

## Toll Roads in Gauteng

of time. In January 2008, with the mediation of the NDoT, the parties sought to resolve these differences and reached a common understanding in the interests of intergovernmental relationships and the public.

During February 2008, the parties negotiated a Memorandum of Co-operation ("MOU") that reflected their more amicable relationship and was intended to form the main agreement regarding the overall implementation of the Scheme. According to the MOU, the parties realigned their individual mandates so that they could work towards the fulfilment of their mutually shared objective of a robust road infrastructure.

The primary objectives of the MOU include:

- The promotion of the role of SANRAL with regard to the management and control of the national roads system, and of GAUTRANS with regard to its constitutional responsibilities concerning provincial roads and public transport within the Province;
- The partnership of the parties and the substantive decision-making capacity of each party;
- The intention of the parties to articulate a formula according to which they will share between themselves the revenue accrued from the functioning of the Scheme; and
- The promotion of the rational forward-planning of the phases of the Scheme in an efficient, systematic manner.

Notwithstanding the signing of the MOU, the misunderstandings and disagreements between GAUTRANS and SANRAL with regards to the implementation of the GFIS Scheme persisted. Yet another workshop was convened on 27 March 2009, it was apparent that the parties still had several disagreements as to how the Scheme should be operated. None of the June 2006 key issues were being considered by SANRAL, in particular, the issue of adequate public transport, the associated park & ride facilities, the construction of new roads such as the PWV 9, PWV 5, PWV 15 and R80, and more especially, the introduction of HOV lanes, not only for taxis and busses, but also for regular private vehicles with 3 occupants to encourage lift clubs and rides sharing.



### Joint decision making

The national and provincial governments are each custodians of portions of the road network that traverses the Gauteng Province. SANRAL is the main authority charged with the responsibility to inter alia plan, design, construct, control and maintain national roads in the Republic. GAUTRANS in turn, has authority over all provincial roads and public transport in the Gauteng Province.

The MOU, which constitutes the founding agreement regulating the relationship between SANRAL and GAUTRANS, provides that the GAUTRANS and SANRAL have an individual and joint commitment to ensure that the Scheme is conducted as a comprehensive programme in accordance with the principles of co-operative government. To this end, the MOU:

- Establishes a professional and co-operative partnership arrangement;
- Works towards the achievement of the objectives and general principles of efficient roads and transport management;
- Enhances transparency and accountability on the part of both parties in the performance of their commitments;
- Establishes a framework within which the regulation and operation of the Scheme can be implemented and appropriate action taken where problems arise; and
- Seeks to promote the respective roles of SANRAL with regard to the management and control of the national roads system, and of GAUTRANS with regard to its constitutional responsibilities concerning provincial roads and public transport within the Province.

In recognition of the need to observe the principles of co-operative governance as the key component to the successful implementation and fulfilment of the objectives of the MOU, the lack of joint decision making was raised as an area of major concern by the GAUTRANS at the March 2009 workshop. There was a concern that SANRAL did not involve GAUTRANS in substantive decision making regarding the implementation of the Scheme, and further that all the June 2006 agreements have not been carried through the implementation process.

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A further impetus for substantive joint decision making by SANRAL and GAUTRANS in the implementation of the Scheme is reflected in clause 18 of the MOU which acknowledges the fact that, in terms of the Constitution, GAUTRANS possesses exclusive provincial legislative competence regarding provincial roads. To this end, GAUTRANS is obliged to ensure that the use and function of the said roads are in keeping with its constitutional mandate and the dictates of national and provincial legislation pertaining to roads and public transport. In order to achieve this end, GAUTRANS shall be a joint partner and decision-maker with SANRAL in the substantive aspects of the Scheme as set out in the founding documents of the Scheme to ensure that:

- The Scheme is consistent with the GAUTRANS's constitutional obligations regarding provincial roads;
- The Scheme is in keeping with the principles of the macro transport and road strