBENZA ZEZOTHUTHO WENTSHONA
KOLONI, 2013 (UMTHETHO 1 KA-2013)**

IMIGAQO YEZIXHOBO ZOKUSEBENZA ZEZOTHUTHO ZENTSHONA KOLONI

UMphathiswa wePhondo wezoThutho neMisebenzi yoLuntu unenjongo yokwenza le migaqo ichazwe kwiShedyuli phantsi kwecandelo 54(1) loMthetho weziXhobo zokuSebenza zezoThutho weNtshona Koloni, 2013 (uMthetho 1 ka-2013)

ISHEDYULI

UCWANGCISO LWAMACANDELO

AMAGQABANTSHINTSHI ENTSHAYELELO

Imigaqo

1. Utoliko

ISAPHLUKO 1

**UCWANGCISO LWENKQUBO YOTHUTHO KUNYE NENKQUBO
YOCWANGCISO LWEPROJEKTHI ZEZIBONELELO ZEZOTHUTHO**

Isigaba 1

Iinjini eziqeqeshiweyo nabacwangcisi-dolophu

2. Iinjini eziqeqeshiweyo okanye abacwangcisi bedolophu abajongene nokubeka esweni nokuvuma izicwangciso zobuchule okanye iiplani ezichaphazeleka kwinkqubo yocwangciso lwezothutho yeSebe

Isigaba 2

Ukwahlulwa-hlulo lweendlela esezabekwayo

3. Ukwahlulwa kwemisebenzi yeendlela
4. Ukwahlulwa kweendlela ezi
5. Uvavanyo lweendlela esezabekwayo
6. Ukulungiselelwa kwemeko yophuhliso lweendlela

Isigaba 3***Indlela yokusungula ucwangciso lwenkqubo yezothutho ukulungiselela uthungelwano lwezothutho phantsi koMphathiswa***

7. Imeko yezibonelelo esele zikho, ulondolozo nokufunekayo kuphuculo lwazo
8. Okufunekayo kucwangciso lwenkqubo yezothutho

Isigaba 4***Amarekhodi ezibonelelo zezothutho***

9. Uluhlu lwezibonelelo zezothutho kwiPhondo

Isigaba 5***Izicwangciso zolawulo lwendlela eziqhagamshelanisa iidolophu***

10. Iindlela ezifuna izicwangciso zolawulo lwendlela eziqhagamshelanisa iidolophu
11. Abantu abaqulunqa izicwangciso zolawulo lwee-arteriyali
12. Intsebenziswano phakathi kwabasemagunyeni malunga novandlakanyo nocwangciso
13. Uvandlakanyo nenkqubo yocwangciso yolawulo lwendlela eqhagamshelanisa iidolophu
14. Okuqulathwe zizicwangciso zolawulo lwee-arteriyali kunye neeplani eziphathekayo

Isigaba 6***Inkqubo yocwangciso yezibonelelo zezothutho esezabekwayo kunye nenkqubo yobuchule yocwangciso lweeprojekthi zezibonelelo zezothutho***

15. Ukubonisana malunga nokubeka izibonelelo zezothutho ezitsha okanye ukuvalwa ngokupheleleyo kwezibonelelo zezothutho ezikhoyo
16. Ukuqaliswa, ukuqulunqwa nezigaba ezifanelekileyo zocwangciso lweeprojekthi

ISIAHLUKO 2**UNCEDISO-MALI LWEZIBONELELO ZEZOTHUTHO ZIKAMASIPALA ESEZABEKWAYO**

17. Izicelo zenkxaso-mali yezibonelelo zezothutho
18. Izivumelwano zonediso-mali
19. Ukungeniswa koqikelelo
20. Ukubalwa kwepesenti yonediso-mali
21. Izinto ekunokufunyanwa uncediso-mali ngazo
22. Izinto ezingalufumaniyo uncediso-mali
23. Izinto ezichaphazelekayo ekubekweni kwesixa senkcitho kunediso-mali
24. Iikhawunti emazigcinwe
25. Ukungeniswa kwamabango oncediso-mali

ISAHLUKO 3
IINTENGISO EZIKHOYO OKANYE EZIBONAKAYO
KWIZIBONELELO ZEZOTHUTHO

Isigaba 1

Iindidi zeentengiso, iintengiso zokungabakwa nenkqubo yokwenza izicelo

26. Iindidi zeeNtengiso kunye neentengiso ezingachaphazelekiyo ngokweemfuno zecandelo 36(1) loMthetho
27. Izicelo zemvume yokubeka iintengiso ecaleni kweendlela

Isigaba 2

Ukuchaphazeleka kokhuseleko, izithuthi kunye nokusebenza kwezothutho

28. Ukunikwa ingqalelo kwezicelo yemvume yezibhengezo
29. Imiqathango yokwamkelwa

Isigaba 3

Imigangatho yobuchule echaphazela izibhengezoiintengiso

30. Ukuthintelwa kwezibhengezo
31. Imigaqo malunga nezibhengezo
32. Ukukhanyiswa nezibhengezo ezinombane
33. Izithatha ezikhulu
34. Imigaqo eyongezelekileyo malunga neendidi ezithile zezibhengezo
35. Ukumenteyinwa

Isigaba 4

Izikhhalazo

36. Izikhhalazo

ISAPHLUKO 4

UKUPAPASHWA NOKUKHUTSHWA KWEZAZISO, IZICELO ZEMVUME NEMIRHUMO KUNYE NERENTI ECHAPHAZELEKAYO KWIZIBONELELO ZEZOTHUTHO

Isigaba 1

Okufunekayo xa kupapashwa nokukhutshwa kwezaziso kunye nokwaziswa kwabanomdla nabachaphazelekayo

37. Imigaqo malunga nokupapashwa kwezaziso
38. Okufunekayo jikelele xa kukhutshwa izaziso
39. Isaziso sokutshintsha ububanzi beengingqi ezisikiweyo
40. Isaziso sokutshintsha isibonelelo esihambisanayo
41. Isaziso lokujikwa konyino lolwakhiwo
42. Ukwazisa abanomdla nabachaphazelekayo ngenkqubo yocwangciso neepiani
43. Ukwazisa abanomdla nabachaphazelekayo ngokuvulwa nangakumbi okanye ngotshintsho phakathi komgama ongangeemitha ezili-1000
44. Ukwazisa abanomdla nabachaphazelekayo ngocwangciso phambi kokuvalwa ngokupheleleyo
45. Ukwazisa abanomdla nabachaphazelekayo ngokuvalwa kwethutyana okanye ngokuphambuka

Isigaba 2

Izicelo zokuvunywa, ugunyaziso okanye imvume

46. Izicelo zemvume, ugunyaziso okanye imvume phantsi koMthetho
47. Ukubekwa kwemirhumo neerenti

Isigaba 3

Izibheno

48. Izibheno ngesigqibo seNtloko yeSebe okanye segosa

ISAPHLUKO 5

IMIQATHANGO NGOKUBANZI

49. Ukutshitshiswa kwemithetho
50. Isihlokwana esifutshane nokuqalisa

IZIHLOMELO

- ISIHLOMELO A: Ulwahlulwa-hlulo lweendlela olusebenzayo
- ISIHLOMELO B: Imeko engqonge indlela ephuhliswayo: Izikhokelo
- ISIHLOMELO C: Iinkcukacha ezifunekayo xa kusenziwa isicelo soncediso-mali seendlela zikamasipala, imigaqo yoololiwe okanye izibonelelo zothutho
- ISIHLOMELO D: Ifomu yeMemorandum yesivumelwano soncediso-mali
- ISIHLOMELO E: Ifomu: ingqikelelo yenkcitho kwizibonelelo zothutho zikamasipala
- ISIHLOMELO F: Ukubalwa kwepesenti yoncediso-mali
- ISIHLOMELO G: Iintlobo zezibhengezo kunye nezibhengezo ezixolelweyo kwimiqathango yeemfuno zecandelo 36(1) loMthetho
- ISIHLOMELO H: Ifomu yesicelo ngokwecandelo 36(1) lomthetho yemvume yoMphathiswa yokuba kuxhonywe izibhengezo ezixelwe kwicandelo 36(1)
- ISIHLOMELO I: Ifomu yesicelo semvume okanye yogunyaziso
- ISIHLOMELO J: Ezona nkcukacha zincinci emazinikwe kwisicelo ngasinye neshedyuli yemirhumo neemali ezikhutshelwa isibonelelo sezothutho sephondo

AMAGQABANTSHINTSHI ENTSHAYELELO

Iinkcazo-magama

1. (1) Kule migaqo naliphi na igama okanye intetho enikwe intsingiselo ngokoMthetho ikwanaloo ntsingiselo inye, ngaphandle kwalapho imeko elisetyenziswe kuyo inika enye intsingiselo—

“itreyila yesibhengezo” ithetha itreyila njengoko ichazwe kwicandelo 1 oyi*National Road Traffic Act* eyenzelwe okanye elungiselelwe injongo eyodwa ekukubhengeza;

“i-animeyishini”, ngokubhekisele kwisibhengezo, kuthetha ukuba ukubonakala kwesibhengezo okanye umyalezo waso ucaciswa nangakumbi zizinto ezishukumayo, izibane ezidanyazayo okanye izixhobo ezifana nazo, okanye isibhengezo eso sisebenzisa umbane ukubonisa umyalezo;

“ummandla”, ngokubhekisele kwisibhengezo, uthetha ummandla ozizikwe-mitha zeyona milo ibuxande eza kubandakanya eyona mida isikelwe sona isibhengezo okanye izibhengezo ezidityanisiweyo, kunye nayiphi na imathiriyeli okanye umbala oyinxalenye yesibhengezo okanye osetyenziselwe ukwahlula isibhengezo kwinto esakhelwe kuyo okanye isakhiwo esixhonywe kuso;

“i-arteriyali” ithetha indlela efikeleleka phantsi kwemigqaliselo ephezulu yaye iyindlela kakhulu esetyenziselwa abaakhweli kunye nezithuthi zeempahla phakathi kwezixeko needolophu, okanye imimandla ephakathi ezixekweni okanye ezidolophini, enezithintelo ezimbalwa kangangoko;

“isicwangciso solawulo lwendlela eqhagamshelanisa iidolophu” sithetha isicwangciso solawulo lwendlela eqhagamshelanisa iidolophu esichazwa kumgaqo 13;

“isicwangciso solawulo lwee-asethi” sithetha isicwangciso seSebe sokuthi amaxesha ngamaxesha, sokulikhokela ukuba lihambe ngokweemfuno zeNkqubo yoPhuculo loBonelelo lweziXhobo zokuSebenza kaNondyebo weSizwe;

“ibhithi” ithetha eyona yunithi yokubala ubude bezibhengezo kwaye inganoonobumba, iidijithi, iilogo, imizobo okanye izishunqulelo zamagama ngokwemiqathango ngokomgaqo 31(1);

“umlinganiselo wokukhanya” uthetha iyunithi yokukhanya egqitywa amaxesha ngamaxesha liqumrhu i-International Commission on Illumination;

“imali eyinkunzi eza kuchithwa” ithetha inkcitho kwizibonelelo zothutho ngokumayela—

(a) nolwakhiwo olutsha; okanye

(b) ukuvuselelwa okanye ukuphuculwa kwexabiso le-asethi esele ikho, ngokunikwa igalelo ekwandiseni ubomi bayo, ukunyusa imveliso, ukwandisa umthamo wayo, ukuyixandisa okanye ukutshintsha indlela esetyenziswa ngayo, kananjalo nenkcitho kucwangciso, idizayini nokulawulwa kolwakhiwo, intengo yepropati neenkonzozokufuduka;

“umphakamo ocacileyo”, ngokubhekisele kwisibhengezo, uthetha ukuphakama emhlabeni, endleleni, ngokwemeko leyo, ukuya kumphatsi wesibhengezo;

“isibhengezo esihlanganisiweyo” sithetha isibhengezo esinezinye izibhengezwana ezincinci, ezizimeleyo, ezikhokela ukuba zezamashishini awahlukeneyo, iipropati okanye iinkonzozokubekwe enye ecaleni kwenye kwinto eyakhiweyo enye ngakumbi leyo iyilelwe ukuthatha ngaphezulu kwesibhengezo esinye;

“umsebenzi wethutyana” uthetha umsebenzi omalunga nezibonelelo zothutho umasipala othile awunikele ezandleni zomntu ukuba awenze egameni layo, kodwa ongazibandakanyiyo iimpahla nemathiriyeli ezikhutshelwe okwethutyana zokuba umsebenzi lowo wenziwe okanye wenziwe ngumasipala ngokwakhe;

“inkcitho yangoku” ithetha incitho yexesha elifutshane ekumenteyinini izibonelelo zothutho kunyaka-mali ezisetyenziswa ngaye kwaye ayikubandakanyi ukunyuka kwexabiso le-asethi yesibonelelo eso;

“INjineli yeeNdlela zeSithili” ithetha umntu ochazwa kwicandelo 4(2)(a) loMthetho, oqashwe njengenjineli engummeli weNtloko yeSebe kwenye yee-ofisi zomenteyino yeSebe;

“I-ECSA” ithetha iBhunga leeNjineli loMzantsi Afrika elasekwa ngokwemiqathango yoMthetho oyi*Engineering Profession Act*;

“isibhengezo sombane” sithetha isibhengezo esilawulwa, ubuso obu baso bunesikhanyiso esenza ukuba isibhengezo sitshintshe, , siyinika iintshukumo okanye esimana sitshintsha-tshintsha imbonakalo yesibhengezo imbe ziindlela ngeendlela;

“injineli” okanye **“iNjineli eqeqeshiweyo”** ithetha umntu obhaliswe njengenjineli ngokwemiqathango yoMthetho oyi*Engineering Profession Act*;

“I-Engineering Profession Act” ithetha uMthetho weenjlineli eziqeqeshiweyo iEngineering Profession Act, 2000 (uMthetho 46 ka-2000);

“ifokhothi” ithetha indawo engaphandle esakhiweni, yaye ibandakanya indawo yokuthetha amafutha ezithuthi eneempompo, ibala eliphambi kwerestyu, iintango ezokubiya, iindonga, izikrini okanye izinto eziyelelene nazo, kodwa ayizichaphazeli indledlana zeenyawo eziphambi kwesakhiwo seshishini;

“ulwahlulwa-hlulo olusebenzayo” okanye “iklasi” luthetha ulwahlulwa-hlulo lwendlela njengenye yeentlobo zeendlela ezidwelisiweyo kuluhlu olunesihloko esithi “Ingcaciso” kwiSihlomelo A;

“ukuphakama”, ngokuphathelele nezibhengezo, kuthetha owona mgama mkhulu ukusuka emhlabeni, endleleni, ngokwemeko leyo, ukuya kufika kwisibhengezo eso sibekiweyo;

“ikhanyisiwe”, ngokubhekisele kwisibhengezo, kuthetha ukuba sifakelwe umbane wokusikhanyisa, ngalo lonke ixesha okanye ngamaxesha athile;

“isicwangciso sophuhliso esihlanganisiweyo” sithetha isicwangciso esikhanywe kwicandelo 25 loMthetho i*Local Government: Municipal Systems Act*, 2000 (uMthetho 32 ka-2000);

“umasipala wesixeko esimbaxa” uthetha umasipala wesixeko esimbaxa njengoko echazwa kwicandelo 1 loMthetho oyi*Structures Act*;

“imoto” ithetha imoto njengoko ichazwa kuMthetho oyi*National Road Traffic Act*;

“ISikhokelo-nkqubo soCwangciso lwezoThutho soMhlaba weSizwe” sithetha isikhokelo-nkqubo esicwangciswe ngokwemiqathango yecandelo 34 loMthetho i*National Land Transport Act*;

“umnini”, ngokubhekisele kwizibhengezo, uthetha umntu ongumnini-sibhengezo okanye oza kuba ngumnini waso sakube sibekiwe, okanye namphina umntu onelungelo, onesabelo kweso sibhengezo;

“iplanti” ithetha oomatshini, izithuthi kunye nezinye izixhobo ezisetyenziswayo xa kusakhiwa, kulungiswa okanye kumenteyinwa iindlela nebekwe yiNtloko yeSebe njengendawo yokusebenzela endleleni;

“ichule lenjineli eqeqeshiweyo” lithetha ichule lenjinelo ebhaliswe ngolo hlobo ngokwemiqathango yoMthetho i*Engineering Profession Act*;

“imeko ephahle indlela esetyenzwayo” ithetha izakhiwo ezikufutshane nendlela okanye icandelo elithile lendlela, okanye ezikwinyoba yendlela okanye kwicandelo lenyoba yendlela, njengoko ichazwa kwiSihlomelo B, enika ulwazi neenkukacha ezibalulekileyo esiphambukeni nendlela ezifikeleleka ngayo;

“indawo yoncedo ecaleni kwendlela” uthetha ummandla ofikeleleka ngqo ukusuka endleleni, ekukho kuyo iifasilithi neenkonzozo ezinjengentengiso yepetroli nedizili, iiresty, iindawo zokutya okukhawulezileyo, amagumbi angasese, iindawo zokudlala zabantwana okanye iipndawo zeepikniki ezilungiselelwe abahambi ngezithuthi;

“umqondiso wendlela” uthetha umqondiso wendlela njengoko uchazwa kuMthetho i*National Road Traffic Act*;

“iphandle”, ngokubhekisele kummandla kamasipala, lithetha ummandla okwiphandle ledolophu;

“umqondiso wefasilithi yenkonzo” uthetha isibhengezo kwisikhululo samafutha ezithuthi okanye indawo yesibonelelo ecaleni kwendlela;

“indlela yabahambi ngeenyawo” ithetha indlela ngokwendlela ecahwa ngayo kuMthetho i*National Road Traffic Act*;

“iklasi yemiqondiso” sithetha isibhengezo solwahlulwa-hlulo ngokwemiqathango ekwiNcwadi yoLawulo lweziBhengezo zangaPhandle yaseMzantsi Afrika iSouth African Manual on Outdoor Advertising Control, epapashwe liSebe leSizwe leMicimbi yokusiNgqongileyo, ngokwezilungiso zayo amaxesha ngamaxesha;

“ulwakhiwo oluxhasayo” luthetha nayiphi na into eyakhiweyo ecahwa kumhlathi (b) wenkcazelo yegama elithi “isibhengezo” kwicandelo 1(1) loMthetho;

“uMthetho” uthetha uMthetho weziXhobo zokuSebenza zezoThutho weNtshona Koloni, 2013 (uMthetho 1 ka-2013);

“iindleko zizonke zengqesho” zithetha iindleko zikamasipala zokuqesha umntu, ezibandakanya—

- (a) Umvuzo osisigxina kunye nezobonelelo, kubandakanya igalelo lomqeshi kwingxowamali yomhlalaphantsi kunye neyonyango, uncediso-mali lwendlu, ibhonasi yonyaka kunye nezinye izibonelelo ezingachazwanga njengezibonelelo zokusebenza; kananjalo
- (b) Apho kufanelekileyo, amagalelo enziwa ngokwemiqathango yoMthetho oyi*Compensation for Occupational Injuries and Diseases Act*, 1993 (uMthetho 130 ka-1993), ingxowa-mali yabangasasebenziyo kunye nesibonelelo sesithuthi;

“umcwangcisi wedolophu” uthetha umcwangcisi wedolophu oqeqeshiweyo obhaliswe ngokwemiqathango yoMthetho oyi*Planning Profession Act*, 2002 (uMthetho 36 ka-2002);

“umqeshwa kwisibonelelo sezothutho” uthetha umqeshwa kamasipala ochaphazelekayo kwimisebenzi ehlangene nezibonelelo zezothutho, kodwa akumbandakanyi umqeshwa osebenza ewekshophu kuphela;

“umda wedolophu” uthetha umgca okhombisa umda wangaphandle kwedolophu, apho umda lowo wedolophu ubekwe njengomgca kwisicwangciso sophuhliso esihlanganisiweyo esivunyiweyo esisetyenziswa kummandla kamasipala ochaphazelekayo;

“UMthetho oyiUrban Transport Act” uthetha uMthetho oyi*Urban Transport Act*, 1977 (uMthetho 78 ka-1977);

“isithuthi” sithetha isithuthi njengoko sichazwa kuMthetho i*National Road Traffic Act*.

(2) Iintlobo zezibhengezo ekubhekiswa kuzo kule migawo ichazwe kwimihlathu emine yokuqala yeSihlomelo G.

ISAHLUKO 1
UCWANGCISO LWEZOTHUTHO NENKQUBO YOCWANGCISO
LWEEPROWUJEKTHI ZEZIBONELELO ZEZOTHUTHO

Isigaba 1

Iinjini eziqeqeshiweyo nabacwangcisi bedolophu abaqeqeshiweyo

Iinjini eziqeqeshiweyo okanye abacwangcisi bedolophu beenkqubo-qhinga zobeko sweni kunye nokuvunywa kweenkqubo-qhinga zobuchule okanye iiplani eziphathelene nocwangciso lwenkqubo yezothutho lweSebe

2. INTloko yeSebe kufuneka iqinisekise ukuba phakathi kwabasebenzi beSebe kukho iinjini eziqeqeshiweyo nabacwangcisi-dolophu abaqeqeshiweyo, njengoko kuyimfuneko ngokwecandelo 4 loMthetho, zinamava awaneleyo kunye nobuchule obufanelekileyo ekuhloleni umsebenzi wocwangciso lwezothutho ngokwemiqathango yacandelo 11(1)(a) loMthetho kunye nokuvunywa kweenkqubo-qhinga okanye izicwangciso ezenziweyo.

Icandelo 2

Ulwahlulwa-hlulo lwendlela esezabekwayo

Ulwahlulwa-hlulo olusebenzayo lwendlela esezabekwa kwangaphambili

3. (1) Isiphathamandla esongameleyo kufuneka sigqibe ngolwahlulwa-hlulo leendlela esezabekwa kwangaphambili eziphantsi kolawulo lwaso.

(2) Phambi kokugqiba ngolwahlulwa-hlulo olusebenzayo lwendlela olukhankanywe kumgaqwana (1), isiphathamandla esongameleyo kufuneka—

- (a) silandele inkqubo ekhankanywe kumgaqo 42 apho abantu abanomdla nabachaphazelekayo baneentsuku ezingama-30 zokuba banike izimvo zabo;
- (b) siqwalasele izimvo ezivakalisiweyo emva kokuba kulandelwe inkqubo ekhankanywe kumhlathi (a); kananjalo
- (c) sibonisane nezinye iziphathamandla ezichaphazelekayo.

(3) Isiphathamandla esongameleyo kufuneka siqinisekise ukuba ulwahlulwa-hlulo olusetyenziswayo lwendlela nganye lufakwa kwisicwangciso esihlanganisiweyo sezothutho esichaphazelekayo kunye nesikhokelo sophuhliso lomhlaba sikamasipala, isikhokelo sophuhliso lomhlaba sephondo kunye nesikhokelo sophuhliso lomhlaba wezothutho sephondo.

(4) Ukuba isiphathamandla esongameleyo ekubhekiswe kuso kumgaqwana (1) nguMphathiswa, kufuneka anike iinkcukacha ezifunekayo koomasipala eziphathelene nokufakwa kwizicwangciso zezothutho ezimanyanisiweyo nezikhokelo zophuhliso lomhlaba zoomasipala.

(5) Ukuba isiphathamandla esongameleyo ekubhekiswe kuso kumgaqwana 1 ngumasipala, kufuneka sinike uMphathiswa iinkcukacha ezifunekayo ukuze zifakwe kwisikhokelo sophuhliso lomhlaba sephondo nakwisikhokelo sophuhliso sezothutho somhlaba wephondo

Ulwahlulwa-hlulo lweendlela esezabekwayo

4. (1) Ekwahlula-hluleni indlela ngokwemiqathango yecandelo 5(2) loMthetho njengesinye isigaba ekubhekiswe kuso kwicandelo 5(1)(a), (b), (c) okanye (d) loMthetho, isiphathamandla esongameleyo kufuneka siqwalasele ezi nkcazelo zilandelayo sendlela nganye:

- (a) Indlela eziyimityino ebalulekileyo ziindlela ezibalulekileyo kwiphondo jikelele kunezinye iindlela ezinkulu, ziyinxalenye yenkqubo yeendlela ezinamacala avaliweyo, yaye zingena kuluhlu lweendlela 1 okanye 2 yaye zenza ukuba lugqibelele uthungelwano lweendlela, lona olungumqolo woThungelwano lweendlela zeSizwe;
- (b) iindlela ezinkulu—
 - (i) emaphandleni ziindlela ezibalulekileyo ezihlanganisa iidolophu yaye zingena kuluhlu 2 okanye 3;
 - (ii) kwimimandla yasezidolophini zilulwandiso lweendlela zasemaphandleni ezinkulu kwimimandla yoomasipala eyahlukeneyo yaye ingena kuluhlu 1, 2 okanye 3;
- (c) iindlela zezithili ziindlela ezijongwa njengezasemaphandleni, kambe zibalulekile kunezo zinkulu yaye zingena phantsi koluhlu 3;
- (d) iindlela ezincinane ziindlela ezisemaphandleni, ezingabalulekanga, ezilungiselelwe kuphela izithuthi zendawo ubukhulu becala, ezingadingi kubalwa njengezinye zeendlela zesithili yaye zingena kuluhlu 4 okanye 5.

Uvandlakanyo lweendlela esezabekwayo

5. (1) Uvandlakanyo oluhlanganisiweyo oluchazwa kwicandelo 9(1) loMthetho kufuneka kwindlela nganye lube nezi zinto zilandelayo—

- (a) iinkcazelo ephathelene nendlela leyo ngokwemiqathango yomgaqo 4(1);
- (b) lunike inkcazelo ephathelene neenkcazelo ezo zendlela ezibonisa okufunekayo kwelo candela lendlela ngokwemiqathango yecandelo 9(8) okanye (9) loMthetho, okanye lwazise ukuba ingaba ukubekwa kwindlela kufuneka kurhoxiswe na kwindlela eza kubekwa ngumasipala njengesitalato okanye yindlela ecanda phakathi kawonke-wonke ephantsi kukamasipala kusini na;
- (c) bobuphi ububanzi bendlela ebekelweyo eza kufaneleka, kuthathetkwa ingqalelo ukukhula kwixa elizayo;
- (d) loluphi unyino okanye utshintsho oluza kufuneka kuso nasiphi isakhiwo okanye ummandla okufutshane nendlela leyo;
- (e) imeko yendlela, kubandakanywa okubonakalayo ngeliso lenyama okuza kufuneka kunye nezimali eziza kufuneka kumsebenzi wendlela leyo; kanaanjalo
- (f) sesiphi isiphathamandla esifanelekileyo okanye esiza kongamela loo ndlela.

(2) Ngokubhekisele kulwahlulwa-hlulo lwendlela ngokwemiqathango yecandelo 9(3)(a) loMthetho, kufuneka ifakwe koluphi udidi olunenkcazelo eyeyona isondele kwiinkcazelo zolunye udidi oluchazwe kumgaqo 4(1), okanye ekuvunyelwene ngazo ngabo bachaphazelekayo.

(3) Ngaphandle komgaqwana (2)—

- (a) apho kulindeleke ukujika kweenkcaza eziza kuyibeka kudidi olungaphezulwana indlela, indlela leyo mayibekwe kolo didi lungaphezulwana; kanaanjalo
- (b) ukuba umasipala ukwimeko emenza ukuba ayongamele loo ndlela, kufunake ifakwe kudidi lweendlela ezaziwa ngokuba zezona zisetyenziswa kakhulu.

(4) Isivumelwano esikhankanywe kumgaqwana (2) masibandakanye ingxelo yokuba indlela ebekwe ngayo indlela leyo ibekwa kwangaxeshanye njengesitalato sikamasipala okanye indlela enqumlayo kawonke-wonke ephantsi kolawulo lukamasipala.

Ukubekwa kwendawo engqonge indlela ephuhliswayo

6.(1) Isiphathamandla esongameleyo kufuneka siwuchaze umhlaba ongqonge indlela ephuhliswayo kuzo zonke iindlela eziphathi kolawulo lwayo ezingena kuklasi 1 ukuya ku-5 kuzo zonke iindawo ezinomhlaba omiselwe okuthile.

(2) Iindidi ezintlanu zemimandla engqonge indlela ephuhliswayo zichazwe kwitheyi bhuli ekwiSihlomelo B.

(3) Phambi kokuchaza ummandala ongqonge indlela ephuhliswayo nganye, isiphathamandla esongameleyo kufuneka—

(a) silandele inkqubo yobandakanyeko loluntu echazwa kumgaqo 42 enika abanomdla nabo bonke abachaphazelekayo ubuncinane iintsuku ezingama-30 zokuba bavakalise izimvo zabo; kananjalo

(b) sinike ingqwalasela izimvo ezingenileyo ezimalunga nale nkqubo ezicahwazwe kumhlathi (a).

(4) Emva kokuba isiphathamandla esongameleyo siyinkile inkcazelo ngommandla ongqonge indlela ephuhliswayo neendlela zawo, iiplani ezibonisa iindlela ezichaphazelekayo kunye emimandla engqonge indlela ephuhliswayo mazibandakanywe kwisicwangciso sezothutho esihlanganisiweyo, inkqubo-sikhokelo sophuhlo lomhlaba kamasipala, isikhokelo-nkqubo sophuhliso lomhlaba wephondo kunye nesikhokelo-nkqubo sezothutho somhlaba wephondo.

(5) Ukuba isiphathamandla esongameleyo ekubhekiswa kuso kumgaqwana (4) nguMphathiswa, kufuneka anike iinkcukacha ezifanelekileyo koomasipala abachaphazelekayo ukuze bazibandakanye kwisicwangciso zabo zezothutho ezihlanganisiweyo kunye nezikhokelo-nkqubo zophuhliso zomhlaba kamasipala.

(6) Ukuba isiphathamandla esongameleyo ekubhekiswa kuso kumgaqwana (4) ngumasipala, kufuneka anike uMphathiswa iinkcukacha ezifanelekileyo ukuze zibandakanywe kwisikhokelo-nkqubo sophuhliso lomhlaba wephondo kunye nesikhokelo-nkqubo sezothutho somhlaba wephondo.

Isigaba 3

Indlela yokucwangcisa inkqubo yomsebenzi wezothutho ephantsi kolwaulo loMphathiswa

Imeko yezibonelelo, ukumenteyinwa kunye nokufunekayo kuphuculo lwayo

7.(1) Ukulungiselela iinjongo zokucwangcisa inkqubo yezothutho echazwe kwicandelo 11(1)(a) loMthetho, iNtloko yeSebe kufuneka imisele iinkqubo zokuvandlakanya imeko kunye nolawulo ukuqinisekisa ukuba kusetyenziswa iinkcukacha ezithembekileyo ukuqulunqa iinkqubo zophuhliso ukwenzela ukumenteyinwa nokuphuculwa kwezibonelelo zezothutho phantsi kolawulo loMphathiswa.

(2) INTloko yeSebe kufuneka iqinisekise ukuba iinkcukacha ezibalulekileyo zeenkqubo ezilolo hlobo zizaqokelelwa rhoqo kwaye kukho oovimba beenkcukacha abagcinwa kakuhle yaye zineenkcukacha ezifanelekileyo.

(3) Ngokwenjongo yokwenza imisebenzi echazwe kwicandelo 4(3) loMthetho, injineli eqeqeshiweyo okanye injineli elichule echaphazelekayo kufuneka iqulunqe, imisele inkqubo yokumenteyina nokuphucula izibonelelo zezothutho phantsi koMphathiswa, kwaye ngokwenza oko kufuneka—

- (a) iphonononge imeko yezentlalo noqoqosho ukuze iinkcukacha ezifanelekileyo ezifumeneyo izisebenzise kwiiiprowujekthi zokuvandlakanya ukuba ziziphi na iindlale zokumenteyina okanye ukuphucula eziza kusebenza endaweni le; kananjalo
- (b) isebenzise ubuchule obugqibeleleyo obunikwe yiNtloko yeSebe ukuze izinto zenziwe ngokokubaluleka kwazo enkqubeni eyimiseleyo.

(4) Inkqubo ezibekiweyo ngokwemiqathango yomgaqwana (3) kufuneka ziboniswe kwisicwangciso solawulo lwee-asethi kwaye kufuneka ithathelwe ingqalelo inkqubo yeSebe yohlalo-lwabiwo-mali.

Okufunekayo kucwangciso lwenkqubo yothutho

8. Ukongeza kokufunekayo ngokwemiqathango yomgaqo 7, ngokweenjongo zokuphumeza ucwangcisp lwenkqubo yothutho oluchazwe kwicandelo 11(1)(a) loMthetho, iinjini eziqeqeshiweyo okanye abacwangcisi bedolophu abachaphazelekayo kufuneka banike ingqalelo—

- (a) oko kufunekayo ngoMthetho oyi*National Land Transport Act*;
- (b) kwiingxaki ezikhoyo kuthungelwano lwabakhweli nezithutho; kananjalo (c) izicwangciso ezichaphazelekayo kwizicwangciso zezothutho ezihlanganisiweyo kunye nezikhokelo-nkqubp zophuhliso lomhlaba.

Isigaba 4

Amarekhodi ezibonelelo zezothutho

Uluhlu lwezibonelelo zezothutho esezabekwa kwangaphambili kwiPhondo

9. (1) Uluhlu kunye neenkcukacha ezibhekisele kuzo zonke izibonelelo zezothutho esezabekwa kwangaphambili kwiPhondo ekufuneka ziqokelelwe ngokwemiqathango yecandelo 12(1) loMthetho kufuneka, kangangoko kunokwenzeka, zibandakanye oku kulandelayo:

- (a) ngokuphathelene nendlela—
 - (i) udidi nenombolo, ukuba ikho;
 - (ii) iinkcukacha zendlela leyo bekwayo, kubandakanywa inombolo yeGazethi, inomolo yesazisi kunye nomhla yeapapashwa ngawo *iGazethi; details of the*
 - (iii) inkcazelo, apho isuka khona nalapho iya khona;
 - (iv) ubude nobubanzi;
 - (v) umgangatho wolwakhiwo;
 - (vi) inombolo yeebhulorho ezikhoyo ezingaphezulukweemitha ezintandathu;
 - (vii) ubude beendonga ezingaphezulu kweemitha ezimbini;
 - (viii) udidi lweentango okanye iindonga ezahlulayo;
 - (ix) iinkqubo zokubeka esweni imeko kunye neengxelo zemeko ezikhoyo;

- (x) inani lezithuthi ezihambayo;
- (xi) iiplani ezikhoyo;
- (xii) iinkcukacha ngokuzuzwa kwepropati ekuyo indlela leyo kunye nobungqina bokuzuzeka kwayo;
- (xiii) izivumelwano zokwenza umsebenzi emhlabeni wabucala kunye nobungqina bemvume bendlela yokufikelela ezindaweni nakwizakhiwo ezikummandla ophantsi konyino;
- (xiv) uhlobo lwezakhiwo nendawo ezimi kuyo, kubandakanywa izibonelelo, ezifakelwe kwindlela ebekelweyo kunye nazo naziphi ezinye izivumelwano ezichaphazelekayo; kananjalo
- (xv) nento ebonisa ulwahlulwa-hlulo lwendlela leyo;
- (b) ngokubhekisele kulongezelelo kwizibonelelo zothutho zoluntu—
 - (i) inkcazelo ngesibonelelo nendawo esikuyo;
 - (ii) iinkcukacha ngesibonelelo, kubandakanywa inombolo yeGazethi, inomolo yasaziso kunye nomhla woshicilelo nopapasho *lweGazethi*;
 - (iii) umgangatho womsebenzi wolwaka-hiwo;
 - (iv) uhlobo lweentango okanye iindonga ezahlulayo;
 - (v) iiplani ezikhoyo; kananjalo
 - (vi) iinkcukacha ngokuzuzwa kwepropati ekuyo indlela leyo kunye nobungqina bokuzuzeka kwayo;

(2) INTloko yeSebe kufuneka, ngokokuba kubalulekileyo ngokweenjongo zokuthobela icandelo 12(1) loMthetho, icele umasipala ochaphazelekayo ukuba anikeze iinkcukacha ekubhekiswa kuzo kumgaqwana (1) ezingezibonelelo zezothutho esezabekwayo eziphantsi komasipala lowo.

(3) INTloko yeSebe ingamncedisa umasipala osilelayo kubuchule nolwazo olufunekayo ukuze awugqibe umsebenzi odweliswe kwicandelo 12(6) loMthetho.

(4) Xa umasipala ephnononga, ehlaziya uluhlu lwakhe lwezibonelelo ngokwemiqathango yecandelo 12(6)(c) loMthetho, kufuneka kwangaxeshanye anike iNtloko yeSebe iinkcukacha ezifanelekileyo ukuze iNtloko yeSebe ibe nako ukuthobela icandelo 12(5)(b) loMthetho.

(5) Apho iinkcukacha ezihanjisiweyo ngokwemiqathango yomgaqwana (4) ziphathelene nezibonelelo ezitsha, iNtloko yeSebe kufuneka, yakuzifumana—

- (a) kwangoko ayinike inombolo okanye ikhowudi into nganye esisibonelelo sezothutho esitsha, esihambelana nendlela ekunonjolwe ngayo okanye ikhowudi echazwe kwicandelo 12(4) loMthetho; kananjalo
- (b) imazise umasipala ngeenombolo ezichaphazelekayo okanye ikhowudi okanye iikhowudi.

(6) INTloko yeSebe ingathi, xa ikhupha inombolo okanye ikhowudi yesibonelelo esabekwa kwnagaphambili ngumasipala ngokuhambelana nomgaqwana (5), iyahlule kwezinye ebesezabekwayo kwangaphambili ngokufakela isimamva okanye isimaphambili esiqaphelekayo esiphuma ngokweenkqubo zokusota.

Isigaba 5

Izicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu

Iindlela ekufuneka zibe nezicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu

10. (1) UMphathiswa noomasipala kufuneka, ngokukhawuleza okukhulu, baqulunqe izicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu zeendlela esezabekwayo eziphantsi kwabo nezingena kuluhlu 1 okanye 2 emaphandleni okanye kuluhlu 1, 2 okanye 3 kwimimandla yeedolophu.

(2) Ukuba umasipala unamathandabuzo ngokuba indlela esele ikho ingena kwiklasi efuna isicwangciso solawulo seendlela eziqhagamshelanisa iidolophu kusini na, umbandela lowo mawubhekiswe kwiNtloko yeSebe ukuze inike isikhokelo.

Abantu abaqulunqa izicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu

11. Izicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu kufuneka ziqulunqwe yinjini eeqeqeshiweyo okanye umcwangcisi wedolophu okanye uqulunqo lwazo kufuneka lube phantsi kweliso lwenjineli eeqeqeshiweyo okanye umcwangcisi wedolophu.

Intsebenziswano phakathi kweziphathamandla malunga novandlakanyo kunye nocwangciso

12. (1) Ukuba nguMphathiswa onesigunyanziso sokongamela umcimbi wendlela echazwe kumgaqo 10(1), uMphathiswa kufuneka—

- (a) abonisane noomasipala abakwezo ndawo ikuo indlela leyo malunga nezicwangciso zezothutho ezihlanganisiweyo zezo ndawo, izikhokelo-nkqubo zophuhliso lomhlaba okanye ucwangciso lophuhliso; kananjalo
- (b) abonisane namaqumrhu, ngaphandle komasipala okanye oomasipala abachaphazelekayo, abonelela ngezibonelelo zezothutho, iinkonzo zothutho okanye iinkonzo zezibonelelo ezikhulu kummandla lowo malunga nezo nkonzo kunye neminye imisebenzi yolwandiso okanye yotshintsho eseza ecetyiweyo efuna ukuthathelwa ingqalelo kuqulunqo lwesicwangciso solawulo lweendlela eziqhagamshelanisa iidolophu.

(2) Sakube sikho isicwangciso solawulo lwe-arteriyali esisaqulunqwayo, uMphathiswa kufuneka ikopi yesicwangciso esisaqulunqwayo—

- (a) ayinike umasipala ngamnye ochaphazelekayo, acele umasipala lowo ukuba anike izimvo zakhe apho kwisicwangciso eso sisaqulunqwayo yaye oko konke ekubhala apho kuso yaye oko ekwenza kwixesha alisikelweyo;
- (b) ayinike amaqumrhu angamanye ngaphandle kukamasipala anezibonelelo zothutho azinikezayo, iinkonzo zothutho okanye iinkonzo zezibonelelo ezikhulu kummandla lowo nanokuthi achaphazeleke ngandlela ithile kwisicwangciso solawulo lwe-arteriyali kananjalo awacele amaqumrhu ukuba abhale izimvo zawo kweso sicwangciso sisaqulunqwayo, ngexesha alisikileyo.

(3) Umasipala kufunekaxa ephendula isicelo esenziwe ngokwomgaqwana (2)(a), anike ireferensi ethe ngqo ephathelene nalo naluphi utshintsho okanye unyino kwisicwangciso esisaqulunqwayo, kwisikhokelo-nkqubo sophuhliso lomhlaba okanye ucwangciso lophuhliso lumasipala ochaphazelekayo.

(4) Naliphi na iqumrhu kufuneka, xa liphendula isicelo esiphantsi komgaqwana (2)(b), sinike ireferensi ethe ngqo malunga nalo naluphi utshintsho okanye unyino olukwiscwangciso esisaqulunqwayo kuzo naziphi iinkqubo zezothutho okanye izibonelelo iqumrhu elo elingumini wazo.

(5) Ukuba ngumasipala onesigunyaziso sokongamela umcimbi wendlela echazwe kumgaqo 10(1), umasipala lowo kufuneka, ukuba akamnye umasipala onesigunyaziso sokongamela, adibane nomnye umasipala okanye abanye oomasipala abachaphazelekayo benze uvandlakanyo oluhlangeneyo ze batshintshiselane ngezicwangciso zezothutho ezihlanganisiweyo, izikhokelo-nkqubo zophuhliso lomhlaba okanye olunye ucwangciso lophuhliso lukamasipala oubonakala luza kubachaphazela okanye oluza kuchatshazelwa sisicwangciso solawulo olumbaxa ekufuneka luqulunqiwe;

(6) Isicwangciso solawulo olumbaxa sakube sikho, umasipala kufuneka abonisane, kwaye enze ikopi yoqulunqo—

- (a) ayinike uMphathiswa aze amcele ukuba abhale izimvo zakhe kuyo asingenise kwixesha elimisiweyo; kananjalo
- (b) ayinike amaqumrhu angamanye achaphazelekayo ngele koMphathiswa, abonelela ngezibonelelo zezothutho, iinkonzo zothutho okanye izibonelelo ezikhulu kummandla lowo ochaphazelekayo kwiscwangciso solawulo olumbaxa, kananjalo acele ukuba izimvo ezo zingeniswe ngexesha elithile alisikileyo.

(7) UMphathiswa kufuneka, xa ephendula isicelo esenziwe phantsi komgaqwana (6)(a), *anike* ireferensi ethe ngqo emalunga notshintsho okanye unyino olukhoyo kwiscwangciso eso olunokuchaphazela iinkqubo zothutho okanye izibonelelo eziphantsi kolawulo loMphathiswa.

(8) Iqumrhu kufuneka, xa liphendula isicelo esenziwe phantsi komgaqwana (6)(b), linike ireferensi ethe ngqo emalunga notshintsho okanye unyino olunokuchaphazela naziphi iinkqubo zothutho okanye izibonelelo ezizezqumrhu elo.

Uvandlakanyo nenkqubo yocwangciso lwezicwangciso zolawulo olumbaxa

13. Ekuqulunqeni isicwangciso solawulo olumbaxa, isiphathamadnala esichaphazelekayo kufuneka sisungule inkqubo yocwangciso lwezicwangciso ekufuneka—

- (a) sibandakanye inkqubo yentatho-nxaxheba yoluntu ekhankanywe kumgaqo 42 ekunikwe kuwo abo bachaphazelekayo ubuncinane iitsuku ezingama-30 ukuba bavakalise izimvo zabo;
- (b) sibandakanye inkqubo yolawulo lommandla oluhlanganisniweyo ngokungqinelana neNEMA, ukuba iNEMA ifuna ukuba kwenzeka njalo;
- (c) sisetyenziswe hayi kuphela kuloo ndlela senzelwa yona isicwangciso solawulo olumbaxa kodwa sinatyiselwe nakweminye imityino eyingqongileyo;
- (d) apho kufaneleke khona sibandakanye izithutho nomfuziselo wezithutho owenziwe ziinjini eziqeqeshiweyo okanye amachule eenjini eziqeqeshiweyo;
- (e) siluthathele ingqalelo ulondolozo kunye nophuculo lwendlela echaphazelekayo kunye nezibonelelo zezothutho ezichaphazelekayo kuloo mtyino ukuze ngolo hlobo indlela iwenze ngokugqibeleleyo umsebenzi eyenzelwe wona;
- (f) senze uvavanyo lwezintlalo noqoqosho olufanele iiprowujekthi zothutho ekugqibeni kwaso neyona ndlela iyiyi yokusebenzisa loo ndlela ichaphazelekayo kunye nezibonelelo zothutho kuntyino lowo; kananjalo

- (g) sithathele ingqalelo—
- (i) izicwangciso zothutho ezihlanganisiweyo, izikhokelo-nkqubo zophuhliiso lomhlaba okanye nazo naziphi iinkcukacha ezifanelekileyo zocwangciso ngexesha ekuqhutywa ngalo iinkqubo zokubonisana ngokwemiqathango yomgaqo 12, kunye nezimvo ezivakalisiweyo;
 - (ii) indawo kunye nokulungiselelwa kweziphambuka ezikhulu ezikhoyo kunye neziphambuka ezicetywayo ezikuluhlu 1, 2 okanye 3, kubandakanywa ingqwalasela nakwindlela yokulawula okungungundoqo phakathi kweemoto ezihamba kuloo ndlela kunye neemoto ezingenayo okanye ezinqumlayo zisebenzisa ezi ndlela ziphambanayo;
 - (iii) amalungelo abethelelwa ziitayitile zomhlaba okanye ngokusetyenziswa, kunye nokufikeleleka kweendawo endleleni echaphazelekayo kuyayichaphazela indlela yokwenziwa nokuphunyezwa komsebenzi okanye ukuphuculwa kwezibonelelo zothutho kwixa elizayo;
 - (iv) imeko engqonge indlela ephuhliswayo kunye nemfuneko enokuba kho yokunyina ufikeleleko, kubandakanywa ukuvalwa kweendawo zokunqumla kwisithuba seendlela ezihamba izithuthi ezibini, izithintelo zokupaka ukulungiselela ukuba zihambe zihambe ngaphandle kophazamiseko kufuneka zimiselwe kuqwalaselwe nefuthe olunokuba nalo olo tshintsho endaweni;
 - (v) inkxalabo ekhankayiweyo kumhlathana (iv), imfuneko, kunye nokuba kulungiselelwe ukusetyenziswa ezinye iindlela eziqokelelela kule ichaphazelekayo ukuze kuncitshiswe impembelelo kwiipropati ezikule ndawo ichaphazelekayo; kananjalo
 - (vi) imfuneko yezinye iindlela okanye iileyini zezithuthi zikawonke-wonke, ngokunjalo nezinye iifasilithi ezingahambi zithuthi kuloo mtyino.

Okuqulathwe zizicwangciso zolawulo olumbaxa kunye neskeyili seeplani eziphathekayo

14. (1) Izicwangciso zolawulo lweendlela eziqhagamshelanisa iidolophu kufuneka—

- (a) zibe neplani ephathekayo esisikhokelo sabaphathi abakhoyo bendlela eqhagamshelanisayo, kubandakanywa izithintelo eziphathelele nosetyenziso lomhlaba okufutshane, ufikeleleko, ukupaka, izithuthi zikawonke-wonke kunye nezithuthi ezingahambi ngamafutha, kunye nenkcazo yomgaqo-nkqubo engosetyenziso lomhlaba ngoku, kunye nezigaba zokuphuculwa kwendlela kwixesha elizayo, lwezi ndlela ziqhagamshelanisa iidolophu; kananjalo
- (b) sichaze:
 - (i) isiphathamandla esongamele indlela leyo ichaphazelekayo;
 - (ii) uluhlu ekuyo indlela le ngokwahlulwa-hlulwa kwazo iindlela phantsi kwecandelo 5 loMthetho; kananjalo
 - (iii) Inombolo enikwe yona indlela phantsi kwecandelo 12(4) loMthetho.

(2) Kumgaqo-nkqubo wendlela esetyenziswa ngayo ngoku indlela kunye neza kusetyenziswa ngayo kwixa elizayo kunye nemiqathango yonyino eza kubandakanywa kwisicwangciso solawulo lweendlela eziqhagamshelanisa iidolophu ngokwemiqathango yecandelo 11(3)(c) no-(e) loMthetho kufuneka kufakelwe la masolotyala alandelayo kuqulunqo lwesicwangciso:

- (a) uluhlu efakwe kulo ngokolwahlulwa-hluo indlela echaphazelekayo kwisicwangciso sezothutho esihlanganisiweyo esibandakanya ummandla ekuwo indlela leyo okanye, ukuba ayifakwanga loo nto keplanini, uluhlu efakwe kulo ngokwesivumelwano phakathi koMphathiswa nomasipala xa knokwenzeka ukuba iindlela eziphantsi kukaMphathiswa okanye ezibekwe sisiphathamandla esongameleyo kwisithuba seendlela zikamasipala;
- (b) naluphi unyino olunyanzeliswayo ngelo xesha lokubekwa kwayo okanye ngokwesivumelwano nabanini-propati okanye nala maqumrhu abonelela ngezibonelelo zezothutho, iinkonzo zothutho okanye iinkonzo zezibonelelo ezikhulu;
- (c) iindlela osetyenziswa ngazo umhlaba onqumla indlela le nalapho usetyenziso lomhlaba lunemiqathango yonyino ukuqinisekisa ukuba indlela isebenza ngokupheleleyo ngokonjalo nezinye izibonelelo zezothutho;
- (d) Imeko engqonge indlela esetyenzwayo ngokwendlela echazwe ngayo kwisicwangciso sezothutho esihlanganisiweyo okanye kwiskhokelo-nkqubo sophuhliso esichphazelekayo okanye, ukuba asixelwanga kwezo zicwangciso, loo meko-bume kuvuneylwene ngayo sisiphathamandla esongameleyo kunye nomasipala kwisithuba seendlela eziphantsi kukaMphathiswa okanye esibekwe ngolo hlobo sisiphathamandla esongameleyo kwisithuba seendlela zikamasipala;
- (e) naluphi na uphuhliso losetyenziso lomhlaba olunokudla utshintsho ecaleni kwendlela kunye noqikelelo lwezithuthi kunye nokunyuka kwesidingo sayo kufuneka kulungiselelwe iindlela ezinqamlezanayo kunye nezi kungenwa kuzo kwiindawo zabucala;
- (f) indawo kunye nokulungiselelwea kweziphambuka ezikhoyo kunye nezicetywayo apho zinqamlezanayo iindlela neendlela ezikuluhlu 1, 2 okanye 3 ngokokwahlulwa-hlulwa kwazo, kubandakanywa ukutshintshwa kwembonakalo kunye nendlela yokulawula ezibalulekileyo phakathi kwazo zonke izithuthi ezihamba kuloo ndlela kunye nezingenayo okanye ezinqumlayo ngeziphambuka;
- (g) ingcaciso yobubanzi, indawo okanye ukuthathwa kwemilinganiselo yeekho-odineyithi zendlela ebekelweyo, ngokonjalo neendawo zivuliweyo zendlela ebekelweyo kwiindawo eziphambana kuyo iindlela kunye nokuthethwa yinzuzo yomhlaba;
- (h) iileyini ezikhyo zexesha elizayo, izithuthi zikawonke-wonke okanye neebheyi zokupaka, amagxa, iindlela zeenyawo, iindlelana kunye neendawo ekunqunyulwa kuzo endleleni kunye nayiphi imisebenzi ebekelweyo ekunokufuneka isetyenziselwe izithuthi zabucala, izithuthi zikawonke-wonke, iibhayisikili kunye nabahambi ngeenyawo;
- (i) iindawo ekungenwa ngazo, iindawo ekungafunwa ukuba kungenwe kuzo ezintsha azisayi kuvunyelwa kwaye nalapho kwaya naxa injongo ukukuzivala ezo zikhoyo;
- (j) apho kufaneleke khona, iindawo ezikhoyo kunye neendawo ekunqunyulwa kuwelwe kuzo azisayi kuvunyelwa nalapho kwaye naxa injongo ikukuzivala iindawo ekunqunyulwa kuwelwe kuzo ngoku; kanaanjalo
- (k) apho iindawo zokupaka okanye ezinye iinzquleqhu zivunyelwe okanye zithintelwe khona okanye eziza kuthintelwa kwixa elizayo.

(3) Iiplani eziphathekayo ziza kubonelelwa ngokwecandelo 11(3)(d) loMthetho kufuneka zibandakanyef—

- (a) iiplani, izikeyili ze-1:10000 okanye esinye isikeyili ezifanelekileyokunye neendlela eziqhagamshelanisa iidolophu kulo mtyino ezikuyo ezi ndlela ziqhagamshelanisa iidolophu, ubukho nolawulo olubalulekileyo ekusebenzeni kwezi ndlela; kananjalo
- (b) iiplani, ezinesikeyli esingu-1:2000 okanye esinye isikeyili esifanelekileyo, esibonisa indlela kunye nasiphi esinye isibonelelo sezothutho ezineenkukach ezikhankanywe kumgaqwana (1) no-(2) ziboniswe ngokucacileyo apho.

(4) Ukuba isiphthamandla esongameleyo nguMphathiswa, kufuneka anike isicwangciso solawulo lweendlela eziqhagamshelanisa iidolophu koomasipala abachaphazelekayo ukuba basibandakanye kwizicwangciso zezothutho ezihlanganisiweyo nakwizikhokelo-nkqubo zophuhliso lomhlaba.

(5) Ukuba isiphthamandla esongameleyo ngumasipala, kufuneka anike uMphathiswa isicwangciso solawulo lweendlela eziqhagamshelanisa iidolophu ukuze sibandakanywe kwisikhokelo-nkqubo sezothutho somhlaba wephondo.

Isigaba 6

Inkqubo yocwangciso yokubekwa kwezibonelelo zezothutho kunye nenkqubo yocwangciso lobuchule lwezeprowujkethi zezibonelelo zezothutho

Uboniswano ukuze kubekwe izibonelelo zezothutho okanye ukuvalwa kwezibonelelo zezothutho ezikhoyo

15. Apho umasipala unenjongo yokubeka isibonelelo sezothutho okanye ukusivala ngokupheleleyo ngokwemiqathango yecandelo 19 loMthetho, kufuneka kuboniswane noMphathiswa acelwe ukuba avakalise izimvo zakhe ze zingenise kwixesha elimisiweyo.

Izigaba zokuqaliswa, ingqiqo nokufaneleka kocwangciso lwezeprowujkethi

16. (1) Iinjini eziqeqeshiweyo okanye amachule eenjini aqeqeshiweyo aqalisa umsebenzi, ingqiqo nezigaba zocwangciso lwezeprowujkethi kunye nedizayini zokuqala zenkqubo yocwangciso lwezeprowujkethi echazwe kwicandelo 13 loMthetho kufuneka, apho kufaneleke khona, zilande imigqaliselo ekwisikhokelo seenkonzo ezibekwe yi-ECSA phantsi kwecandelo 34(2) loMthetho oyi*Engineering Profession Act* nopapashwa kwiZaziso zayo zeBhodi amaxesha ngamaxesha.

(2) Ekuqaleni kwesigaba socwangciso, injineli eziqeqeshiweyo okanye amachule eenjini aqeqeshiweyo kufuneka—

- (a) zimisele imiqathango yonyino enokufuna ukuba kwenziwe utshintsho ngokwesokwuphi somsebenzi wokucwangcisa, okanye amanyathelo oncitshiso lomonakalo ukunciphisa iimpembelelo nefuthe kwisiphakamiso; kananjalo
- (b) ziqinisekise ukuthotyelwa kwemiqathango ye-NEMA, uMthetho oyi*National Heritage Resources Act*, 1999 (uMthetho 22 ka-1999), kunye noMthetho oyi*Western Cape Land Use Planning Act*, 2014 (uMthetho 3 ka-2014), kubandakanywa intatho-nxaxheba yoluntu.

(3) Iinjini eziqeqeshiweyo okanye amachule eenjini aqeqeshiweyo kufuneka anike ingqwalasela kwezi zinto—

- (a) iinkcukacha ezinokubonelelwa sisiphathamandla esongameleyo eziphuma kwiingxelo zaso, nawumphi umfuziselo wezothutho okanye wezithuthi onokufumaneka kunye neziphumo zazo zonke iimvavanyo zezentlalo noqoqosho ezinokufumaneka ezineenkukacha ngothungelwano lwezibonelelo lwezithuthi kulo mmandla ikuwo iprowujekthi; kananjalo
- (b) naziphi izicwangciso zezothutho ezihlanganisiweyo kunye nezikhokelo-nkqubo zophuhliso zomhlaba kunye nazo naziphi na ezinye iinkcukacha zocwangciso oluchaphazelekayo ngexesha loboniswano njengoko zichaziwe kumgaqo 12, ngokunjalo nezimvo ezivakalisiweyo.

ISAPHLUKO 2

UNCEDISO-MALI LWEZIBONELELO ZEZOTHUTHO

Izicelo zoncedisomali lwezibonelelo zezothutho

17. (1) Xa umasipala esenza isicelo soncedisomali sezothutho njengoko sikhankanyiwe kwicandlo 24(1) loMthetho, kufuneka anike uMphathiswa ezi nkukacha—

- (a) ingqikelelo yeendleko, imihla ephakanyisiweyo yolwakhiwo okanye imisebenzi yokumenteyina kunye nepesenti echaphazelekayo yoncedisomali kumsebenzi ngamnye kwedweliwe kwicandlo 24(6) loMthetho, kwiiTheyibhuli 1A no-1B, 2, 3A no-3B okanye 4A no-4B ukuya kwiSihlomelo C, ngokwemeko; kananjalo
- (b) iinkqubo zolawulo lwee-asethi anazo okanye anenjongo yokuzemisela ukubeka esweni imeko yezibonelelo zezothutho kunye noqikelelo lwesabelo esiyioro rata seendleko zokusebenza zeenkqubo ezivunye yiNtloko yeSebe ukuze kubekwe esweni imeko yezibonelelo zezothutho ezinokukufanela ukuncediswa ngemali phantsi kolawulo lomasipala lowo, lusekelwe phezo kobudlelane phakathi kobude nomhlaba wazo zonke izinto ezifana nazo phantsi kolawulo lukamasipala.

(2) Xa esenza isicelo soncedisomali umasipala kufuneka angenise iinkcukacha ezintsha, zexesha elimiyo, ezifanelekileyo ziphuma kwiinkqubo ezikumgaqwana (1)(b) kwiNtloko yeSebe ukuze zivunye nguye.

Izivumelwano zoncedisomali

18. (1) INtloko yeSebe inako ukungalwenzi uncedisomali kumasipala ngaphandle kokuba kukho isivumelwano esibhaliweyo phakathi koMphathiswa nomasipala, njengoko kuchaziwe kwicandlo 24(2) loMthetho.

(2) Isivumelwano soncedisomali kufuneka sibe ngale ndlela iboniswe kwiSihlomelo D.

(3) Ezi nkukacha zilandelayo kufuneka zifakwe kwishedyuli yesivumelwano ngale ndlela iboniswe kwiSihlomelo D:

- (a) ngokubhekisele kwiindlela—
- (i) ulwahlulwa-hlulo njengeny yeendidi ekubhekiswa kuyo kwicandelo 5(1)(a), (b), (c) okanye (d) loMthetho kunye nenombolo yalo ekhutshwe ngokwemiqathango yecandelo 12(4), ukuba iyafumaneka;
 - (ii) iinkcukacha zokubekwa, kubandakanywa, ukuba ikho, inombolo nomhla eyapapashwa ngayo iGazethi yePhondo kunye nenombolo yesazisi;
 - (iii) ngcaciso ngendlela, kubandakanywa apho iqala khona nalapho iya kuphelela khona;
 - (iv) ubude nobubanzi bendlela;
 - (v) umgangatho wolwakhiwo;
 - (vi) inani leebhulorho ezingaphezulu kweemitha ezintandathu ukuphakama;
 - (vii) ubude beendonga obungaphezulu kweemitha ezimbini;
 - (viii) udidi lweengcingo okanye lweendonga;
 - (ix) iinkqubo zokubeka esweni imeko yendlela, kunye neengxelo zemeko ezikhoyo; kanaanjalo
 - (x) nalapho ingacacanga ingcaciso ekhankanywe kumhlathana (iii) enxalenye yayo okanye iinxalenye zayo ezibandakanyiweyo kwisivumelwano, isiketshi ukubonisa iipoyinti eqala iphele kuzo;
- (b) ngokubhekisele kwimigaqo yoololiwe—
- (i) ingcaciso ngomgaqo kaloliwe, kubandakanywa amagama ezikhululi ekuqaleni ukuya kutsho esiphelweni sawo;
 - (ii) ubude bomgaqo kaloliwe;
 - (iii) igeyiji;
 - (iv) umgangatho wolwakhiwo;
 - (v) inani leebhulorho ezingaphezu kweemitha ezintandathu;
 - (vi) ubude beendonga eziseleyo ezingaphezulu kweemitha ezimbini ukuphakama;
 - (vii) udidi lweengcingo okanye iindonga;
 - (viii) inkqubo yokunika imiqondiso nolawulo;
 - (ix) iinombolo zezikhululo zonke nobude beeplatfomu kwindawo nganye ekungenwa kuyo;
 - (x) iinkqubo zokubeka esweni imeko yomgaqo kaloliwe, kunye neengxelo ezifumanekayo zemeko yawo; kanaanjalo
 - (xi) apho kungacacanga ngokwengcaciso ekhankanywe kumhlathana (i) ukuba yiyiphi inxalenye yomgaqo kaloliwe ebandakanyiweyo kwisivumelwano, isiketshi esibonisa iipoyinti oqala uphele kuyo; kanaanjalo
- (c) ngokubhekisele kwizibonelelo zezothutho ezilulongezelelo—
- (i) ingcaciso efanelekileyo yendawo, ubukhulu nomgangatho wolwakhiwo; kanaanjalo
 - (ii) neziketshi zeeplani zokuncedisa ukubekwa ngokuchanekileyo kwento nganye.

Ukungeniswa kweengqikelelo

19. (1) Ingqikelelo yenkcitho kufuneka ingeniswe ngumasipala kwiNtloko yeSebe ngokwemiqathango yecandelo 25(1) loMthetho ngokwendlela ebekwe ngayo kwiiTheyibhuli 1A no-1B, 2, 3A no-3B okanye 4A no-4B ukuya kwiSihlomelo E, ngokwemeko leyo.

(2) Isithili okanye umasipala kufuneka athumele ikopi yengqikelelo yenkcitho kwiNjineli yeeNdlalela zeSithili.

(3)(a) Apho bekwenziwe khona iiprowujekthi ezininzi ngonyaka okanye kucetywa ukwenziwa iiprowujekthi ezininzi ngonyaka, ingqikelelo yenkcitho yeeprowujekthi ezinjalo zonyaka-mali ngamnye kamasipala ngexesha ekucingelwa ukuba liza kuthathwa ukwenza loo prowujekthi okanye, ukuya kutsho kwiminyaka emihlanu, kufuneka ingeniswe ngexesha linye neengqikelelo ezikhankanywe kumgaqwana (1).

(b) Umhlathi (a) awusebenzi kwiiprowujekthi zokumeteyina eziqhubayo.

(4) Isithili okanye umasipala wengqingqi onenjongo yokufaka iingqikelelo zenkcitho ngokwemiqathango yecandelo 25(1) loMthetho kufuneka abonisane neNjineli yeeNdllela zeSithili echaphazelekayo ubuncinane kwiinyanga ezimbini phambi kokuba ufike umhla wokuQala kuDisemba ongumhla wokungeniswa kwazo ngokwecandelo 25(1) loMthetho ayinike uqikelelo lwakhe ungalulanga umhla we-16 kuOkthobha wakwaloo nyaka.

(5) Umasipala ombaxa onenjongo yokungenisa uqikelelo lwenkcitho ngokwemiqathango yecandelo 25(1) loMthetho kufuneka abonisane nabasebenzi abaqeqeshiweyo abachaphazelekayo kundlunkulu weSebe kwiinyanga ezimbini phambi kokuba ufike umhla wokuQala kuDisemba wokuvala ayinike uqikelelo lwakhe ungalulanga umhla we-16 kuOkthobha wakwaloo nyaka.

(6) Izilungiso eziphakanyisiweyo zoqikelelo njengoko lukhankanywe kwicandelo 25(4) loMthetho—

- (a) kufuneka zingeniswe ngokendlela ekwitheyibhuli 5, 6, 7 okanye 8 kwiSihlomelo E, ngokwemeko nganye;
- (b) kufuneka aibhalwe nokucacileyo ukuba “zizilungiso zoqikelelo” yaye nomhla wazo ubhalwe ngokucacileyo; kananjalo
- (c) kwimeko yesithili okanye umasipala, kufuneka kwangaxeshanye zithunyelwe kwiNjineli yeendlela zeSithili.

Ukubalwa kwepesenti yoncediso-mali

20. (1) Ipesenti yoncediso-mali olukhankanywe kwicandelo 26 loMthetho kwizibonelelo zezothutho ezifumana uncediso-mali injengokuba ibekiwe kwiSihlomelo F ngokwezi ndidi zilandelayo zenkcitho:

- (a) inkcitho yenkunzi ngokubhekisele kucwangciso olufunekayo ngokweSigaba 4 soMthetho uikugqiba ngeyona ndlela okanye ndawo okanye indawo ibekelweyo;
- (b) inkcitho ngokubhekisele—
 - (i) kulwakhiwo, ukufuduswa okanye ukwandiswa kweendlela ezingezozi-karhulunte;
 - (ii) ulwakhiwo okanye ukujikwa koyilo lolwangezelelo lwezibonelelo zezothutho; kananjalo
 - (iii) ukuzuzwa kwepropati okanye ukuqinisekisa okanye ukwandisa iindlela ezibekelweyo, ngaohandlel kwezi zikarhulumente okanye ulongezelelo lwezibonelelo zezothutho;
- (c) inkcitho ngokubhekisele kulwakhiwo, ukufuduswa okanye ukwandiswa kweendlela zikarhulumente okanye imigaqo yoololiwe, kunye nokuzuzwa kwepropati okanye ukwandiswa kwendlela ebekelweyo karhulumente okanye imigaqo kaloliwe;

- (d) inkcitho ngokubhekisele ekutshintshweni, ekujikweni okanye ekuvalweni kwendlela okube yimfuneko ngenxa yomsebenzi wokwakha isibonelelo sezothutho, kwayo nayiphi na into esetyenziswe ukuhambisa iinkonzo zikamasipala, kubandakanywa ubonelelo lombane okanye naziphi na iinkonzo zonxibelelwano, nawuphi na umbhobho, ipali, ucingo, intambo, umsele, umjelo welindle okanye isixhobo engabalwanga kuncediso-mali ngokwemiqathango yomgaqo 22(a);
- (e) inkcitho yangoku ngokubhekisele kumenteyino okanye ulawulo lweendlela, ngaphandle kweendlela zezithuthi zikawonkewonke okanye ulongezelelo lwezibonelelo zezothutho okanye ulawulo lwezibonelelo; kananjalo
- (f) inkcitho yangoku ngokubhekisele kumenteyino nolawulo lweendlela zezithuthi zikawonkewonke okanye imigaqo yoololiwe.

(2) Amaxabiso abekiweyo kwikholamu yokuqala yeSihlomo F kufuneka anyuswe okanye ehliswe qho ngonyaka ngomhla wama-30 kuJuni nguMphathiswa ngokuhambelana neConsumer Price Index ize isondezwe kwizigidi ezili-R10.

(3) Umasipala unako, kwiimeko ezizodwa, kwiSihlomo iNtloko yeSebe enze isicelo sepesenti yoncediso-mali ngokwenlela echazwe kwiSihlomo F.

(4) Iipesenti zoncediso-mali eziya kusetyenziswa ziya kube zezigqitywe nguMphathiswa ngokwemiqathango yomgaqwana (3) ngamaxesha ngamaxesha.

(5) Umasipala ofaka isicelo ngokomgaqwana (3) kufuneka ayibeke ngokupheleleyo imeko emkhokelele ekuwenzeni isicelo, aze ukuba kukho indlela, abandakanye kweso sicelo—

- (a) ubungqina bobuninzi bezithuthi ezingaphelleli kuloo masipala uchaphazelekayo;
- (b) isimo sezimali sikamasipala lowo;
- (c) nayiphji na eminye imigangatho ebekwe yiNtloko yeSebe eza kukhokelela kwiindleka eziphakamileyo; kananjalo
- (d) nemfuneko yokutenxa okungaqhelekanga kweenkonzo okuza kukhokelela ekubeni iindleko zeprowujekthi zixhome kakhulu.

Izinto ezifumana uncediso-mali

21. (1) Umasipala kufanelekile ukuba alufumane uncediso-mali oko kulandela ukunxulumana nomsebenzi wezibonelelo zezothutho owenziwe ngokweepalani neenkukacha ezivunye yiNtloko yeSebe:

- (a) Isabelo esilinganiselweyo seendleko zokusebenza esivunye yiNtloko yeSebe sokubeka esweni imeko yezibonelelo zezothutho eziphantsi kolawulo lomasipala ezinokufumana uncediso-mali, esikelwe kubudlelane phakathi kobude nommandla lo ufumana uncediso-mali kunye nobude obupheleleyo bezinto ezifanayo ezingalufumaniyo zone uncediso-mali eziphantsi komasipala;
- (b) iindleko zocwangciso olufunekayo ukugqiba ngendlela kunye nelalela lesibonelelo sezothutho, nokuba izinto ezinjalo zenziwa—
 - (i) licandelo likamasipala lezokwakha okanye lomenteyina;
 - (ii) umsebenzi owenziwe egameni likamasipala ngomnye umasipala njenge-arhete yawo; okanye
 - (iii) umsebenzi wekhontrakthi okanye wexeshana;

- (c) iindleko—
- (i) zoyilo ezikhankanywe kwicandelo 24(6)(b) loMthetho; kananjalo
 - (ii) nokuba ngumphathi ojongileyo, njengenxalenye yolwakhiwo ekhankanywe kwicandelo 24(6)(c) loMthetho obekwe yiNtloko yeSebe;
- (d) iindleko zokuqesha iplanti ngelo xesha isetyenziswe ngalo, ngokweereyithi egqitywe yiNtloko yeSebe, reyithi ezo ekufuneka zibandakanye iindleko zokumenteyina, ukutshintshwa kweplanti kunye neereyithi zeinshorensi ezamkelekileyo kwiNtloko yeSebe;
- (e) iindleko zengqesho zizonke zabasebenzi kwizibonelelo zezothutho, ezingayibaliyo iminikelo yepenshini nomhlalaphantsi, kodwa zibandakanya ama-ova ngeereyithi ezivunyiweyo yiNtloko yeSebe: Ukuba abasebenzi abaqeshwanga sigxina kwisibonelelo sezothutho, iindleko zabo ziyafakwa;
- (f) iimatheryeli yokwenza indlela nemigaqo yoololiwe;
- (g) umsebenzi wekhontrakthi yokwakha okanye yokumenteyina, ovunywe yiNtloko yeSebe;
- (h) uvavanyo lwelaboratri ngeereyithi ezamkelekileyo kwiNtloko yeSebe;
- (i) uvavanyo lokukhangela indawo okanye ukufuduswa kwezibonelelo
- (j) ngokwecandelo 26(3) loMthetho, of the Act, imbuyekezo ekhutshelwa emva kokuthathelwa umhlaba ukulungiselela izibonelelo zezothutho ngokwemiqathango yecandelo 34 loMthetho;
- (k) uvavanyo neendleko zodluliselo, kubandakanywa iintelekelelo zamaxabiso nolamlo olufungelweyo, ngokubhekisele kuloo mhlaba ufunwayo ukuba zibandakanywe koko kubekelwe izixhobo zokusebeza zezothutho;
- (l) ubonelelo lwemiqondiso yendlela kwiindawo ezinqamlezana kuyo iindlela okuvunywe yiNtloko yeSebe njengenxalenye yenkqubo yemiqondiso yeendlela evunyiweyo;
- (m) ukukhanyiswa kwemiqobo ebekwe endleleni ngexesha lokujikwa kwexeshana kwendlela;
- (n) ukubonelelwa kweeskimu zezibane zezitalato okuvunywe yiNtloko yeSebe;
- (o) ukususwa, ukutyenenezwa kunye nokuphuculwa kwexeshana komhlaba ofunekayo ukulungiselela ukuvulwa kwesibonelelo sothutho kwixesha elizayo;
- (p) ukwakhiwa kwemiqumbelo yeendlela nemijelo, ngokunjalo neendawo ezithile eziyinxalenye yendawo elungiselelwa ukupaka;
- (q) ukwakhiwa kweendedlana zeenyawo okuvunywe yiNtloko yeSebe;
- (r) ucwangciso lwembonakalo-mhlaba oluvunywe yiNtloko yeSebe;
- (s) ukubhengeza okufunwa okanye ngokwemiqathango yoMthetho, okungaphandle kwenkcitho emalunga nobhengezo oluluxanduva lomnini-mhlaba;
- (t) ukubiya ngokwemiqathango yecandelo 47 loMthetho;
- (u) ukugqunywa, okwanelisayo kwiNtloko yeSebe koku—
- (i) indlela, ngenxa yokujikwa kwayo okanye ukuvalwa kwayo mpela, ayisafuneki; okanye
 - (ii) ukujikwa kwendlela okwexeshana ukuze isetyenziswe ngexesha isenziwa okanye isalungiswa;
 - (iii) umsebenzi, owenziwe emva kwemvume yeNtloko yeSebe, phakathi okanye ngaphandle kwemida yendawo ebekelwe isibonelelo sothutho, ukuze kuthintelwe ukhukuliseko lomhlaba kwisibonelelo eso sothutho; kananjalo

(w) nezinye izinto enokuthi iNtloko yeSebe amaxesha ngamaxesha jikelele izivumele okanye izinike imvume eyodwa.

(2) Nangona nantoni na echasene nale migaqo, uncediso-mali alukhutshelwa nayiphi inkcitho emsebenzini ongahambi ngokwezicwangciso neeplani, izikhokelo kunye nemigangatho eyamkelwe yiNtloko yeSebe.

Izinto ezingalukhutshelwayo uncediso-mali

22. Inkcitho kwezi zinto zilandelayo alunikwa on the following is not subsidised:

- (a) ukwenza utshintsho, ukujikwa okanye ukususwa ngenxa yokuba kusakhiwa isibonelelo sothutho, okanye nawuphi na umbhobho, ipali, ucingo, iintambo, umsele, umjelo welindle okanye isixhob apho kufakelwa khona iinkonzo okungavunywanga ngumasipala ochaphazelekayo;
- (b) ukulungiswa komonakalo odalwe sisibonelelo sothutho emva kokufakelwa, kokumenteyinwa okanye ukulungiswa kwayo nayiphi na inkonzo yombane, igesi, imijelo ephantsi komhlaba, amanzi emvula, iminxeba okanye amanzi okanye nayiphi na enye ingxaki okanye ukwaphuka kwenkonzo enjalo, kweso sibonelelo sothutho, ecaleni kwaso okanye ngaphantsi kwaso, nokuba kwenzeka njani na, nakuyiphi na inkonzo okanye inxalenye yayo, ngahandle kokuba inkcitho leyo yenzeka ekulungisweni komonakalo odaleke ngenxa yomsebenzi othe, ngokweNtloko yeSebe, wafuna ukuba kusetyenziswe imibhobho yamanzi eqhelekileyo;
- (c) ukumenteyinwa kwayo nayiphi na inxalenye yendlela, ngaphandle komendo lo kunye neendledlana zeenyawo, ezilungiselelwe abakhweli; kananjalo
- (d) ukuzuzwa nokumenteyinwa kweplanti, izixhobo neemathiriyeli ngaphandle kokuyisebenzisela isibonelelo sothutho.

Izinto ezichaphazelekayo ekubekweni isixa soncediso-mali kwinkcitho

23. (1) INtloko yeSebe kufuneka, xa isamkela uqikelelo lwenkcitho engeniswe ngumasipala ngokwemiqathango yecandelo 25(1) loMthetho okanye xa inika iqwalasela utshintsho okanye ukucinywa kwenkcitho phantsi kwecandelo 25(3) loMthetho, inika ingqwalasela koku kulandelayo:

- (a) Imfuneko nokunqweneleka kweeprowujekthi zokumenteyina, njengoko zithethelelwa kuqikelelo loomasipala, okusekelwe kwiinkqubo zolawulo lomenteyino, nokuthathela ingqalelo ukuchaphazeleke kwenani lezithutho, imozulu kunye nokufumaneka kwemathiriyeli nemeko ezikuyo, oko konke kuxhaswa zizo naziphi iingxelo zemeko ezikhoyo;
- (b) imfuneko nokunqweneleka kweeprowujekthi zophuculo lomgangatho, njengoko zithethelelwa luqikelelo loomasipala, kusekelwe kuqwalaselo lokhuseleko lwezothutho, izithuthi kunye novavanyo lweemfuno nezidingo zabasebenzisi bendlela, ngokunjalo neemvavanyo ezibandakanya imithetho-siseko yezentlalo noqoqosho kunye neminye efanelekileyo;
- (c) ukuba ingaba izibonelelo ezichaphazelekayo ziza kwanda na okanye ziza kuncipha na kwixa elizayo;
- (d) ubungqina obubonakalisa ukulandelwa kwenkqubo yokuqala ngeeprowujekthi ezingundoqo;

- (e) isicwangciso sezothutho esihlanganisiweyo sikamasipala;
- (f) kwisithuba sesithili okanye umasipala wengingqi, izindululo zeNjineli yeeNdlela zeSithili;
- (g) kwisithuba sendlela ekumasipala ombaxa ofumana inkxaso-mali ngokwemiqathango yoMthetho oyi*Urban Transport Act*, imeko yangoku yengxowa-mali emalunga naloo ndlela; kanaanjalo
- (h) kwisithuba sendlela, ulwahlulwa-hlulo lwayo.

(2) Nakuphi na ukwandiswa kwesixa-mali senkcitho okwamkelwe yiNtloko yeSebe ngokwemiqathango yecandelo 27(2)(a) loMthetho okungadluliyo kuma-20 eepesenti zesixa-mali ebesivunywe kuqala.

Iiakhawunti eezigcinwayo

24. (1) Umasipala kufuneka abe neakhawunti esecaleni yento nganye emalunga nesibonelelo sothutho esikhutshelwe uncediso-mali okanye ekuza kwenziwa ibango ngayo, kwaye ngaphandle kokuba kukhankanyiwe kule migaqo, inkcitho ngento nganye kufuneka ibalwe phantsi kwecandelo layo elifanelekileyo lenkcitho kwiakhawunti engena kuyo into leyo.

(2) Inkcitho ekubhekiswe kuyo kumgaqwana (1) kufuneka ibandakanye zonke iindleko ezikhankanyiwe kwicandelo 24(6) loMthetho.

Ukungeniswa kwamabango oncediso-mali

25. Umasipala kufuneka ukuba, ukongeza kuzo naziphi na iingxelo zenyanga okanye ezinye ezenziwa rhoqo zenkqubo yesiqhelo ekufuneka zenziwe ngokwemiqathango yezivumelwano zodluliselo lwentlawulo ezeziwe ngokwe-PFMA, kuthi ungadlulanga umhla wama-31 kuJulayi wonyaka ngamnye, angenise iifomu ezifumaneka kwiNtloko yeSebe, kwiNtloko yeSebe ezinkcazelo eyimpinda yeyona nkcitho ifanelekileyo yoncediso-mali ebiyeyonyaka-mali ongaphambili kwaye, kumba woomasipala besithili nabengqingqi, ngaxeshanye anike iNjinelo yeeNdlela zeSithili ikopi yayo.

ISAHLUKO 3

IZIBHENGEZO EZIBONAKALAYO KWIZIBONELELO ZEZOTHUTHO

Isigaba 1

Iintlobo zezibhengezo, izibhengezo ezixolelwayo kunye nenkqubo yokwenza izicelo

Izibhengezo ezingachatshazelwayo yimiqathango yecandelo 36(1) loMthetho

26. Isicelo semvume ngokwemiqathango yecandelo 36(1) loMthetho asifuneki ukuba—
- (a) luphawu lokwalatha njengoko luchazwe kuMthetho oyi*National Road Traffic Act*;
 - (b) isibhengezo sixhonywe kwisakhiwo esingaphandle kwendlela ebekwele bucala, ekuqhutywa kuso ishishini kwaye asinanto yimbi ngahandle kwegama leshishini elo okanye inkcazelo yohlobo lwalo kunye negama likasomashishini;

- (c) iintlobo zezibhengezo gabalala okanye zmalunga nendlela ethile okanye inxalenye yendlela ezixeliweyo kwikholamu yokugqibela yeSihlomelo G ukuba zona azibalwa.

Izicelo zemvume yokubeka izibhengezo endleleni

27. (1) Isicelo ngokwemiqathango yecandelo 36(1) loMthetho kufuneka sifakwe kumasipala wengingqi okanye ombaxa ochaphazelekayo kwaye kufuneka—

- (a) ibe kule fomathi ibonisiweyo kwiSihlomelo H;
- (b) isayinwe ngulowo ufaka isicelo sesibhengezo kunye nomnini-mhlaba esiza kubekwa okanye sixhonywe emhlabeni wakhe, sigunyaziswe ngumgaki-sicelo lowo okanye umnini-mhlaba lowo, ngekwemeko leyo;
- (c) sikhathshwe ngamaxwebhu adweliswe kwimihlathi 1 ukuya kokwe-7 weSihlomelo H, kananjalo
- (d) sikhathshwe ngumrhumo okhutshelwa isicelo eso, ukuba sikho, obekwe ngumasipala.

(2) Apho isibhengezo sibekwe okanye sixhonywe entweni ezimeleyo, kufuneka isicelo esikhankanywe kumgaqwana (1) sikhathshwe sisicelo esikhankanywe kwicandelo 43(1) okanye (4) loMthetho, ngokwemeko leyo.

(3) Xa kufakwa isicelo esikhankanywe kumgaqwana (1) kumasipala, umfaki-sicelo kufuneka athumele ikopi yaso ngekhompyutha okanye ikopi eprintiweyo enjengakwiSihlomelo H kuMphathiswa.

(4) Umntu ogunyazisiweyo kumasipala owankela izicelo kufuneka, akube esifumene isicelo—

- (a) aqinisekise ukuba isicelo eso sihamba ngokwemiqathango yomgaqwana (1);
- (b) abonise indawo ekwifomu ekwiSihlomelo H ukuba ingaba uyayinika na okanye hayi imvume yokuxhoma isibhengezo ngokwemiqathango yoMthetho kumasipala olawula iibhodi zezibhengezo nokuxhonywa kwezibhengezo, okanye icandelo 43(1) okanye (4) loMthetho ukuba usisiphathamandla esongameleyo, okanye nawuphi na umthetho ochaphazelekayo;
- (c) acebise umfaki-sicelo isicelo siza kubhekiswe kuMphathiswa ukuze yena asinike ingqwalasela ngokwemiqathango yecandelo 36(1), kwaye apho kufanelekileyo, icandelo 43(1) okanye (4) loMthetho; kananjalo
- (d) asigqithisele kuMphathiswa isicelo eso.

(5) Ukuba uMphathiswa ufuna iinkcukacha eziphangaleleyo ukuze enze uvandlakanyo lokuba isibhengezo eso asizi kuluchaphazela na ukhuseleko lwendlela kunye nokuhamba kwezithuthi—

- (a) uMphathiswa usenokuthi; kananjalo
- (b) uMasipala kufuneka, ngokwesicelo sikaMphathiswa,

acele umfaki-sicelo ukuba anike iNtloko yeSebe iinkcukacha eziphangaleleyo ezifunwayo nguMphathiswa.

(6) Iinkcukacha ezongezelelweyo ezikhankanywe kwicandelwana (5) zingabandkanya, kodwa zingaphelelanga kwezi:

- (a) Iplani ezotyweyo—
- (i) ezikrolwe ngokweskeyili 1:2000 nezibonisa umgama ongekho ngaphantsi kweemitha ezingama-500 amacala onke ukunyuka nokuhla kwisayithi leyo kufunwa ukubekwa kuyo isibhengezo esenzelwa sona isicelo;

- (ii) ebonisa ngokuchanekileyo zonke iinkcukacha ezifunekayo zeplani esketshiweyo yesiza, iindawo ezinomphakamo okanye iiofto ezikhoyo, ezibonisa amagophe, amathambeka, imida yesantya, iipali zezibane zezitalato neendlela; kananjalo
 - (iii) nazo naziphi na iinkcukacha okanye amaxwebhu awafunayo uMphathiswa aza kunika ingcaciso ukuze akwazi ukuphonononga nayiphi na into enokuchaphazela ukhuseleko lwendlela; kananjalo
- (b) nomzobo okanye ifoto yesikeyili esifanelekileyo, esibonisa zonke iinkcukacha zesibhengezo eso, kubdakanywa amagama, amanani, iinombolo, imiqondiso, imibala, imizobo, kunye nezikhanyiso.
- (7) UMphathiswa kufuneka kwisithuba seentsuku ezingama-30 esifumene isicelo esipheleleyo asikhankanywe kulo mgaqo abhalele umfaki-sicelo nomasipala ochaphazelekayo ebazisa ngesigqibo sakhe.

Isigaba 2

Ifuthe kwezokhuseleko lwendlela, izithuthi kunye nokuqhutywa komsebenzi wothutho

Ingqalelo kuvandlakanyo lwezicelo zemvume yokubeka izibhengezo

28. (1) Ekunikeni ingqalelo isicelo semvume ngokwemiqathango yecandelo 36 (1) loMthetho, uMphathiswa kufuneka enze uphononongo lokuba ngokweemeko ezihamba izithuthi nezisebenza phantsi kwazo ezothutho kunye nemeko engqongwe indlela leyo—

- (a) ubukhulu besibhengezo, budibene neminye imiqondiso ekuloo mmandla, ukuba ikho, ayizi kuba nefuthe eliza kwenza ukuba ingabonakali na imiqondiso yendlela nendlela leyo ingabonakali ngenxa yokugcwala kwayo indlela leyo;
- (b) isibhengezo, okanye nayiphi inxalenye yaso, ngenxa yombala waso, ubukhulu bamagama ebhalwe ngaso, isimboli, ilogo, imizobo okanye ukukhanya kwaso, akuyi kubaphazamisa na abaqhubi, kuze oko kukhokelele ekubeni iimeko abaqhubi phantsi kwazo zibenze bangabi nalukhuseleko;
- (c) inani lemiqondiso yendlela kunye nezibhengezo nakuwuphi na ummandla akuzi kba yingozi na kubaqhubi, ngenxa yokuba bethabatheke ingqondo sisibhengezo eso ngenxa yoko baphazamiseke;
- (d) umbala, okanye imibala yaso isibhengezo ikakhulu ihambelana nemibala okanye umxube wemibala echazwe kwimiqondiso yendlela ekwimigaqo ephantsi koMthetho oyiNational Road Traffic Act;
- (e) isantya esibekiweyo, nomlinganiselo wokuba uthotyelwa kangakanani, ubuninzi bezithuthi, iavareji yomlinganiselo womgama okanye wexesha phakathi kwezithuthi ezisendleleni kunye nembali yeengozi kuloo ndlela zizinto ezidala ukuba kubekho imiqathango engqongqo yolawulo lwezibhengezo;
- (f) umthamo weenkukacha ezifakiweyo kwisibhengezo, zilinganiselwe ngokweebhithi, uphakathi kwemida emiseleweyo kumgaqo 31;
- (g) isibhengezo eso sisendaweni efanelekileyo na kwaye sikufutshane kuneemitha ezintlanu ukusuka kumda wendlela ebekelweyo;

- (h) indawo ekuso isibhengezo ayizi kwenza ukuba nawuphi na umqondiso wendlela ungabonakali kakuhle, umgama, okanye umsebenzi waso ungacaci, ukanti neminye imiqondiso ekwanjalo;
- (i) isibhengezo asingephazanyiswa nomqondiso wendlela na;
- (j) ukukhanya kwesibhengezo akungetsali ngqondo yomqhubi na ngaloo ndlela kumphazamise angayiqapheli imiqondiso yendlela engakhanyiswanga;
- (k) indawo esikuyo isibhengezo iza kuphazamisa umyalezo wemiqondiso yendlela ezingqondweni zabaqhubi abadibana nemiqondiso yendlela eliqela ebekwe njengomqondiso wendlela, isilumkiso sengozi okanye njengesikhokelo; kwanjalo
- (l) indawo esikuyo isibhengezo ingaziphazamisa iingqondo zabaqhubi kwiindlela ezijikayo, emagopheni, kwiindawo ezihlangana kuzo iindlela okanye ezahluka kuzo okanye kwindawo ezinqamlezana kuzo iindlela okanye eziphambukeni, okanye apho iingqondo zabaqhubi kufuneka zigqalile xa beqhuba njengokuba kubalulekile kukhuseleko lwendlela.

(2) Kuvandlakanyo lwefuthe olunokudalwa sisibhengezo kukhuseleko lwendlela nokusebenza kwezothutho, umphathiswa angasebenzisa indlela esele yamiselwa liSebe ebizwa ngokuba yi“*Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Signs*”.¹

Iimeko enikwa phantsi kwazo imvume

29. Ukuba uMphathiswa unika imvume yokuba kuxhonywe isibhengezo ngokwemiqathango yecandelo 36(1) loMthetho, imvume kufuneka—

- (a) ichaze ukuba imvume leyo yeyexesha elingakanani na, xesha elo elingekho ngaphezu kweminyaka; kwanjalo
- (b) ichaze ukuba isibhengezo eso maze singasuswa okanye singakhiwa kwakhona okanye kwenziwe naluphi na utshintsho kumyalezo waso, ngaohandle kokuba oko kwenzelwa injongo yoko kukusihlaziya okanye ulondolozo lwaso, ngaphandle kokuzuza imvume ebhaliweyo kaMphathiswa ecacisa oko.

Isigaba 3

Ubuchule bemigangatho esebenzayo kwizibhengezo

Izithintelo ezimalunga nezibhengezo

30. Ngaphandle kwamalungiselelo angamanye ale migaqo, isibhengezo, kubandakanywa isibhengezo uMphathiswa asixoleleyo ukuba senzwe isicelo ngokwecandelo 36(1) loMthetho masingabi lolu hlobo lulandelayo—

- (a) sibe nobungozi ebantwini okanye emhlabeni womntu;
- (b) sibekwe ngendlela yokuba siphazamise, okanye sibe nezinto eziphazamisa, ingqondo yabaqhubi kangangendlela enokukhokelela ekubeni imeko yokuqhuba ibe ayikhuselekanga;

¹The guidelines document entitled “*The Departmental Methodology for Assessing the Road Traffic Safety of Proposed Advertising Signs*” can be obtained from the Head of Department.

- (c) sikhanyiswe kangangokude sidale uphazamiseko okanye senze ukuba abahambi ngeenyawo okanye abaqhubi bangaboni;
- (d) sishukume;
- (e) sikhokelele ekuphazamisekeni kokusebenza kwezothutho ngokuphunguka komthamo wezithuthi nokungahambi ngesantya esifanalekileyo;
- (f) sixhonywe kwimiqondiso yendlela okanye sidityaniswe nemiqondiso yendlela egunyaziswe nguMthetho oyiNational Road Traffic Act, sisithe imiqondiso yendlela, sixakise iingqondo ngokuthi ingaqondakali imiqondiso yendlela okanye idale iingozi zendlela;
- (g) siphazamise amehlo omqhu okanye isikhombisi sendlela nokuba uya kuliphi na icala umqhubi okanye iindlela zeenyawo ezinjengeziphambuka, amagophe okanye utshintsho kububanzi bendlela;
- (h) sakhawe kumgama oziimitha ezingama-200 ukusuka kumbindi wendawo ehlangana iindlela okanye nayiphi na ipoyinti ezihlangana okanye ezahluka kuyo iileyini, ukusuka kumgca oqhawu-qhawukileyo otyheli;
- (i) project over pedestrian or cycle circulation routes unless the clear height of the advertisement exceeds 2,4 metres;
- (j) ngokuphathelele neebhena zezibhengezo, sakhawe phakathi komgama oziimitha ezingama-30 phakathi kwaso nawo nawuphi na umqondiso wendlela okanye uphawu lwendlela;
- (k) sakhawe kwindawo ebonisa ukuhlangana kweendlela kwaye zibe nombala obomvu, otyheli okanye oluhlaza onokuchaphazela ukhuseleko endleleni,
- (l) sisebenzise amagama athi “yima” okanye “ingozi” endaweni ethe gca okanye anike uluvo lokuba kufuneka kumiwe okanye kukho ingozi nakuyiphi na indlela;
- (m) senze ingxolo, isandi okanye sikhuphe umsi.

Okufunekayo kwizibhengezo

31. (1) Ukulungiselela iinjongo zale migaqo iibhithi zibalwa ngolu hlobo lulandelayo:

Amagama anoonobumba abasibhozo, aquka	1,0 ibhithi
Amagama anoonobumba abangaphezu kwabathandathu	2,0 iibhithi
Amanani afikelela kwiidijithi ezine, eziquka:	0,5 ibhithi
Amanani eedijithi ezintlanu ukuya kwezisibhozo:	1,0 ibhithi
Amanani asukela kwiidijithi ezingaphezulu lwezisibhozo	2,0 iibhithi
Isimbolo okanye isishunqulelo:	0,5 ibhithi
Iilogo ezinkulu nemizobo	2,0 iibhithi

- (2) Amagama abhalwe kwisibhengezo kufuneka acace kwaye afundeke.
- (3) Akukho sibhengezo sibonisa umyalezo omnye sibonakala ukusuka—
- (a) kuhola wendlela okanye endleleni enomqondiso wesantya esingumda oli-120km/h masibe neenkukacha ezidlula iibhithi ezintandathu; okanye
- (b) endleleni ngaphandle kohola enomda wesantya omiselweyo ongaphantsi kwe-120km/h masibe neenkukacha ezidlula iibhithi ezilli-10.
- (4) Akukho sibhengezo sihlanganiswe nesinye, okanye naluphina olunye uphawu olubonisa ngaphezulu kwesibhengezo esinye okanye komyalezo omnye, kuvumelekileyo ukuba sibe neenkukacha ezidlula iibhithi ezintandathu ngeshishini ngalinye, ngepropati nganye okanye ngesibhengezo ngasinye okanye umyalezo oxhonyiweyo kweso sibhengezo sihlangeneyo ngaohandle kokuba isibhengezo eso sihlala silapho kakde njengophawu kummandla wedolophu esibhekisele kwindlela engenguye uholo enesantya esimiselweyo esingu-60km/h okanye ngaphantsi.
- (5) Akukho zinombolo zamnxeba, zidilesi, webhusayithi okanye zidilesi ze-imeyili mazixhonywe, ngaphandle kokuba kunikwe imvume eyodwa yoko kwicandelo 20(1) loMthetho okanye kwizibhengezo ezixhome iinombolo zeenkonzozo zikaxakeka.
- (6) Akukho myalezo mawuthe kwisibhengezo esinye.

Ukukhanyiswa kwezibhengezo nezibhengezo zombane

32. (1) Ukukhanyiswa kuvumelekile kwisibhengezo kuphela ukuba azizi kukhokelela kwiimeko zokuba kubekho ingozi.

(2) Iqondo lokukhanya elivumelekileyo kuso nasiphi na isibhengezo akuvumelekanga ukuba kugqithe apha:

Indawo ekhanyisiweyo	Ukukhanya okuvumelekileyo
Ngaphantsi kwe-0,5 yeskwe-mitha	1000 iicandelas ngeskwe-mitha ngasinye
0,5 ukuya ku-2,0 skwe-mitha	800 iicandelas ngeskwe-mitha ngasinye
2,0 ukuya kwi-10 leeskwe-mitha	600 iicandelas ngeskwe-mitha ngasinye
10 or more square metres	350 candelas per square metre

(3) Isibhengezo ngasinye akuvumelekanga ukuba sikhanyiswe ngaphandle kokuba sibekwe kwindawo emgama phakathi kwindlela yezithuthi ezizayo nendawo le sikuyo.

(4) Isibhengezo esikhanyisiwe akuvumelekanga ukuba sivale imboniselo yabaqhubi okanye abahambi ngeenyawo okanye simelane ngqo nerobhothi.

(5) Isibhengezo akuvumelekanga ukuba sibe nomyalezo ongazekiyo kumntu osibonayo.

(6) Akukho sibane okanye sithatha kuvumelekileyo ukuba—

- (a) singasuswa ngokokude siphazamise ingqondo yabaqhubi ekuqhubeni kwabo;
- (b) sibekwe ngendlela eyenza ukuba sijonge ngqo endleleni.

Izibane

33. (1) Ngokomgaqo 32 into ekhanyisa isibhengezo kufuneka ibe kwindawo eqinisekisa ukuba kuza kwandlaleka ukukhanya oku kwayeakuzi kubakho nkcitho yakookanye “kuchitheka”.

(2) Nayiphi na into esisibane esikhanyisa isibhengezo akufuneki ukuba ibonakale kwizithuthi eziya kwelinye icala.

Okunye okufunekayo kwiintlobo ezithile zezibhengezo

34. (1) Ibhodi yesibhengezo enkulu, nokua inesibhengezo esinomnane nokuba ayinaso na, kufuneka ime malunga neemitha ezingama-200 ukusuka kumqondiso wendlela;

(2) Ibhodi yesibhengezo enkulu enesibhengezo esinombane kufuneka sijonge kwii-engile ezifanelekileyo ukusukela embindini wendlela.

(3) Inombolo yesitalato ebonisa indawo ethili kufuneka ubukhulu bayo ubuncinane bube ziimilimitha ezili-150 nobukhulu obuziimilimitha ezingama-350.

(4) Isibhengezo segama lefama esikhombisa infama leyo kufuneka—

- (a) oonobumba baso ubuncinane bube ziimilimitha ezili-100, ubukhulu bube ziimilimitha ezili-140;
- (b) sithobele idizayini emiselweyo yemiqondiso neempawu zezikhombisi zokhenketho ezibekwe kwimgaqo ephantsi koMthetho iNational Road Traffic Act;
- (c) kumba wefama enye okanye ifamana encinane, sixhonywe ekuqaleni kwendlela engenayo kuyo; kanaanjalo
- (d) kumba wokuba kubekho iifama ezininzi okanye iifamana ezincinane ezisebenzisa indlela enye engabhalwanga okanye indlela engena emhlabeni womntu wabucala, zibe nomyalezo omnye abavumelene ngawo abaniniimhlaba, okanye ukuba asikho isivumelwano esinjalo, makubhalwe igama leyona propati ikude kule ndlela ichaphazelekayo.

(5) Akukho zibhengezo kuvumelekileyo ukuba zakhiwe okanye zibekwe ekungeneni kwepropati enamashishini amaninzi okanye enophuhliso oluninzi oluqhubekayo kuyo kummandla wedolophu oza kuchaphazela indlela enesantya esisikiweyo esingaphezi kwama-60 km/h.

(6) Izibhengezo ezibekwe ekungeneni kweepropati ezinamashishini amaninzi okanye ekuqhutywa uphuhliso oluninzi kuyo kummandla wedolophu, ngokubhekisele kule ndlela ichaphazelekayo enesantya esimiselweyo esingama-60 km/h okanye ngaphantsi, kufuneka nezibhengezo ezihlanganisiweyo ezingadlulanga kwiskwe-mitha esinye ngeshishini ngalinye, ngepropati nganye okanye ngenkonzo nganye.

(7) Iibhena akuvumelekanga ukuba—

- (a) ziqhotyoshelwe okanye zixhonywe ebhulorhweni ehamba phezu kwendlela; okanye
- (b) zixhonywe ngohlobo lokuba ziphazamise okanye zibe yingozi kubahambi ngeenyawo okanye kwizithuthi.

(8) Imiqondiso yeefasilithi—

- (a) mazakhiwe okanye zixhonywe kuphela kwifasilithi ekule sayithi ichaphazelekayo, kufuphi nakule ndlela kanye esijoliswe kuyo isibhengezo;
- (b) inganamacala amabini, kodwa akuvumelekanga ukuba avele omabini amacala lawo endleleni;

- (c) akuvumelekanga ukuba ishukume kwaye ingakhanyiswa kuphela ngelo xesha lokubonelelwa kweenkonzo ezichaphazelekayo;
- (d) akuvumelekanga ukuba zidlule kule milinganiselo yobukhulu ilandelayo:

Endleleni ekummandla wedolophu enguhola	6 izikwe-mitha
Endleleni ekummandla wedolophu engengohola	4,5 iizikwe-mitha
Endleleni esemaphandleni	18 izikwe-mitha

(9) Imiqondiso eneenkcukacha zezokhenketho kuvumelekile ukuba ixhonywe kuphela ngokwemiqathango yemigaqo yomThetho oyiNational Road Traffic Act.

(10) Iitreyila zezibhengezo—

- (a) zingapakwa kuphela kwimimandla yedolophu kwiisayithi esezabekwa kwangaphambili ngumasipala, kwaye kufuneka zikhuseleke emimoyeni enamandla macala omabini;
- (b) azingerhuqwa endleleni ukuba azizinzanga, kubandakanywa ukungazinzi kwazo okudalwa yimimoya ebhudlayo enamadla.

(11) Isibhengezo esibhabhayo akuvumelekanga ukuba—

- (a) sibhajiswe phezu kwendlela kawonke-wonke;
- (b) xa sigxunyekwe esakhiweni okanye kuloo nto yakhiweyo, sibhabhele phezulu sidlule iimitha ezingama-45 ukusuka emhlabeni;
- (c) sikhanyiswe okanye sishukume, ngaphandle kokuba yindiza yomoya ebotshelelweyo;
- (d) siboniswe ngaphandle kweeyure zasemini, ngaphandle kokuba yindiza yomoya ebotshelelweyo.

(12) Iibhodi zeprowujekthi—

- (a) akuvumelekanga ukuba zakhiwe kuhola okanye ecaleni kohola wendlela ngaphandle kokuba zimalunga nolwakhiwo okanye ulungiso lukahola lowo;
- (b) akuvumelekanga ukuba zikhanyiswe okanye zishukume;
- (c) zingabekwa kuphela ngeli lixa usaqhubayo umsebenzi lowo zibekelwe wona, kubandakanywa nexesha lokujonga nokulungisa umonakalo onokubakho emva kokuba kugqityiwe ukwakhiwa.

(13) Uphawu lokhuseleko efama—

- (a) lungabekwa kuphela endaweni ezihlangana kuyo iindlela nakwindlela engena kwindawo ebucala okanye ekungeneni kwaloo propati ichaphazelekayo; kanaanjalo
- (b) zingakhanyiswa okanye zishukume.

(14) Lunye kuphela uphawu lokhuseleko oluvumelekileyo efama okanye efameni encinci.

Ukumenteyinwa

35. (1) Zonke izibhengezo kufuneka zimenteyinwe kakuhle kwaye zigcinwe zikwimeko ekhuselekileyo.

- (2) Namphi na umntu oxhoma isibhengezo okanye onika imvume yokuba aisxhonywe—
- (a) unoxanduva lokusimenteyina sihlale sikwimeko ekhuselekileyo nefanelekileyo kwaye asipeyint;
 - (b) kufuneka azikele ekubeni ubuncinane uza kusihlola kanye ngonyaka ukuqinisekisa ukhuseleko lwaso; kananjalo
 - (c) kufuneka agcine irekhodi yazo zonke iinkcukacha ezirekhodiweyo ngexesha ebekuqhutywa ngalo uhlolo.

Isigaba 4
Izikhhalazo

Izikhhalazo

36. (1) Umntu orhanela ukuba isibhengezo sakhelwe okanye sibekwe ngokuchasene noMthetho okanye le migaqo, angafaka isikhhalazo esibhaliweyo kwiNtloko yeSebe.

(2) Yakusifumana eso sikhhalazo iNtloko yeSebe kufuneka yenze uphando ingalibazisanga kwaye, apho kufanelekileyo, ithathe amanyathelo ngokwecandelo 38(2) no-(3) loMthetho.

ISAHLUKO 4

**UKUPAPASHWA NOKUKHUTSHWA KWEZAZISO, IZICELO ZEMVUME OKANYE
UKWAMKELWA KWAMANYATHELO ATHILE NEMIRHUMO NEERENTE
EZICHAPHAZELEKAYO KWIZIBONELELO ZEZOTHUTHO**

Isigaba 1

***Ubuncinane bokufunekayo ukupapasha nokuhambisa izaziso kunye nokwazisa amaqela
anomdla nachaphazelekayo***

Okufunekayo gabalala xa kupapashwa izaziso

37. Isaziso ekufuneka sipapashwe *kwiGazethi yePhondo* ngokwemiqathango yoMthetho kufuneka—

- (a) sipapashwe ngeelwimi ezisemthethweni zePhondo; kananjalo
- (b) kumba kamasipala kufuneka sixhonywe ezi-ofisini zikamasipala lowo uchaphazelekayo.

Okufunekayo gabalala xa kukhutshwa izaziso

38. (1) nasiphi na isaziso okanye olunye uxwebhu olukhutshwayo sisiphathamandla esongameleyo ngokwemiqathango yoMthetho sithathwa ngokuba sikhutshiwe—

- (a) xa sisiwe ngesandla kumntu lowo sikhutshelwa yena;
- (b) xa sishiywe emntwini oneminyaka engaphezulu kweshumi elinesithandathu endaweni ahlala kuyo umntu lo sikhutshelwa yena okanye eshishinini lakhe kwiRiphabhlikhi;
- (c) xa sithe saposelwa umntu lowo ngerejista okanye ngeposi eqinisekisiweyo kwidilesi yakhe yokugqibela aziwa ukuba uhlala kuyo okanye kwishishini lakhe kwiRiphabhlikhi kwaye sikho nesiqinisekiso seposi leyo besiposwa kuso;

- (d) ukuba idilesi yomntu ayaziwa apha kwiRiphabhlikhi, xa sihanjisiwe kwi-arhente yomntu lowo okanye kummeli wakhe okwiRiphabhlikhi ngokwendlela ekwimihlathi (a), (b) okanye (c); okanye
- (e) ukuba idilesi yomntu lowo ne-arhente yakhe okanye ummeli wakhe ayaziwa kwiRiphabhlikhi, yakube ifakwe endaweni ebonakalayo kuloo dilesi yepropati okanye kuloo ndawo;

(2) Xa isaziso okanye olunye uxwebhu kufuneka lusiwe kumnini walo, lowo uhlala okanye unamalungelo epropati ethile, kwanele ukuba loo mntu uchazwe kwisaziso okanye kuxwebhu njengomnini, umhlali okanye njengonelungelo laloo propati ichaphazelekayo, kwaye akunyanzelekanga ukuba ade abizwe ngegama loo mntu.

Izaziso zokutshintshwa kobubanzi bemihlaba

39. Isaziso esikhankanywe kwicandelo 6(3)(c) okanye 6(4)(d) loMthetho kufuneka—

- (a) sixele indlela okanye umgaqo kaloliwe ochaphazelekayo ngegama lendawo ekuyo okanye ngegama lesikhululo;
- (b) lixele iindawo ezichaphazelekayo zendlela okanye umgaqo kaloliwe ngokomgama wekhilomitha ukususela kumhla ochaziweyo;
- (c) sixele ububanzi bokuqala nobutshintshiweyo bezo ndlela okanye mgaqo kaloliwe okanye inxalenye yendlela leyo okanye yomgaqo kaloliwe; kanaanjalo
- (d) sikhathshwe sisicwangciso esiqulethe iinkcukacha ezixelwe kwimihlathi (a) ukuya ku-(c), okanye sibonise ixesha nendawo esiza kufumaneka kuyo sicwangciso ukuba sihlolwe.

Isaziso sokutshintsha isibonelelo sezothutho esilulungezelelo

40. Isaziso esikhankanywe kwicandelo 7(7)(c) okanye icandelo 7(8)(d) loMthetho kufuneka—

- (a) sixele isibonelelo sezothutho esilulungezelelo ngokusebenzisa izicgazi nezikhombisi ezifanelekileyo;
- (b) sixele ububanzi bokuqala nobutshintshiweyo besibonelelo esilulungezelelo; kanaanjalo
- (c) sikhathshwe sisicwangciso esibonisa iinkcukacha ezixelwe kumhlathi (a), okanye sixele ixesha nendawo esiza kufumaneka kuyo ukuba sihlolwe.

Isaziso ngokutshintshwa kwemida yolwakiwo neengingqi zonyino lolwakiwo

41. Isaziso esikhankanywe kwicandelo 8(4)(c) loMthetho kufuneka—

- (a) sibonise isibonelelo sezothutho esichaphazelekayo ngokusebenzisa izikhombisi ezifanelekileyo;
- (b) sixele imida yolwakiwo yokuqala netshintshiweyo okanye ingingqi yonyino lolwakiwo;
- (c) sikhathshwe sisicwangciso esineenkukacha ezixelwe kwimihlathi (a) no-(b), okanye sibonise ixesha nendawo esiza kufumaneka kuyo ukuba sihlolwe.

Ukwaziswa kwamaqela anomdla nachaphazelekayo ngenkqubo yocwangciso neepiani

42. (1) Isiphathamandla esongameleyo kufuneka, phambi kokuqalisa inkqubo yocwangciso ekhankanywe kwicandelo 13(4) loMthetho, sikhuphele amaqela anomdla nachaphazelekayo kuloo mmandla isaziso malunga neprowujekthi ecetywayo—

(a) kumba kaMphathiswa—

(i) ngokuzikhupha ubuncinane ngeelwimi ezimbini zePhondo ezisemthethweni ezisetyenziswa kummandla lowo—

(aa) kwiphephandaba lengingqi okanye kumaphephandaba akhoyo kummandla lowo

(bb) kwiphephandaba okanye kumaphephandaba ahanjiswa kuloo mmandla neligqitywe nguMphathiswa ukuba iphephandaba elithembekileyo; okanye

(ii) ngonomathotholo odlala kuloo ngingqi;

(b) kumasipala, ngokwecandelo 21 loMthetho oyiLocal Government: Municipal Systems Act, 32 (uMthetho 32 ka-2000).

(2) Isaziso esikhankanywe kumgaqwana (1) kufuneka—

(a) sicele izimvo okanye iziphakamiso kumaqela anomdla okanye achaphazelekayo ngomhla okanye phambi komhla obekiweyo ubuncinane iintsuku ezingama-30 ukususela kumhla esikhutshwe ngawo isaziso; kananjalo

(b) sixele ukuba umntu ongakwaziyo ukubhala angeza ezi-ofisini ngamaxesha omsebenzi apho kuza kube kukho umsebenzi wesiphathamandla esongameleyo oya kumnceda ngokumbhalela izimvo zakhe okanye iziphakamiso zakhe.

(3) Isaziso esikhankanywe kumgaqwana (1) kufuneka, apho kukho imfuneko—

(a) sixele indlela echaphazelekayo ngegama okanye ngegama lesikhululo, ngokunjalo nenxalenye yaloo ndlela echaphazelekayo ngokweekhilomitha ukususela kumhla oxeliweyo;

(b) sixele isibonelelo sezothutho esilulungezelelo esichaphazelekayo ngokusebenzisa izichazi ezifanelekileyo;

(c) sichaze uhlobo locwangciso ekujoliswe kulo kunye notshintsho oluphakanyisiweyo kwimeko ekuyiyo; kananjalo

(d) sikhathshwe yiplani esketshiweyo ebonisa iinkcukacha ezixelwe kwimihlathi (a), (b) no- (c) okanye sinike ixesha nendawo esiza kufumaneka kuyo isicwangciso ukuze sihlolwe.

(4) Isaziso esikhankanywe kwicandelo 13(5) loMthetho kufuneka siqulathe isicwangciso esiveliswe ngokulandela iinkqubo ezichazwe kwicandelo 13 loMthetho, okanye sinike ixesha nendawo esiza kufumaneka kuyo ukuze sihlolwe.

(5) Isicwangciso esikhankanywe kumgaqwana (4) kufuneka iinkcukacha ezixelwe kumgaqwana (3), sibonise, apho kufanelekileyo, lonke utshintsho olucwangcisiweyo.

(6) Amaqela anomdla nachaphazelekayo azazisileyo kwisiphathamandla esongameleyo ngexesha locwangciso kwaye Acela nokuba aziswe ngamanye ngenkqubo leyo, kufuneka, kuzanywe kangangoko ukuba aziswe ngaloo ndlela athe mawaziswe ngayo.

Ukwaziswa kwamaqela anomdla nachaphazelekayo ngokuvulwa okanye ukutshintshwa okungekho ngaphezu kweemitha ezili-1000

43. Isiphathamandla esongameleyo kufuneka, kwisaziso esikhankanywe kwicandelo 13(11) loMthetho, sazise amaqela anomdla nachaphazelekayo ngokomgaqo 38 ngenjongo yaso yokuthatha amanyathelo lawo ngokwecandelo 13(10) loMthetho, saziso eso kufuneka—

- (a) siqulathe iinkcukacha ezixeliweyo kwimigaqo 42(3)(a) okanye (b);
- (b) sichaze kwaye sibonise—
 - (i) ububanzi bangaphambili kunye nokubekiweyo; okanye
 - (ii) kumba weenguqu eziphakanyisiweyo kwisibonelelo sezothutho, sixele imeko yangaphambili kunye nale cetywayo ngesibonelelo sezutho; kananjalo
- (c) sicele ukuba kungeniswe izimvo neziphakamiso phambi komhla ongadlulanga kwiintsuku ezingama-30 emva kokuba sikhutshiwe isaziso.

Ukwaziswa kwamaqela anomdla nachaphazelekayo ngocwangciso phambi kokurhoxiswa kwesibonelelo sezothutho esibekiweyo

44. (1) Isiphathamandla esongameleyo kufuneka, kwisaziso esikhankanywe kwicandelo 15(4) loMthetho, likhuphele amaqela anomdla nachaphazelekayo isaziso ngokomgaqo 38 malunga nenjongo yocwangciso, saziso eso ekufuneka—

- (a) kumba weendlela kunye nemigaqo yoololiwe, sixele iindlela okanye inxalenye yeendlela ezichaphazelekayo ngamagama eendawo ezikuzo okanye ngamagama ezikhululo, ngokunjalo inxalenye leyo ichaphazelekayo yendlela ngokomgama ngeekhilomitha ukususela kumhla ochaziweyo;
- (b) kumba wezibonelelo zezothutho ezilulungezelelo, sixele isibonelelo esichaphazelekayo, ngokusebenzisa izichazi ezifanelekileyo; kananjalo
- (c) sikhathshwe yiplani eneenkcukacha ezixelwe kwimihlathi (a) no-(b) okanye sibonise ixesha nendawoeza kufumaneka kuyo iplani leyo ukuba ize kuhlolwa.

Ukwaziswa kwamaqela anomdla nachaphazelekayo ngokuvalwa okanye ukujikwa kwexeshana kweendlela okanye kwemigaqo kaloliwe

45. Isaziso samaqela anomdla nachaphazelekayo sikhankanywe kwicandelo 21(5) loMthetho kufuneka—

- (a) sihanjiswe ngokomgaqo 38;
- (b) sixele le ndlela kuthethwa ngayo ngamagama okanye amagama ezikhululo kunye nenxalenye yendlela leyo ngokwemigama elinganiswe ngokweekhilomitha ukususela kumhla ochaziweyo;
- (c) kumba wokujikwa kwendlela okwexeshana, masikhathshwe yiplani esketshiweyo; kananjalo
- (d) sicele ukuba kungeniswe izimvo neziphakamiso ngomhla othile kodwa zingadlulanga iintsuku ezili-14 ubuncinane ukususela kumhla wokukhutshwa kwesaziso eso.

Isigaba 2

Izicelo zokwamkelwa, ugunyaziso okanye imvume

Izicelo zokwamkelwa, ugunyaziso okanye imvume phantsi koMthethoAct

46. Izicelo zokwamkelwa, ukugunyaziswa okanye imvume ezikhankanywe kumacandelo 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), no-60(3) oMthetho kufuneka—

- (a) kumba wesibonelelo sezothutho esiphantsi koMphathiswa, sifakwe kwiNtloko yeSebe, kwaye sibandakanye:
 - (i) ifomu yesicelo egwalisiweyo, njengakwiSihlomelo I;
 - (ii) ephapheni elilodwa okanye emaphapheni asecaleni, iinkcukacha ezithile ezimbalwa ezifunekayo ngomcimbi othile, njengakwiSihlomelo J; ngokunjalo
 - (iii) nomrhumo, ukuba ukho ofunekayo, njengakwiSihlomelo J, okanye
- (b) kumba wesibonelelo sezothutho esiphantsi kukamasipala, sifakwe kumasipala ochaphazelekayo efomini, kwaye sikhathshwe yimirhumo efanelekileyo, ukuba ikho efunekayo, ngokwendlela afuna ngayo umasipala.

Ukubekwa kwemirhumo neerenti

47. Imirhumo namatyala okanye iireyithi, izikeyili okanye imirhumo yendlela kunye namatyala elandela izicelo akhankanywe kumacandelo 16(1), 18(4), 21(6), 40(1), 41(5)(a), 42(1)(b), 43(1), 43(4), 44(1), 47(2)(b), 47(5), 48(1), 50(1), 51(1), 60(3) no-62(2) oMthetho—

- (a) kumba wezibonelelo zezothutho phantsi kolawulo lukaMphathiswa, ezibekwekwi-Sihlomelo J; okanye
- (b) kumba wesibonelelo sezothutho esiphantsi kolawulo lukamasipala, ibekwa nguloo masipala uchaphazelekayo ngokulandela iinkqubo ezikumthetho olawula imicimbi yemali yoomasipalakwaye ipapashwe nguloo masipala njengenxalenye yenkqubo yawo yohlahlo-lwabiwo-mali lonyaka.

Isigaba 3

Izibheno

Izibheno ngesigqibo seNtloko yeSebe okanye segosa

48. Isibheno esiya kuMphathiswa ngokwemiqathango yecandelo 62(1) loMthetho kufuneka—

- (a) sibhalwe phantsi sisiwe ezi-ofisini zoMphathiswa kuMgangatho wesi-8, 9 Dorp Street, eKapa kwisithuba seentsuku ezingama-21 emva kokuba umntu ofake isibheno azisiwe ngesigqibo;
- (b) sikhathshwe mgumrhumo obekiweyo; kananjalio
- (c) sibe neenkukacha ezipheleleyo zesigqibo esibhenwayo kunye neekopi zonxibelelwano ezimalunga nesigqibo eso.

Utshitshiso lwemigaqo

49. Imigaqo epapashwe phantsi kweSaziso sePhondo 632 somhla woku-1 kweyeThupha 1980, kweSaziso sePhondo 394 somhla we-8 kuCanzibe 1981, kweSaziso sePhondo 751 somhla we-4 kweyoMnga 1981, kweSaziso sePhondo 796 somhla wama-24 kweyoMnga 1981, kweSaziso sePhondo 383 somhla wama-24 kweyeSilimela 1983 naphantsi kweSaziso sePhondo 391 somhla we-5 kweyoMsintsi 1995 iyasuswa.

Isihloko esifutshane nokuqalisa

50. Le migaqo ibizwa ngokuba yiMigaqo yeziXhobo zokuSebenza zezoThutho zeNtshona Koloni, 2017, 2017, kwaye iya kuqalisa ukusebenza ngomhla oya kubekwa nguMphathiswa wePhondo wezothutho neMisebenzi yoLuntu *kwiGazethi yePhondo*.

ISIHLOMELO A:

[Umgaqo 3]

Ulwahlulwa-hlulo lweendlela [Umgaqo 3]

Umsebenzi			Ingcaciso		Ukuhamba						
Umsebenzi ophambili	Ingcaciso ezizezinye ezisetyenziswa yo	Ukugqiba ngomsebenzi	Inomb. yeklassi	Igama leklasi	Intsukaphi / indawo ekuyiwa kuyo ngokwemeko yasemaphandleni	ngezendlela			AADT (iavareji yonyaka yezithuthu ngosuku)		
						Emaphandleni	Ummandla wedolophu	Distance between parallel roads in urban context (km)	Amaphandle	Imimandla yedolophu	
Ukuhamba	Isithuthi kuqala, isithuthi kuphela, umgama omde, ukuohumela, Vehicle priority, vehicle only, long distance, through, high order, high speed, numbered, commercial, economic, strategic; route, arterial road or highway	Intshukumo ininzi, ngezithuthi, uninzi lwezithuthi azisuki okanye azipheleli apha, umsebenzi wendlela kukuthwala izithuthi ezininzi phakathi kwemimandla yedolophu okanye imimandla yezithuthi	1	Indlela eqhagamshelanisa iidolophu ephambili (uhola okummandla wedolophu)	Imimandla yoomasipala abambaxa, izixeko ezikhulu, imida emikhulu, zihlangana neendlela zesizwe	Ngokukodwa	Ikakhulu	5 – 10 km	1000 – 100 000+	40 000 – 120 000+	
			2	Indlela eqhagamshelanisa iidolophu enkulu	Izixeko needolophu ezinkulu, iinowudi zezithuthi (amazibuko nezikhulu zeenqwelomoya zamazwe ngamazwe), imida emincinanana ihlangana neendlela ezinkulu	Ikakhulu	Ikakhulu	5 – 10 km	500 – 25 000+	20 000 – 60 000	
			3	Indlela eqhagamshelanisa iidolophu encinci	Iidolophu, iilali namaphandle, iindawo zokhenketho, iinowudi zezothutho (imizilana yoololiwe, amatheku, iindawo ezehlala inqwelomoya), iipowusti zemida ezincinci, ezinye iindlela	Ikakhulu	Enkulu	0,8 – 2,0 km	< 1000	10 000 – 40 000	
Ukufikeleleka / okwenzekayo	Ukufikeleleka, ukujika nokunqumla kuvumelekile, izithuthi ezininzi zijikeleza apha esithilini, umsebenzi wendlela kukubonelela ukhuseleko kwizithuthi nabahambe ngeenyawo	Ukufikeleleka, ukujika nokunqumla kuvumelekile, izithuthi ezininzi zijikeleza apha esithilini, umsebenzi wendlela kukubonelela ukhuseleko kwizithuthi nabahambe ngeenyawo	4	Indlela okanye isitalato esihlanganisayo okanye	Zihlanganisa izithuthi zeeefama, amaphandle, iindawo zabakhenkethi kunye neepaki zesizwe nezabucala kunye nemigodi neemda ekuhanjwa kuzo	Kancinci	Ayikhu-thazwa		< 1000	< 10 000	
			5	Indlela yengqingqi				Thintela		< 1000	
			6	Umtyino ekuhanjwa kuwo				Ukuvalwa			

ISIHLOMELO B

[Umgaqo 6]

Imeko engqonge indlela ephuhliswayo: Izikhokelo

iimpawu zengxinano kwimida yeedolophu (kwimimandla yeedolophu)		
Imeko engqonge indlela ephuhliswayo	Ireshiyo yomgangatho (FAR)	Bulk (m²) – du/ha – umphakamo wesakhiwo
CBD	> 1	10 000m ² /ha @50% yomhlaba = 2 x imigangatho @30% yomhlaba = 3 x imigangatho (ivumela ukupaka nombonakalo-mhlaba) Indawo yokuhlala = > gross 100 du/ha (400pp/ha)
Intermediate	0.3 – 1	3000m ² – 10 000m ² /ha e.g. 5 000m ² @50% yomhlaba = 1 x umgangatho Indawo yokuhlala = igrosi 25 – 100 du/ha (100 – 400pp/ha)
Ummandla wedolophu	0.1- 0.3	1000m ² - 3000m ² /ha = umgangatho omnye/emibini Indawo yokuhlala = igrosi < 10 du/ha
Density characteristics outside the urban edge (non-urban areas)		
Semi-rural	< 0.1	
	< 1 bldg/10 ha	

Qaphela: Iimeko ezingqonge iindlela eziphuhliswayo ekugqitywe ngazo zingabonisa umgaqo-nkqubo kamasipala ngokuphathelene neemeko ezingqonge iindlela eziphuhliswayo kwixesha elizayo apho iiReshiyo zoMgangatho zingekabikho kwezi zigaba ziphakanyisiweyo kule theyibhuli ingentla.

ISIHLOMELO C

[Umgaqo 17(1)]

**UMTHETHO WEZIXHOBO ZOKUSEBENZA ZEZOTHUTHO
WENTSHONA KOLONI, 2013 (uMthetho 1 ka-2013)****ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU****UMASIPALA WASE****IINKCUKACHA EZIFUNEKAYO XA KUSENZIWA ISICELO SONCEDISO-MALI SEENDLELA
ZIKAMASIPALA, IMIGAQO YOOLOLIWE OKANYE ESINYE ISIBONELELO
SEZOTHUTHO**

1. Iinkcukacha ekubhekiswa kuzo kumgaqo 17 kufuneka zifakwe kwiikhohlamu ezifanelekileyo kuTheyibhuli 1A no-1B, 2, 3A no-3B okanye 4A no-4B, kwesi Sihlomelo.
2. Kufuneka kugcwaliswe itheyibhuli eyahlukileyo ngendlela nganye okanye ngeqela ngalinye leendlela, ngendlela nganye yezithuthi zikawonke-wonke okanye iqela ngalinye leendlela zikawonke-wonke, ngomgaqo kaloliwe ngamnye kunye ne-elementi nganye yesibonelelo sezothutho:
 - 2.1 Indlela okanye iqela leendlela (gcwalisa uTheyibhuli 1A no1B, kwesi Sihlomelo)
 - 2.2 Indlela yezithuthi zikawonke-wonke okanye iqela leendlela (gcwalisa uTheyibhuli 1A no-2, kwesi Sihlomelo)
 - 2.3 Umgaqo kaloliwe (gcwalisa uTheyibhuli 3A no-3B, kwesi Sihlomelo)
 - 2.4 Isibonelelo sezothutho esingezizo iindlela okanye imigaqo yoololiwe (gcwalisa uTheyibhuli 4A no4B, ngezantsi).
3. Izicelo kufuneka zingeniswe zikhatshwa yileta enemibhalo kaMasipala, etyikityiweyo yaza yabhalwa nomhla yiManejala kaMasipala okanye umntu ogunyaziswe ukwenza lo msebenzi liBhunga, ze zithunyelwe kule dilesi ilandelayo:

The Head of Department
 Department of Transport and Public Works
 P.O. Box 2603
 CAPE TOWN
 8000

ISIHLOMELO D

[Umgaqo 18(2)]

**UMTHETHO WEZIXHOBO ZOKUSEBENZA ZEZOTHUTHO
WENTSHONA KOLONI, 2013 (uMthetho 1 ka-2013)****ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU****UMASIPALA****IMEMORANDAM YESIVUMELWANO**

(ngokwemiqathango yecandelo 24(2) loMthetho weziXhobo zokuSebenza zezoThutho weNtshona Koloni, 2013 (uMthetho 1 ka-2013) (“uMthetho”) nomgaqo 18(2))

Phakathi

KOMPHATHISWA WESEBE LEZOTHUTHO NEMISEBENZI YOLUNTU

(ekubhekiswe kuye apha njengo”Mphathiswa”)

kunye

NOMASIPALA WASE

Apha omelwe ngu..... ngegunya lakhe lobu....., ogunyaziswe ukuba

(ekubhekiswe kuye apha ngokuba “nguMasipala”)

WHEREAS uMphathiswa usamkele isicelo sikamasipala sokuhlawula uncediso-mali ngokwemiqathango yecandelo 24(1) loMthetho, amaqela ngoku anqwenela ukurekhoda indlela okanye iindlela okanye iinxalenye zendlela okanye zeendlela, ngokunjalo nomgaqo kaloliwe okanye imigaqo yoololiwe, kunye nento okanye izinto ezilungezelelo kwezothutho ezikwaziyo ukuzuza uncediso-mali kwisivumelwano esikhankanywe kwicandelo 24(2);

AND WHEREAS the aforesaid road or roads or parts of a road or roads, and railway line or lines or parts of a railway line or railway lines, and ancillary transport item or items are recorded in the schedule hereto.

AND WHEREAS the Municipality will apply such subsidy funds for the overall control and administration of the planning, design, construction, maintenance and management of the transport infrastructure listed in the schedule hereto.

NGOKO KE NGOKU AMAQELA AVUMELANA NGOKU KULANDELAYO:

1. UMphathiswa uya kuqinisekisa ukuba:
 - (a) indlela okanye iindlela, umgaqo kaloliwe okanye imigaqo yoololiwe, kunye nezinto zezothutho ezilulongezelelo ezidweliswe kwsihedyuli elapha zibandakanyiwe kwinkqubo yokulungisa uhlahlo-lwabiwo-mali lweSebe, ukuba iimfuno zeSigaba 6 zithotyelwe; kananjalo
 - (b) iNtloko yeSebe ixhotyiswe ngokufanelekileyo ngabathunywa abafanelekileyo ukuba bagunyazise kwaye baqinisekise ukuhlawulwa koncediso-mali ngethuba.
2. UMasipala uzinikela ekubeni uza:
 - (a) kuthobela imigangatho ebekiweyo nezikhokelo ezigqitywe yiNtloko yeSebe;
 - (b) kusebenzisa ingxowamali yoncediso-mali eyisebenzisela injongo eyamkelwe nguMphathiswa emva kokungena kwesicelo ngokwemiqathango yecandelo 24(1), nangokugqitywe yiNtloko yeSebe ngokwemiqathango yecandelo 27(1); kananjalo
 - (c) kuthobela iimeko zesiqhelo zendlela yokwenza iingxelo zezimali nophicotho-zincwadi ekufuneka lwenziwe ngokwemiqathango yoMthetho yolawulo lwezimali zikaRhulumente woMmandla oyiMunicipal Finance Management Act, 2003 (uMthetho 56 ka-2003), nangendlela ebekwe ngayo kwisivumelwano sodluliselo lwentlaseulo ngokwe-PFMA.
3. Esi sivumelwano siso sodwa esiphakathi kwamaqela amabini esiphathelene nalo mba, kwaye akukho zilungiso kwesi sivumelwano ziya kuba nalo naliphi ifuthe ngaphandle kokuba oko kubhalwe phantsi kwatyikitywa ngamaqela omabini.
4. Ukuba kufumaniseka naliphi isoloty lesi sivumelwano okanye lesi SIHLOMELO okanye iishedyuli zaso kufumaniseka ukuba alisebenzi okanye azinazibophelelo kumaqela achaphazelekayo, eso sigqibo asiyi kubuchaphazela ubunyani besi sivumelwano, kwaye amaqela ayavumelana ngokubotshelelwa ngamanye amalungiselelo esivumelwano eso.

SITYIKITYWE E..... NGOMHLA 20...

.....
**UMPHATHISWA WEZOTHUTHO
 NEMISEBENZI YOLUNTU
 URHULUMENTE WEPHONDO
 LENTSHONA KOLONI**

AMANGQINA:

1.

2.

SITYIKITYWE E NGOMHLA

20...

.....

UMASIPALA

Umelwe ngu

ngegunya lakhe

ngokugunyaziswa

AMANGQINA:

1.

2.

Theyibhuli 2: Imigaqo yoololiwe

Itheyibhuli kufuneka inatysiswe, kwaye imigca yongezwe xa kuyimfuneko, ukulungiselela uthungelwano oluzuza uncediso-mali.

1	2	3	4	5	6	7	8	9	10
Umgaqo katoliwe phakathi	Inkqubo zokubeka imeko esweni	Ubude bomgaqo katoliwe	Igeyiji	Umgaqo wolwakiwo	Inani leebhulorho ezakhiweyo > 6 m span	Ubude bodonga > 2 m	Iingcingo neendonga ezahlulayo: uhlobo lwe	Inkqubo yokunika imiqondiso nolawulo	Izikhululo, inombolo kunye nobude beplatforu
Isikhululo sikatoliwe A		km	mm	Isiseko sendlela katoliwe Amatye enza indlela katoliwe		m			
Isikhululo sikatoliwe B				Amaplanga okwandlala indlela katoliwe					

Apho kukho ukungaqiniseki ukuba yiyiphi inxalenye yendlela okanye yomgaqo katoliwe ebandakanyiweyo kwisivumelwano kufuneka iplani esketshiweyo ebonisa indawo eqala kuyo nephela kuyo ibhalwe ephepheni elilodwa elingange-A4.

Isibonelelo sezothutho ezilungezelelo kufuneka sifakwe eluhlwini kunye nezichazi ezifanelekileyo zeklasi yesibonelelo kufuneka zimika ingcaciso ngendawo, ubukhulu kunye nomgangatho wolwakhwio, kwaye iplani ezisketshiweyo ezikhaphayo kufuneka zisetyenziselwe ukunceda ukufumaneka kwenkqubo nganye.

ISIHLOMELO E

[Umgaqo 19(1) no-19(6)]

**IFOMU: UQIKELELO LWENKCITHO KWISIBONELELO SEZOTHUTHO
SIKAMASIPALA****UMTHETHO WEZIXHOBHO ZOKUSEBENZA WENTSHONA KOLONI, 2013****ISEBE LEZOTHUTHO NEMISEBENZI YOLUNTU****UMASIPALA WASE****UKUNGENISWA KOQIKELELO LWENKCITHO KWIINDLELA ZIKAMASIPALA, IMIGAQO****YOOLOLIWE OKANYE EZINYE IZIBONELELO ZEZOTHUTHO**

1. Iinkcukacha ezifunekayo ngokwemiqathango yomgaqo 18(1) mazifakwe ngokugcwalisa iikholamu ezifanelekileyo kuTheyibhuli 1A no-1B, 2, 3A no-3B okanye 4A no-4B, ngezantsi.
2. Makufakwe itheyibhuli egcwalisiweyo yoqikelelo lwenkcitho kwindlela nganye okanye kwiqela leendlela, indlela yezithuthi zikawonke-wonke nganye okanye iqela leendlela, umgaqo kaloliwe ngamnye kunye ne-elementi nganye yesibonelelo sezothutho:
3.
 - 3.1 Inkqubo zokubeka iliso (gcwalisa uTheyibhuli 1A, ngezantsi)
 - 3.2 Iindlela (gcwalisa uTheyibhuli 1B, ngezantsi)
 - 3.3 Iindlela zikamasipala zezithuthi zikawonke-wonke (gcwalisa uTheyibhuli 2, ngezantsi)
 - 3.4 Imigaqo yoololiwe kamasipala (gcwalisa uTheyibhuli 3, ngezantsi)
 - 3.5 Izibonelelo zezothutho ezingezizo iindlela okanye imigaqo yoololiwe (gcwalisa uTheyibhuli 4, ngezantsi).
4. Uqikelelo lweminyaka ezayo lweeprowujekthi zeminyaka emininzi olufunekayo ngokomgaqo 18(3) kufuneka lungeniswe kwakwezi theyibhuli ngokwemigca yazo efanelekileyo ngezantsi kanye koqikelelo lonyaka ozayo lweeprowujekthi leyo.
5. Iinkcukacha ezifuneka kumgaqo 18(6) kufuneka zinikwe ngokugcwalisa iikholamu ezichaphazelekayo ezifanelekileyo kuTheyibhuli 5, 6, 7 no-8, kwesi Sihlomelo.
6. Uqikelelo lwenkcitho yeendlela, iindlela zezithutho zikawonke-wonke zikamasipala kunye nemigaqo yoololiwe kunye ne-elementi nganye yesibonelelo sezothutho kufuneka lufakwe kwitheyibhuli eyahlukileyo:

- 6.1 Iindlela (gcwalisa uTheyibhuli 5 ngezantsi)
 - 6.2 Iindlela zezithutho zikawonke-wonke zikamasipala (gcwalisa uTheyibhuli 6 ngezantsi)
 - 6.3 Imigaqo yoololiwe (gcwalisa uTheyibhuli 7 ngezantsi)
 - 6.4 Isibonelelo sezothutho esingezizo iindlela okanye imigaqo yoololiwe (gcwalisa uTheyibhuli 8 ngezantsi).
7. Uqikelelo kunye nezilungiso kuqikelelo olwenziweyo malufakwe kunye neleta ebhalwe kumaphepha anophawu lukaMasipala, lutyikitywe ze lubhalwe nomhla yiManejala kaMasipala okanye umntu okhethelwe ukwenza lo msebenzi liBhunga, ze luposelwe kule dilesi ilandelayo:

The Head of Department
Department of Transport and Public Works
P.O. Box 2603
CAPE TOWN
8000

UTHEYIBHULI 6

.....

UMASIPALA: IZILUNGISO EZIPHAKANYISIWEYO KUQIKELELO LWENKCITHO KWINDLELA ZEZITHUTHI

ZIKAWONKE-WONKE NGO-20.../20...

Iinkcukacha eziku**Theyibhuli 6** ngezantsi ziphathelene neenguqu kuqikelelo olwamkelweyo lwenkcitho. Sebenzisa umgca omnye ngendla nganye okanye ngenxalenye yendlela nganye, ngaphandle kwaxa kukho iprowujekthi zeminyaka emininzi, apho uqikelelo lweminyaka ezayo, ukuya kwemihlanu, yobomi beprowijekthi kufuneka lwenziwe, kusetyenziswa umgca omnye ngonyaka. Itheyibhuli kufuneka inatyiwe kungezwe nemigca ukulungiselela zonke iinguqu ekundululwe ukuba zenziwe ukulungiselela zonke iinguqu eziphakanyisiweyo.

1	Indlela enkulu/eyesithili/encinane kunye nenombolo yendlela	2	Icandelo	3	Ubude	4	Umhla Ukusuka Ukuya	5	Iindleko zemisebenzi eyenziweyo kucwangciso lweprowijekthi ngokweemfuno zeSigaba 4 soMthetho	6	Idizayini yesibonelelo sezothutho	7	Ulwakhiwo, kubandakanywa nohlolo	8	Ukumenteyinwa okanye ukulungiswa	9	Ukutyatyekwa ngokutsha kweendlela	10	Ukubuya	11	Ukumenteyinwa kwezakhiwo, ibhulorho neendonga	12	Imbuyekezo nezinye iindleko ezinxulumene nokuthathelwa imihlaba	13	Isindululo se-DRE 20.../20...	14	Uluvo
	Udidi/inomb.	Ukusuka km	Ukuya km	km				Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000	Uncediso-mali % Uqikelelo R'000							

ISIHLOMELO F

Ukubalwa kwepesenti yoncediso-mali




[Imigaqo 20(1), (2) no-(3)]


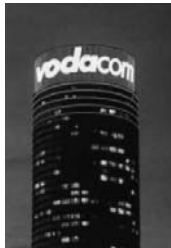



	Ipesenti yoncediso-mali kwizinto ezenziwayo-					
<i>Ingeniso kamasipala yonyaka ebhajiweyo, ngaphandle kveegranti zomsebenzi omkhulu, njl/njl</i>	Inkeitho enkulu ngokubhekisele kucwangciso olufunekayo kwizinto ezikwiSigaba 4 ukugqiba ngeyona ndlela ifanekileyo okanye indawo nendawo ezingamalalela	Inkeitho enkulu ngokubhekisele kulwakhwawo, ukufuduswa okanye ukuvulwa kweendlela okanye ukujikwa Kobume bezibonelelo zezothutho ezilungezelelo, ngokunjalo nokuthathelwa imihlaba ukuqimisekisa okanye ukunyusa indlela ezingamalalela zingezizo indlela zezithuthi zikawonke-wonke, okanye izibonelelo zezothutho ezilungezelelo	Inkeitho enkulu ngokubhekisele kulwakhwawo, ukufuduswa okanye ukuvulwa kweendlela zezithuthi imigaqo yoololiwe, ngokunjalo nokuthathelwa imihlaba ukuqimisekisa okanye ukunyusa amalalela ukulungiselela iindlela zezithuthi zikawonke-wonke okanye imigaqo yoololiwe	Inkeitho enkulu ngokubhekisele kutshimsho, ukujikwa kwexeshana okanye ukususwa okunyanzeliswa lulwakhiwo lwesibonelelo sezothutho, sayo nayiphi na into esetyenziselwa uhanjiso lweenkonzo zikamasipala, kutbandakanywa ukufakelwa kombane okanye naziphi na imkonzo zonxibelelwano, nayiphi imibhobho, ipali, ingcingo, intambo, imijelo, imibhobho yamanzi nelindle okanye izixhobo ezibandakanyweyo kuncediso-mali ngokwemiqathango yomgaqo 7(a)	Inkeitho yangoku ngokubhekisele kumsebenzi wokumenteyina okanye ulawulo lweendlela ezingezizo ezizithuthi zikawonke-wonke okanye izibonelelo zezothutho ezilungezelelo	Inkeitho yangoku ngokubhekisele kumsebenzi wokumenteyina okanye ulawulo lweendlela ezizithuthi zikawonke-wonke okanye imigaqo yoololiwe
Emva kokuqalisa ukusebenza koMthetho, amaxabiso akwezi kholamu aza kunyuswa okanye ehliswe rhoqo ngonyaka ngomhla wama-30 kuJuni nguMphathiswa ngokwe-Indekhs iYanxabiso abathengi iConsumer Price Index ze asondezwe kwi-R10 lesigidi	95,00%	95,00%	95,00%	95,00%	95,00%	95,00%
Ukuya kufika kuma-R300 ezigidimillion	80,00%	80,00%	95,00%	80,00%	80,00%	95,00%
Ukusuka kuma-R301 ezigidi ukuya kuma-R600 ezigidi	60,00%	60,00%	70,00%	60,00%	60,00%	70,00%
Oomasipala abakudidi B no-C loomasipala abangaphezulu kwama-R600 ezigidi	30,00%	30,00%	40,00%	30,00%	30,00%	40,00%







ISIHLOMELO G






[Umgaqo1(2) no-26]






IINTLOBO ZEZIBHENGEZO KUNYE NEZIBHENGEZO EZIXOLELWAYO ZECANDELO 36(1) LOMTHETHO




IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
Iklasi yokuqala	Ibhodi enkulu	Nasiphi iskrini okanye ibhodi engaphezu kweezkwe-mitha ezi-4,5 kummandla wonke oxhaswa sisakhelo esizimeleyo esisetyenziswa okanye ekkho injongo yokusisebenzisa ukuxhoma izibhengezo		
1(a)	Gantry Billboard	Ibhodi enkulu exhonywe kwisakhelo sentsimbi esakhelwe injongo eyodwa yokuxhoma izibhengezo, kwaye– <i>(a)</i> igantri enesithuba enesakhelo esixhaswe ziipali okanye iintsika macala omabini endeleva nethatha ububanzi bendlela bonke; okanye <i>(b)</i> isakhelo sentsimbi esithatha ububanzi bendlela esixhaswe ziipali okanye iintsika macala omabini endeleva okanye phakathi kwendlela nezingathatha kuphela inxalenye yendlela		Hayi
1(b)	Ibhodi enkulu	Nayiphi na ibhodi engaphezulu kwezikwe-mitha ezili-18 endaweni		Hayi
1(c)	Ibhodi encinci	Ibhodi engangezikwe-mitha ezili-18 nangaphantsi		Hayi



IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
	Umfuziselo wemveliso okanye isibhengezo esimifanekiso mithathu	Umfuziselo osenokuba uzimele okanye isixhobo esisenokuba sizimele okanye sincamathele entweni, kubanadkanywa nento ewayo engesosibhengezo siphezulu /sibhabhayo		Hayi
Iklasi yesibini				
2(a)	Isibhengezo esisesibhakabhakeni	Isibhengezo isiphelo saso esiphezulu sayo nayiphi ipoyinti yeso sibhengezo sidlulayo kumphakamo wophahla lwento esixhonywe kuyo	 	Hayi
2(b)	Isibhengezo esiseluphahleni	Isibhengezo esincanyathiselwe eluphahleni lwesakhiwo apho isiphelo saso esiphezulu sayo nayiphi na ipoyinti ephezulu yeso sibhengezo engadluliyo kumphakamo wophahla esincanyathiselwe kulo, okanye isibhengezo esipeyintwe eluphahleni lwesakhiwo	 	Ewe




<p>IKLASI YEMIQONDISO emikhulu</p>	<p>UHLOBO LWESIBHENGEZO</p>	<p>INGCACISO</p>	<p>AMAFOTO EMIZEKELO YEZIBHENGEZO</p>	<p>IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO</p>
<p>2(c)</p>	<p>Isibhengezo eludongeni</p>	<p>Isibhengezo esincanyathiselwe eludongeni lwesakhiwo esilishishini ngaphandle, eofisini, kumzimveliso okanye kwindawo yolonwabo</p>		<p>Ewe</p>
<p>2(d)</p>	<p>Isibhengezo esiyinxalenye yesakhiwo</p> <ul style="list-style-type: none"> - umyalezo oncamatheleyo - umyalezo otshintshatshintshayo 			<p>Ewe</p>
<p>2(e)</p>	<p>Isibhengezo esiprojekthayo</p>	<p>Isibhengezo esixhonywe eludongeni lwesakhiwo esithi ngelinye ixesha esiye sibe ngaphaya kweemilimitha ezingama-250 ukusuka kudonga esijinga kulo</p>		<p>Ewe</p>
<p>2(e)</p>	<p>Isibhengezo esibekwa everanda, ebhalkhoni, kwikhanopi</p>	<p>Isibhengezo—</p> <p>(a) esincanyathiselwe sathi nca okanye esipeyintweyo eludongeni lweparapethi, affixed flat onto or painted on a parapet wall, balustrade or railing;</p> <p>(b) esincanyathiselwe okanye esipeyintwe kwi... affixed flat onto or painted on a fascia;</p> <p>(c) esincanyathiselwe okanye esipeyintwe kwifascia yento enganzindonga;</p> <p>(d) esincanyathiselwe okanye esipeyintwe entsikeni, kwikholam okanye esibondeni esixhase uphahla lwento enganzindonga okanye</p> <p>(e) esipeyintwe okanye esiprintwe elaphini okanye kwibhlayindi</p>	  	<p>Ewe</p>






IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
				
2(g)	Isibhengezo essixhonywe kwimasti, ithawa, ibhulorho nephayiloni	Ibhodi enkulu encanyathiselwe okanye epeyintwe kwimasti, ithawa, ibhulorho okanye iphayiloni ekungaqhelekanga ukuba isetyenziselwe zibhengezo;	  	Hayi
2(h)	Isibhengezo ezifestileni	Isibhengezo esipeyintwe okwexeshana okanye isigxina, okanye esincanyathiselwe efestileni yeglasi yesakhiwo, okanye esixhonywe kwiimitha ezimbini ukusuka kuyo nayiphi ifestile okanye indawo evulekileyo ekuphunyelwa kuyo enokubonakala ungaohandle kwesakhiwo		Ewe






IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
Iklasi yesithathu				
3(a)	Isibhengezo endaweni enamashishini kummandla wedolophu	Isibhengezo esikhombisa iindawo zamashishini nemizimveliso kummandla wedolophu, zingabalwanga zona iindawo zokuhlala		Ewe
3(b)	<p>Izibhengezo zeenkonzozo zokuhlala okanye zoluntu</p> <p>Izaziso ezincinci nezibhengezo ezixhonywe kwiindawo—</p> <p>(a) ekuhlaliwa kuzo, ukubonisa ukukhombisa nokunika izilumkiso, kubandakanywa—</p> <p>(i) amagama ezindlu, iikhompleksi zeeflethi, iifama kunye neefama ezincinci; kunye</p> <p>(ii) nemiqondiso ezizilumkiso enjengale ithi “lumkelainja”, “akupakwa apha” nezithi “vala igeyithi”;</p> <p>(b) izakhiwo ezakhelwe okanye ezisetyenziselwa ukubonisa igama nohlobo lwesakhiwo, uhlobo lweenkonzo kunye namaziko ezenkolo, ezenkcubeko, ezemfundo nawolonwabo;</p> <p>(c) iifasilithi ezincinci zokuhlala ezibonisa igama nohlobo lwefasilithi leyo okanye umnini okanye amahlakani entsebenziswano; kananjalo</p> <p>(d) neendawo ezingamashishini amancinci nezifana namaziko onyango, amagama oogqirha okanye iipraktishina kunye nohlobo lweenkonzo ezibonelelwayo apho.</p>		  	Yes
3(c)	Isibhengezo esiphathelene nezolimo kunye nosetyenziso lomhlaba gricultural	<p>Isibhengezo esingezolimo nesiphathelene nosetyenziso lomhlaba kwimimandla esemaphandleni kubandakanywa ukuchaphazeleka we—</p> <p>(a) kweefama, amashishini ezolimo kunye neemveliso zezolimo;</p> <p>(b) iivenkilana zasezifama;</p> <p>(c) iifasilithi zabahlali ezinjengeenkonzozo;</p> <p>(d) nemihlaba kulingwa kuyo ezolimo.</p>		Ewe, kodwa izibhengezo zamagama eefama kufuneka zihambe ngokomgaqo 34(4)




IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEMIZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEMIZO	IZIBHENGEMIZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
3(d)	Ibhena – iflegi	<p>Ilaphu okanye imatheriyeli enjengalo ekubhalwa kulo isibhengezo ze sixhonywe ngendlela eyenza ukuba ibonakale into ebhaliweyo kungekho moya, lixhonywe ngeentambo, ezibondeni okanye kwizinto ekuxhonywa kuzo iflegi, zibeke phezulu e=okanye zixwese okanye zibe kwi-engile ethile, okanye zixhonywe kwizakhiwo okanye kwizinto ezithile ezizodwa ezilungiselelwe oko, nezibandakanya iiflegi ezingaxhonywanga ezibondeni zeelegi kwaye azizibandakanyi iibhena eziyinxalenye yomngcelele</p> <p>Isiqwenga selaphu okanye sematheriyeli efana nalo ekubekwe kulo isibhengezo esixhonywe entanjeni enye, esibondeni okanye esibondeni seflegi esime nkqo ngendlela yokuba singafundeki isibhengezo eso nokuba akubhudli moya, kodwa kungazibandakanyi iiflegi eziphethweyo xa kukho umngcelele</p>	 	Hayi Hayi
Iklasi yesine				
4(a)	Iphowusta	<p>Iifasilithi zoluntu kunye nezakhelo ezingalungiselelwanga zibhengezo kubandakanya izihlalo, izitya zezityalo, imigqomo yenkunkuma ebekwe ezipavumenteni, imigqomo yenkunkuma exhonyiweyo, izindlwana zokulindela ibhasi kunye nemithonjana etsitsa amanzi, kodwa kungabandakanya imiqondiso neempawu zendlela, iirobhothi, iibhokisi zeerobhothi, izibane zezitalato</p>		Ewe



IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
		<p>okanye naziphi izakhiwo ezinxulumene nendlela</p> <p>Nayiphi iplakhadi okanye isaziso esazisa okanye esibizela abantu—</p> <p>(a) kuyo nayiphi intlanganiso, umcimbi, umsitho, umsebenzi okanye nantoni na;</p> <p>(b) umntu ongumqatswa wesikhundla sasePalamente, kwiNdlu yoWisomthetho yePhondo okanye iBhunga likaMasipala;</p> <p>(c) ukhetho</p> <p>(d) nayo nayiphi na imveliso okanye inkonzo ebhengeziweyo; okanye</p> <p>(e) intengiso yempahla, imfuyo okanye umhlaba ;</p> <p>Isibhengezo esipowusta ezixahsayo esiphakathi kwe- 1,5 ne-2,2 skwe-mitha kummandla othille</p>		
4(a)	Isibhengezo segama lesitalato	Isibhengezo esikhanyiswayo, esixhonywe sadityaniswa negama lesitalato;		Hayi

IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
4(b)	Isibhengezo sefokhothi	Isibhengezo kwifokhothi yendawo ekuqutywa kuyo ishishini, sibe sixhnywe kuloo fokhothi ukutsala ukubizela abantu eshishinini, kodwa akusibandkanyi isibhengezo esihlangeneyo esikwindawo yokutha amafutha ezithuthi okanye esecaleni kwendlela		Ewe
Iklasi yesihlanu				
5(a)	Uphawu lwendawo yokutha amafutha	Isibhengezo esikwindawo yokutha amafutha ezithuthi okanye esisecaleni kwendlela esiyindawo yokuphumla		Ewe
5(b)	Umqondiso wendlela	Isibhengezo esiphathelene neeprowjekthi ezilungiselelwe abasebenzisi bendlela ezijolise ekuboneleleni ngeenkozo ezindleleni, ukukhuthaza ukhuseleko endleleni okanye ulawulo nolondolozo lweendawo ezingqonge indlela le.		Ewe

<p>IKLASI YEMIQONDISO emikhulu</p>	<p>UHLOBO LWESIBHENGEZO</p>	<p>INGCACISO</p>	<p>AMAFOTO EMIZEKELO YEZIBHENGEZO</p>	<p>IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO</p>
<p>5(c)</p>	<p>Uphawu olukhombisa ngezokhenketho</p>	<p>Umqondiso wendlela ome ngokwetrpezoyid unamagama neempawu ezibhalwe mhlophe zibhalwe endaweni emdaka ngebala, injongo ephambili ikukunika iinkcukacha nokukhokela abakhenkethi abakwizigaba zokugqibela zeehambo zabo, ngokukhankanywe kwimigaqo ebekwe phantsi koMthetho oyiNational Road Traffic Act</p>		<p>Ewe, ngaphandle kokuba zamkelwe/zivunyiwe sisiphathamdla esongamele ezkhokhenketho nezendlela</p>
<p>5(d)</p>	<p>Isibhengeza esinika iinkcukacha ngezokhenketho</p>	<p>Isibhengezo esingomqondiso wendlela esinika ulwazi neenkukacha kwindawo etsalela abakhenkethi okanye kwisiza selifa lemveli</p>		<p>Ewe</p>
<p>5(d)</p>	<p>Izibhengezo esangweni</p>	<p>Isibhengezo esixhonywe esibondeni esisekungeneni kwedolophu okanye kommandla wedolophu esibhalwe igama ledolophu leyo okanye sommandla wedolophu leyo</p>		<p>Ewe</p>
<p>Iklasi yesithandathu</p>				
<p>6(a)</p>	<p>Ezezithuthi - ukubhengeza akunto iphambilo</p>	<p>Isibhengezo esipeyintwe okanye esincanyatheliswe esithuthi esizihambelayo okanye esithuthi esihamba emhlabeni okanye emanzini ekungavamanga ukuba sisetyenziselwe izibhengezo.</p>	 	<p>Ewe</p>

IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGezo	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGezo	IZIBHENGezo EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
6(b)	Ezezithuthi, - Itreyila yesibhengezo - ezizihambelayo sithuthi esinesibhengezo	Itreyila echazwe kwicandelo 1 loMthetho oyiNational Road Traffic Act edizayinelwe okanye elungelelaniselwe injongo yesibhengezo		Ewe
6(c)	Isibhengezo esibhabhayo	Isibhengezo esipeyintiweyo, esincanyathiselweyo okanye esikwinqwelomoya, kubandakanywa ibhaluni, ikayiti, ibhaluni ezibhabhelayo nje, inqanawa yomoya ipara-sailing craft, ihang glider, umfuziselo wenqwelomoya okanye inqwelomoya elawulwa ngerediyo, inqwelomoya etsalwa sisithuthi okanye yinqanawa ukuze ibhabhe kunye nenqwelomoya erhuqa iibhena okanye ephuma umsi	 	Hayi
6(d)	IWalking Sandwich Board kunye nesinye iSaziso esiphathekayo	Iibhodi ezizifreyimu ebotshelelwe emntwini okanye nayiphi na enye ibhodi ephethwe ngumntu ngenjongo yokubhengeza.	 	Ewe

<p>IKLASI YEMIQONDISO emikhulu</p>	<p>UHLOBO LWESIBHENGEZO</p>	<p>INGCACISO</p>	<p>AMAFOTO EMIZEKELO YEZIBHENGEZO</p>	<p>IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO</p>
<p>Class Seven</p>				
<p>7(a)</p>	<p>Isibhengezo kwisiza solwakhiwo</p>	<p>Isibhengezo esincanyathiselwe elucingweni, eluthangweni okanye eludongeni lwesiza solwakhiwo, okanye isibhengezo esizimeleyo kwisiza solwakhiwo, okanye isisongelo seplastiki</p> <p>Isisongelo seplastiki sisibhengezo esibekwe nca kwiindonga zesakhiwo esisakhiwayo okanye esilungiswayo okanye iskafile esisetyenziswayo ngeli lixa kwakhiwayo</p>		<p>Ewe</p>
<p>7(b)</p>	<p>Ibhodi yeProwujekthi</p>	<p>Isibhengezo esibonisa ukubandakanyeka kwekontraka okwakha okanye umcebisi kwiprowujekthi yokwakha</p>		<p>Ewe</p>
<p>7(c)</p>	<p>Imicimbi yezemidlalo, iminyhadala, imiboniso</p>	<p>Izibhengezo zexeshana ezimalunga nomcimbi okhankanyiweyo kwisibhengezo ngexesha umcimbi lowo usaqhuba</p>		<p>Hayi</p>
<p>7(d)</p>	<p>Ibhodi yee-Arhente zoMhlaba (Estate Agents' Board)</p> <p>Isibhengezo esixela intengiso okanye tokshini</p>	<p>Isibhengezo sexeshana esixhonywe ukubhengeza ukuba umhlaba, indawo, uphuhliso okanye ezinye iintlobo zeepropati ziyathengiswa okanye kuqeshiswa ngazo</p> <p>Isibhengezo esixela intengiso kumhlaba othile okanye esakhiweni esithile esingafane sisetyenziselwe ukushishina kwaye singabandakanya isibhengezo esazisa ngee-okshini zempahla yendlu, imfuyo okanye izilwanyana ezisezifama</p>		<p>Ewe</p>

IKLASI YEMIQONDISO emikhulu	UHLOBO LWESIBHENGEZO	INGCACISO	AMAFOTO EMIZEKELO YEZIBHENGEZO	IZIBHENGEZO EZIXOLELWEYO NGOKWEMIQATHANGO YECANDELO 36(1) LOMTHETHO NGOKWEMIQATHANGO YECANDELO 36(3)(c) LOMTHETHO
7(e)	Izibhengezo ezixhonywa kwizibonda zezibane	Nayiphi iplakhadi esisibhengezo encanyathiselwe epalini yombane okanye ebizela abantu nakuyiphi intlanganiso, umcimbi, umsitho, okanye umsebenzi okanye umntu otyunjelwe isikhundla esithile sasePalamente, iNdlu yoWiso-mthetho yePhondo, urhulumente woomandla okanyee nawuphi na umbutho ofana nawo, okanye ukhetho, okanye nayiphi iplakhadi ebhengeza nayiphi imveliso okanye inkonzo okanye intengiso yazo naziphi impahla, imfuyo okanye umhlaba okanye ipropati		Ewe, ukuba ngaba, kumba wezibhengezo ezininzi inani elivumelekileyo leebhithi zenkcukacha alidlulwanga
Class Eight				
8(a)	Uphawu lokhuseleko	Isibhengezo sangaphandle soosolomzi, oonogada beefama okanye isikimu ezifana nezo, kunye nesibhengezo esinegama, idilesi nenombolo yomnxeba yenkampani yoonogada eqashelwe ukukhusela indawo leyo sixhonywe kuyo isibhengezo		Ewe

ISIHLOMELO H

[Imigaqo 27(1), (2) no-(3)]

UMTHETHO WEZIBONELELO ZOTHUTHO WENTSHONA KOLONI**ISEBE LEZOTHUTHO NEMISEBENZI KARHULUMENTE****IFOMU YESICELO NGOKWECANDELO 36(1) LOMTHETHO YEMVUME
YOMPHATHISWA YOKUBA KUXHONYWE IZIBHENGEZO EZIXELWE
KWICANDELO 36(1), APHO KUYIMFUNKO, NGOKUFANAYO
NGOKWECANDELO 43(1) OKANYE (4) APHO UMPHATHISWA
ANGUGUNYAZIWE WEZENDLELA**

Makungeniswe ifomu yesicelo ngasinye sesibhengezo ngasinye kunye notshintsho ngalunye lwesibhengezo esikhoyo.

Iinkcukacha ngeendawo

Inombolo yendlela eyabiwe ngokwecandelo 12(4) loMthetho

Umgama weekhilomitha

Isibhengezo sisecaleni kwendlela apho izithuthi ziya kwicala langase- (N, S, E, W)

Iinkcukacha zesibhengezo, ezibandakanya iinkcukacha zesakhiwo esixhasileyo.

Inkcazelo ngepropati esiza kuba kuso isibhengezo

Uhlobo lwesibhengezo (umz. Ibhilibhodi enkulu, isakhiwo eside, ibhulorho, okanye isakhelo sesibhengezo, njl njl. Jonga iSihlomelo G):

Ingaba isibhengezo siza kumiswa okanye siza kufakelwa kwisibonelelo sezothutho, kwimida yesakhiwo esinesibonelelo sezothutho okanye kummandla onomda wesakhiwo?

Ukuba injongo kukuxhoma isibhengezo kwisakhelo esiza kusixhasa, chaza ukuba eso sixhaso sasamkelwe na, yaye ukuba kunjalo, ingaba loo mvume isasebenza na ze uqhoboshele ikopi yemvume leyo.....

Ummeli womfaki-sicelo (ukuba ukhona)

Igama lommeli

Inombolo yesazisi / Inombolo yobhaliso yommeli

Idilesi yesitalato nekhawudi

Idilesi yeposi nekhawudi

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Isignitsha yommeli okanye egameni lommeli Umhla:

Umfaki-sicelo

Igama lomfaki-sicelo okanye ummeli womfaki-sicelo

Inombolo yesazisi / Inombolo yobhaliso lomfaki-sicelo

Igama leshishini (ukuba likhona)

Uhlobo lweshishini

Idilesi yesitalato nekhawudi

Idilesi ye-imeyili nekhawudi

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Isignitsha yo/okanye egameni lomfaki-sicelo ogunyazisiweyo:

Isignitsha Umhla:

Umnini-mhlaba (ukuba wahlukile kumfaki-sicelo)

Igama lomnini-mhlaba

Inombolo yesazisi/Inombolo yobhaliso yomnini-mhlaba

Idilesi yesitalato nekhawudi

Idilesi ye-imeyili nekhawudi

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Isignitsha yo/okanye egameni lomfaki-sicelo ogunyazisiweyo:

Isignitsha Umhla:

Umasipala

Igama lommeli kamasipala

Igama lomasipala

Idilesi yeposi nekhawudi

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Ubume besicelo kumasipala

Chaza ukuba ingaba umasipala uyinikezile imvume yokuxhonywa okucetywayo kwesibhengezo ngokoMthetho kaMasipala olawula iibhilibhodi nokuxhonywa kwezibhengezo necandelo 43(5) loMthetho ukuba ngaba umasipala sisiphathamandla esigunyazisiweyo / eminye imithetho echaphazelekayo.

Chaza ukuba imvume yesibhengezo inikeziwe okanye ayinikezwanga na

[Qhoboshela ikopi yemvume ukuba ikhona]

UMthetho kaMasipala olawula iibhilibhodi nokuxhonywa kwezibhengezo

[Chaza igama loMthetho kaMasipala]

Chaza ukuba ingaba umasipala uyinikezile imvume yesibhengezo ngokwecandelo 43(5) loMthetho ukuba ngaba umasipala sisiphathamandla esigunyazisiweyo

[Qhoboshela ikopi yemvume ukuba ikhona]

Chaza ukuba ingaba imvume inikeziwe na okanye hayi ngokweminye imithetho echaphazelekayo, ukuba ikhona

[Chaza igama imithetho echaphazelekayo ze uqhoboshele ikopi yemvume ukuba ikhona]

Isayiniwe **Umhla****Egameni loMASIPALA wase**.....

ngu okwisikhundla se ogunyazisiweyo

Isitampu sikaMasipala:

Isicelo masikhathshwe koku kulandelayo:

1. Iplani yendawo

Iplani yendawo yesikeyili esiyi1:5000 ebonisa indlela esiza kubonakala kuyo isibhengezo, inombolo yendlela exelwe ngokwecandelo 12(4) loMthetho, umgama weekhilomitha kuloo ndlela, leliphi icala lendlela eliza kuba nesibhengezo kunye nezikhokelo zeGPS.

2. Iplani yomzobo wesiza

Iplani yomzobo wesiza ekuza kumisa okanye kuxhonywe kuso isibhengezo ezotywe kwisikeyili esimalunga ne1:500 nakumgama ongekho ngaphantsi kweemitha ezingama-200 phezu nasentla kophawu, ebonisa zonke iimpawu zendlela kumda wendlela nzo zonke izinto zendalo ezikhoyo, izakhiwo nezakhelo ezinokuchaphazela umgama wokubona, iindlela nezitrato, imida yeendlela, imida yezakhiwo, imimandla yezakhwo enemiqathango, amagama, iinombolo zeendlela, imigama yeekhilomitha ezikulo ndlela, zonke izibhengezo ezikhoyo ngoku kuloo mmandla, iimpawu zeendlela, irowubhothi, ingqikelelo yobungakanani bezowuni ebonakalayo nendawo eza kuba kuyo isayini efakelwa isicelo.

3. Iplani enguNdoqo (Master Plan) yoPhawu

Iplani engundoqo yophawu yalo naluphi na uphuhliso ekucetywa kulo izibhengezo eziliqela okanye ulungiso lwezibhengezo ezaziselwe zamkelwe iyafuneka ukuze kujongwe ukuba iyahambelana na nezinye phambi kokuba kwenziwe uvavanyo lwesibhengezo ngasinye.

4. Iinkcukacha zesibhengezo

Imizobo eneenkukacha zesibhengezo, iisayizi zamagama ezicetywayo nobude bomyalezo ocetywa ukufakwa kwisibhengezo.

5. Ezinye iinkcukacha zeentlobo ezithile zesibhengezo

Kwizibhengezo ezielektroniki, iibhilibhodi ezinkulu nezincinci, izakhiwo ezide, iimveliso ezikotshiwewo nezibhengezo ezimilontathu, izibhengezo ezixhonyiweyo kwizakhiwo okanye izinto nezibhengezo ezibonakala kwimifanekiso—

- (aa) ukunyuswa kwesibhengezo esiphakanyisiweyo sibe kwiskeyili esingekho ngaphezu kwe-1:500 okanye iifoto ezingekho ngaphantsi kwe-200mm x 250mm, ezithathwe kwimida yendlela esiza kubonakala kuyo isibhengezo, ezibonisa zonke izibhengezo neempawu zendlela ezikhoyo, ezibonisa esi sibhengezo sibekwe apho;

- (bb) iinkcukacha zendawo eza kuba kuyo iplani eza kuba kuyo nendawo ethathwe kuyo ifoto, umgama ukusuka kuloo ndawo ukuya kule ndawo inesibhengezo esiphakanyisiweyo, indawo yesibhengezo nobume baso kwindawo ezisingqongileyo; kunye
- (cc) neendawo eziza kukhanyiswa kwisibhengezo.

6 Isakhelo esixhasayo

NgokoMgaqo 27(2) imvume yokumisa isakhelo okanye izakhelo ezixhasa kufuneka ifakelwe isicelo ngokwecandelo 43(1) okanye (4) loMthetho. Iinkcukacha ezifunwayo ukuxhasa isicelo sesakhelo zichazwe kwiSihlomelo J yaye ezi nkcukacha kufuneka zifakwe nesicelo.

Ngaphezu kweemfuno zecandelo 43 loMthetho, kufuneka iinkcukacha zesakhelo esixhasayo, kubandakanywa nedizayini yesakhelo sesibhengezo nesatifikethi esikhutshwe yinjineli yezakhiwo esiqinisekisa ukhuseleko lolwakhiwo kwanokuba asizi kwenzakalisa abasebenzisi bendlala. Ukuba nizimisele ukuxhoma isibhengezo kwisakhelo esele sikhona, makubandakanywe imvume esebenzayo yeso sakhelo.

7. Ezinye iinkcukacha emazifakwe xa ziceliwe

Xa kucele uMphathiswa—

- (a) umasipala; okanye
(b) umfaki-sicelo,

umfaki-sicelo makanikeze ze athumele kwiNtloko yeSebe ezo nkcukacha zongezelelekileyo ezifunwa nguMphathiswa ukuvacanya ifuthe isibhengezo esiza kuba nalo kubasebenzisi-ndlela, ukhuseleko lwendlala nokusebenza kwezithuthi. Ezi nkcukacha zingabandakanya kodwa zingapheleli kwezi:

- (a) Iplani yendawo—
- (i) ezotywe kwisikeyili ubuncinane esiyi1:2000 ebonisa umgama ongekho ngaphantsi kweemitha ezingama-500 ngentla nangezantsi kwesiza sesibhengezo esenzelwa isicelo;
 - (ii) ebonisa zonke iinkcukacha ezifunekayo zeplani yomzobo wesiza, indawo ezithathwe kuyo ifoto, imilo ezahlukileyo zobume besiza, iindawo eziphakamileyo endleleni, isantya sokuhamba kuloo ndlela, iipali enezibane ezikwezoo ndlela;
 - (iii) naziphi ezinye iinkcukacha ezifunwa nguMphathiswa eziza kwenza ukuba kwenziwe uvavanyo olunzulu lawo nawuphi na umba onokuchaphazela ukhuseleko ezindleleni; kunye
- (b) nomzobo okanye ifoto ekwisikeyili esifanelekileyo sesibhengezo, obonisa zonke iinkcukacha, isiqulatho sesibhengezo, kubandakanywa amagama, iinombolo, iimpawu, imibala, imizobo, nezikhanyiso, yaye kusenokucelwa ezinye iinkcukacha okanye amaxwebhu.

Imvume yoMphathiswa

Ndinikeza imvume yesicelo sokuxhonywa kwesibhengezo esicetyiweyo ngokwecandelo 36(1) loMthetho, exhomekeke kule miqathango ilandelayo yomba othile.

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le mvume iya kusebenza isithuba esingangeminyaka eyi ukususela ngomhla wemvume, okanye de isibhengezo sisuswe okanye sitshintshwe ngumfaki-sicelo

yaye njengesiphathamandla esinegunya, ndinikeza enye imvume ngokwecandelo 43(5) loMthetho, exhomekeke kule miqathango ilandelayo:

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.....

le mvume iya kusebenza isithuba esingangeminyaka eyi ukususela ngomhla wemvume, okanye de isibhengezo sisuswe okanye sitshintshwe ngumfaki-sicelo.

Isayiniwe

**UMPHATHISWA WEPHONDO WEZOTHUTHO NEMISEBENZI KARHULMENTE
URHULUMENTE WEPHONDO LENTSHONA KOLONI**

ISIHLOMELO I

[Umgaqo 46]

IFOMU YESICELO YEMVUME OKANYE YOGUNYAZISO:

Igama lomfaki-sicelo okanye ummeli womfaki-sicelo

.....
Inombolo yesazisi lomfaki-sicelo

Idilesi ye-imeyili nekhawuli

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Isignitsha yo/okanye egameni lomfaki-sicelo Umhla:

Ummeli womfaki-sicelo (ukuba ukhona)

Igama lommeli

Inombolo yesazisi/Inombolo yobhaliso yommeli

Idilesi ye-imeyili nekhawuli

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Isignitsha yommeli okanye egameni lommeli..... Umhla:

Inkcazelo ngepropati efakelwa isicelo (ukuba iyangena kwesi sicelo)

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.....
.....

Umnini-mhlaba (ukuba ukhona)

Igama lomnini-mhlaba

Inombolo yesazisi/Inombolo yobhaliso yomnini-mhlaba

Idilesi yeposi nekhawudi

I(ii)nombolo yefowuni

Inombolo yefeksi

Idilesi ye-imeyili

Ndiyasixhasa/Siyasixhasa isicelo.

Isignitsha yo/okanye egameni lomnini-mhlaba Umhla:

Iinkcukacha zesicelo neyezibonelelo ezichatshazelwa sisiphakamiso (jonga nakwiSihlomelo J nezona nkcukacha zincinci emazinikezwe):

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ISAYINWA YIOFISI:

Imvume inikeziwe/ yaiwe ngomhla we-

Izimvo:

.....

ISIHLOMELO J
[Imigaqo 46 no-47]

EZONA NKCUKACHA ZINCINCI EMAZINIKWE KWISICELO NGASINYE NESHEDYULI YEMIRHUMO NEMALI EZIKHUTSHELWA ISIBONELELO SEZOTHUTHO SEPHONDO

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkcukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
16(1)	Isicelo sokuvala ukusa kwenye indawo okanye ukutshintsha isibonelelo sezothutho	<ol style="list-style-type: none"> 1. Inkcazelo yesibonelelo sezothutho esichaphazelekayo esinokubonwa ngokucacileyo; ukuba yindlela, bandakanya inombolo yendlela; 2. Ukuba inxalenye yendlela okanye umzila kaloliwe uza kusiwa kwenye indawo; chaza iikhilomitha zaloo nxalenye ichaphazelekayo; 3. Izikhokelo zeGPS; 4. Iplani yomzobo ebonisa iindawo ezikhoyo nezindululwayo kunye namagama eepropati ezichaphazelekayo, imida yeepropati, kunye namagama abanini beepropati; 5. Irekhodi yeengxoxo nabanini-propati nabanye abantu abaza kuchaphazeleka nezinye izimvo ezifunyenweyo; 6. Izizathu zesiphakamiso.	.....
18(1)(a) kunye no-18(4)	Isicelo semvume yomisele lwelokishi, ulwahlula-hlulo lomhlaba, naluphi utshintsho losetyenziso-mhlaba ngokwawo nawuphi umthetho okanye inkqubo yocwangciso lwedolophu, salo naluphi ugunyaziso okanye isigqibo esixelwe kwiNEMA okanye Inhra	<ol style="list-style-type: none"> 1. Inkcazelo yomhlaba ochaphazelekayo okanye inxalenye yawo njengoko uchaziwe kwiOfisi yeMihlaba echaphazelekayo. Kwimeko yenxalenye yomhlaba umzobo okanye inkcazelo eya kunceda ukuba iSebe likwazi ukuwukhomba mayingeniswe ukuba ngaba umzobo woMzobi-Mihlaba awukho; 2. Inkcazelo yesibonelelo sezothutho esichatsazelwa sisindululo; 3. Inkcazelo yosetyenziso-mhlaba olucetywayo elokishini okanye kwipropati eyahlulahluliweyo kwanokuba siza kuchaphazeleka njani isibonelelo sezothutho kunye nophando ngezothutho olubonisa oko namanyathelo ongenelelo; 4. Izizathu zesiphakamiso.	.....
18(2) kunye no-18(4)	Isicelo sokufaka, sokwakha, ukutshintsha okanye ukongezelela kuye nawuphi na uphayiphu, uphayiphu wombane okanye ikheyibhuli, okanye nayiphi na enye into elulwakhiwo entla okanye phantsi kwendawo engaphakathi komda wolwakhiwo lwesibonelelo sezothutho kwisaziso ngokwecandelo 17(3) sipapashiwe, okanye sokufaka, sokwakha, ukutshintsha okanye ukongezelela kuso nasiphi nai sakhelo esikuloo mmandla.	<ol style="list-style-type: none"> 1. Inkcazelo / inombolo yendlela okanye esinye isibonelelo sezothutho; 2. Ukuba yindlela okanye umzila kaloliwe iyachaphazeleka, inani leekhilomitha leenxalenye ezichaphazelekayo; 3. Izikhokelo zeGPS; 4. Iplani yomzobo ebonisa inkonzo ecetywayo okanye nasiphi esinye isakhiwo esichaphazela isibonelelo sezothutho nemida yesakhiwo echaphazelekayo; 5. Ukuba yinkonzo, uhlobo lwenkonzo, ubungakanani bayo, iinkcukacha, iindlela zolwakhiwo ezicetywayo nokumenteyina; 6. Ukuba sisakhiwo okanye isakhelo, iiplani zesakhiwo okanye utshintsho olucetywayo; 7. Izizathu zesiphakamiso nokunye okunokwenziwa okuqwalaselweyo.	.....

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
18(3) kunye no-18(4)	Isicelo sokutshintshwa okanye sokwandiswa kwendlela osetyenziswa ngayo umhlaba okummandla omelene nesibonelelo sezothutho ekubhekiswa kuso kwicandelo 18(3) loMthetho	<ol style="list-style-type: none"> 1. Inkcazelo ngepropati ebandakanyekayo nesibonelelo sezothutho esichatshazelwayo sesi siphakamiso kubandakanywa– <ol style="list-style-type: none"> (a) inkcazelo yomhlaba ochaphazelekayo okanye inxalenye yawo njengoko uchaziwe kwiOfisi yeMhlaba echaphazelekayo, yaye kwimeko yenxalenye yomhlaba, umzobo okanye inkcazelo eya kunceda ukuba iSebe likwazi ukuwukhomba mayingeniswe ukuba ngaba umzobo woMzobi-Mihlaba awukho; (c) iiplani okanye iiplani zemizobo ezibonisa uphuhliso nokuhlangana kwazo nesibonelelo sezothutho esichaphazelekayo; (d) Izikhokelo zeGPS; (e) ukuba isibonelelo sezothutho ekubhekiswa kuso yindlela ekhoyo, kufuneka sibonise ngenombolo nemigama yeekhilomitha kwidatha ekhoyo; 2. Inkcazelo yemisebenzi ecetywayo kuphuhliso nendlela isibonelelo sezothutho esiza kuchaphazeleka ngayo, kubandakanywa ifuthe lofikelelo kuphuhliso, kunye nefuthe kwizithuthi ngokubanzi nophando ngefuthe kwizithuthi zikawonkewonke olukhokele isiphakamiso; 3. Inkukacha ngamanyathelo ongenelelo okujongana neziphumo ezibi kwezothutho eziya kwenziwa lutshintsho losetyenziso-mhlaba; kunye 4. Nezimvo zakho kwiziphumo eziya kuba naso esi sindululo kwiplani yezothutho ehlanganisiweyo yalo mmandla uchaphazelekayo.	.....
21(6)	Isicelo sokuvalwa okwethutyana okanye ukususwa kwendlela isiwe kwenye indawo okanye komzila kaloliwe	<ol style="list-style-type: none"> 1. Inkcazelo/inombolo yendlela okanye yomzila kaloliwe; 2. Inani leekhilomitha kwindlela okanye umzila kaloliwe oza kovalwa okanye oza kutshintshwa; 3. Izikhokelo zeGPS; 4. Iplani yomzobo ebonisa ulungelelwaniso olukhoyo ngoku lwendlela okanye umzila kaloliwe ocetywayo kunye namagama eepropati ezichaphazelekayo, imida yeepropati, kunye namagama abanini beepropati; 5. Irekhodi yeengxoxo nabanini-propati nabanye abantu abaza kuchaphazeleka nezinye izimvo ezifunyenweyo; 6. Izizathu zesiphakamiso.	.....
40(1)	Isicelo sesango lokungena okanye lokuphuma kwisibonelelo sezothutho	<ol style="list-style-type: none"> 1. Inkcazelo/inombolo yendlela okanye esinye isibonelelo sezothutho esichaphazelekayo; 2. Ukuba yindlela, inani leekhilomitha lesango lokungena okanye lokuphuma elicetywayo; 3. Izikhokelo zeGPS; 4. Iplani yomzobo obonisa isindululo; 5. Usetyenziso olucetywayo lwesango lokungena okanye lokuphuma; 6. Inkcazelo yokuba isibonelelo sezothutho siza kuchaphazeleka njani kunye nophando olukhoyo olubonisa oko namanyathelo ongenelelo; 7. Izizathu zesiphakamiso.	.....

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
41(5)(a)	Isicelo sokusa kwenye indawo amasango kwindlela	<ol style="list-style-type: none"> 1. Inkcazelo/inombolo yendlela echaphazelekayo; 2. Inani leekhilomitha lamasango akhoyo nalawo acetywayo; 3. Izikhokelo zeGPS; 4. Iplani yomzobo obonisa isindululo; 5. Usetyenziso olucetywayo lwesango lokungena okanye lokuphuma; 6. Inkcazelo yokuba isibonelelo sezothutho siza kuchaphazeleka njani kunye nophando olukhoyo olubonisa oko namanyathelo ongenelelo; 7. Izizathu zesiphakamiso.	.....
42(1)(b)	Isicelo sokuba abeke okanye ashiye isithuthi okanye umtshini ongasetyenziswayo okanye inxenye yawo okanye nayiphi na inkunkuma kwisithuba esizimitha ezingama-200 ukusuka kumgca osembindini wayo nayiphi na indlela okanye umzila kaloliwe ebonakalayo kokuloo ndlela okanye kuloo mzila kaloliwe	<ol style="list-style-type: none"> 1. Inkcazelo / inombolo yendlela okanye umzila kaloliwe ; 2. Inani leekhilomitha kwindlela okanye umzila kaloliwe ochaphazelekayo; 3. Izikhokelo zeGPS; 4. Inkcazelo yomhlaba ochaphazelekayo okanye inxalenye yawo njengoko uchaziwe kwiOfisi yeMihlaba echaphazelekayo. Kwimeko yenxalenye yomhlaba, umzobo okanye inkcazelo eya kunceda ukuba iSebe likwazi ukuwukhomba mayingeniswe ukuba ngaba umzobo woMzobi-Mihlaba awukho; 5. Iplani yomzobo ebonisa isithuthi, umatshini okanye inxalenye yazo echaphazela isibonelelo sezothutho esichaphazelekayo; 6. Izizathu zesiphakamiso.	.....
43(1)	<p>Isicelo sokwenza oku-</p> <p>(a) ukumisa okanye ukwakha isakhelo okanye enye into efakwe emhlabeni emi kuwo, kubandakanywa isakhiwo esingeyonxalenye yomhlaba;</p> <p>(b) ukwakha okanye ukubeka nantoni ngaphantsi okanye ngaphezu komhlaba;</p> <p>(c) ukwakha nantoni evela ngaphezu komhlaba ochaphazelekayo;</p> <p>(d) ukuhambisa iintambo zombane nemibhobho ngaphantsi komhlaba okanye kumhlaba ochaphazelekayo, okanye</p> <p>(e) ukwenza naluphi utshintsho kwisakhiwo okanye kwinto ekubhekiswe kuyo kumhlathi (a), (b), (c) okanye (d)</p> <p>kubandakanywa izixhasi zezibhengezo kodwa kungafakwa iinkonzo ekubhekiswe kuzo kwicandelo 43A loMthetho—</p> <p>(i) kumda wesibonelelo sezothutho;</p> <p>(ii) kumda wesakhiwo onesibonelelo sezothutho; okanye</p> <p>(iii) kummandla onemiqathango yolwakhiwo.</p>	<ol style="list-style-type: none"> 1. Inkcazelo ngepropati ebandakanyekayo nesibonelelo sezothutho esichatshazelwayo sesi siphakamiso kubandakanywa— <ol style="list-style-type: none"> (a) inkcazelo yomhlaba ochaphazelekayo okanye inxalenye yawo njengoko uchaziwe kwiOfisi yeMihlaba echaphazelekayo, yaye kwimeko yenxalenye yomhlaba, umzobo okanye inkcazelo eya kunceda ukuba iSebe likwazi ukuwukhomba mayingeniswe ukuba ngaba umzobo woMzobi-Mihlaba awukho; (b) iiplani okanye iiplani zemizobo ezibonisa uphuhliso nokuhlanguka kwazo nesibonelelo sezothutho esichaphazelekayo; (c) Izikhokelo zeGPS; (d) ukuba isibonelelo sezothutho ekubhekiswa kuso yindlela ekhoyo okanye umzila kaloliwe, kufuneka siboniswe ngenombolo nemigama yeekhilomitha kwidatha ekhoyo; 2. Inkcazelo yemisebenzi ecetywayo kuphuhliso nendlela isibonelelo sezothutho esiza kuchaphazeleka ngayo, kubandakanywa ifuthe lofikelelo kuphuhliso, kunye nefuthe kwizithuthi ngokubanzi nophando ngefuthe kwizithuthi zikawonkewonke olukhokele isiphakamiso; 3. Iinkukacha ngamanyathelo ongenelelo okujongana neziphumo ezibi kwezothutho eziya kwenziwa lutshintsho losetyenziso-mhlaba; kunye 4. Nezimvo zakho kwiziphumo eziya kuba naso esi sindululo kwiplani yezothutho ehlanganisiweyo yalo mmandla uchaphazelekayo.	.....

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
43(4)	Isicelo sotyeshelo kwimiqathango ebekwe licandelo 43(1) elifundwa necandelo 43(2) kumda wesibonelelo sezothutho, kumda wesakhiwo onesibonelelo sezothutho, okanye kummandla onemiqathango yolwakhiwo. ²	<ol style="list-style-type: none"> 1. Inkcazelo / inombolo yendlela okanye esinye isibonelelo sezothutho; 2. Inani leekhilomitha kwindlela okanye umzila kaloliwe ochaphazelekayo; 3. Izikhokelo zeGPS; 4. Iplani yomzobo ebonisa isakhiwo esicetywayo kwisibonelelo sezothutho nemida yesakhiwo echaphazelekayo; 5. Ukuba sisakhiwo esibonelela ngenkonzo, uhlobo lwenkonzo, ubungakanani bayo, iinkcukacha, iindlela zolwakhiwo ezicetywayo nokumenteyina; 6. Ukuba sisakhiwo okanye isakhelo, iiplani zesakhiwo okanye utshintsho olucetywayo; 7. Izizathu zesiphakamiso nezinye iimeko eziye zaqwalaselwa.	.....
44(1)	Isicelo sokwamkelwa kophuhliso olubandakanya utshintsho okanye ulongezelelo kusetyenziso-mhlaba kummandla omelene nesibonelelo sezothutho.	<ol style="list-style-type: none"> 1. Inkcazelo yomhlaba ochaphazelekayo okanye inxalenye yawo njengoko uchaziwe kwiOfisi yeMihlaba echaphazelekayo. Kwimeko yenxalenye yomhlaba, umzobo okanye inkcazelo eya kunceda ukuba iSebe likwazi ukuwukhomba mayingeniswe ukuba ngaba umzobo woMzobi-Mihlaba awukho; 2. Iiplani okanye iiplani zemizobo ezibonisa uphuhliso nokuhlangana kwazo nesibonelelo sezothutho esichaphazelekayo; 3. Izikhokelo zeGPS; 4. Inkcazelo yesibonelelo sezothutho esichatshazelwa sisindululo. Ukuba isibonelelo yindlela ekhoyo okanye umzila kaloliwe, chaza inombolo neekhilomitha zomgama kwidatha enikeziweyo; 5. Inkcazelo yemisebenzi ecetywayo kuphuhliso nendlela isibonelelo sezothutho esiza kuchaphazeleka ngayo, kubandakanywa ifuthe lofikelelo kuphuhliso, kunye nefuthe kwizithuthi namanyathelo ongelelo; 6. Izizathu zesiphakamiso.	.....
47(2)(b)	Isicelo sokususa igeyithi enye okanye nangaphezulu kwisibonelelo sezothutho.	<ol style="list-style-type: none"> 1. Inkcazelo yesibonelelo sezothutho esichatshazelwa sisindululo. Ukuba isibonelelo yindlela ekhoyo, kufuneka siboniswe ngenombolo nemigama yeekhilomitha kwidatha ekhoyo; 2. Iiplani okanye iiplani zemizobo ezibonisa igeyithi okanye igeyithi ezichaphazelekayo kunye nobiyelo olungqonge isibonelelo sezothutho kunye naluphi na olunye utshintsho olucetywayo; 3. Izikhokelo zeGPS; 4. Irekhodi yeengxoxo nabanini-propati nabanye abantu abaza kuchaphazeleka nezinye izimvo ezifunyenweyo; 5. Izizathu zesiphakamiso.	.....
47(5)	Isicelo sokufakela ucingo kwimida yesibonelelo sezothutho, okanye sokususa ucingo kulandelwa icandelo 47 loMthetho kwimida yesibonelelo sezothutho.	<ol style="list-style-type: none"> 1. Inkcazelo yesibonelelo sezothutho esichatshazelwa sisindululo. Ukuba isibonelelo sezothutho yindlela ekhoyo, kufuneka siboniswe ngenombolo nemigama yeekhilomitha kwidatha ekhoyo; 2. Izikhokelo zeGPS; 3. Kwimeko yocingo olucetywayo, imigangatho nemiqathango endululwayo emayiqwalaselwe ekunikezeni imvume; 4. Iiplani okanye iiplani zemizobo ezibonisa ucingo ekucetywa ukuba lususwe.	.....

² Qaphela ukuba kwimeko yezibhengezo, kufuneka kufunyanwe imvume ngokweSahluko 3 nangokomthetho kaMasipala ochaphazelekayo, neminye imithetho, ukuba ikhona. [Jonga iSahluko 3 ezifundwa neZihlomelo G no-H]

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
		5. Irekhodi yeengxoxo nabanini-propati nabanye abantu abaza kuchaphazeleka nezinye izimvo ezifunyenweyo; 6. Izizathu zesiphakamiso.	
48(1)	Isicelo sokufaka igeyithi kwelinye icala lendlela	1. Inkcazelo / inombolo yendlela; 2. Inani leekhilomitha lendawo eza kuba kuyo igeyithi; 3. Izikhokelo zeGPS; 4. Iiplani okanye iiplani zemizobo ezibonisa igeyithi ecetywayo, ucingo olukhoyo okanye olucetywayo endleleni kunye nayiphi imida yepropati echaphazela isicelo; 5. Irekhodi yeengxoxo nabanini-propati nabanye abantu abaza kuchaphazeleka nezinye izimvo ezifunyenweyo; 6. Izizathu zesiphakamiso.	.....
50(1)	Isicelo sokwenza umgodi kwisibonelelo sezothutho okanye ngaphantsi kwaso okanye kummandla onemiqathango yolwakhiwo	1. Inkcazelo yesibonelelo sezothutho esichaphazelekayo esinokubonwa ngokucacileyo; ukuba yindlela, bandakanya inombolo yendlela; 2. Ukuba inxalenye yendlela okanye yomzila kaloliwe iyachaphazeleka, chaza iikhilomitha zaloo nxalenye ichaphazelekayo; 3. Izikhokelo zeGPS; 4. Inkcazelo neplani yomzobo yemisebenzi yomgodi ebonisa ubungakanani bomgodi kwisibonelelo sezothutho nemida yesakhiwo echaphazelekayo; 5. Imathiriyeli eziza kombiwa, iindlela eziza kusetyenziswa zokwemba novuselelo lommandla kwanokuba kuthethiwe na neSebe elijongene neZimbiwa; 6. Iinkqubo zokukhusela isibonelelo sezothutho ekumoshakaleni xa kusembiwa; 7. Izizathu zesiphakamiso nokunye okunokwenziwa okuqwalaselweyo.	.....
51(1)	Isicelo sokuba umntu aqhube ushishino, athengise izinto okanye abeke emboniselweni, anike okanye enze izinto zokuthengisa kwisibonelelo sezothutho okanye kwindawo enonyino lolwakhiwo	1. Inkcazelo yesibonelelo sezothutho esichaphazelekayo esinokubonwa ngokucacileyo; ukuba yindlela, bandakanya inombolo yendlela; 2. Ukuba inxalenye yendlela okanye umzila kaloliwe iyachaphazeleka, chaza iikhilomitha zaloo nxalenye ichaphazelekayo; 3. Izikhokelo zeGPS; 4. Uhlobo loshishino olucetywayo nezinto eziza kuveliswa okanye eziza kuthengiswa, uhlobo lokwenza izibhengezo zeshishini okanye zeemveliso; 5. Iiplani yomzobo ebonisa isiza esicetywayo kwisibonelelo sezothutho nemida yesakhiwo echaphazelekayo; 6. Iinkukacha zokuba ushishino luza kuthobela iMithetho kaMasipala echaphazelekayo neBusinesses Act, 1991 (uMthetho Nomb. 71 ka-1991); 7. Kwiindlela nezibonelelo zeendlela zenkxaso, ingaba imida okanye ummandla uzowuniwe okanye hayi ukulungiselela esi sicelo siphakanyisiweyo ngokwemithetho echaphakazelekayo; 8. Kwiindlela nezibonelelo zeendlela zenkxaso, ingaba imimandla eyodwa isikelwe urhwebo na okanye hayi ziziphathamandla ezinamagunya; 9. Ingaba isiphakamiso, kubandakanywa inxalenye yezibhengezo, siza kuba nobungozi na kubantu, izithuthi okanye ipropati.	.....

Icandelo loMthetho	Uhlobo lwemvume okanye logunyaziso olufunwayo	Ezona nkukacha zincinci emazinikezwe	Umrhumo wesicelo (R)
60(3)	Isicelo segunya lokuba kwenziwe into engavumelekanga ngokoMthetho.	<p>1. Inkcazelo epheleleyo yamanyathelo acetywayo, kubandakanywa izinto ezibhekisa kwicandelo loMthetho elingakuvumeliyo oku. Ukuba ibhekisa kumba othile kwisibonelelo sezothutho, inkcazelo epheleleyo eyenza ukuba abonakale nefuthe anokuba nalo kwinyathelo elicetywayo kwisibonelelo sezothutho esichaphazelekayo;</p> <p>2. Isizathu sesicelo.</p>	.....
62(2)	Izibheno	Akukho zinkukacha zincinci zibekiweyo.	.....

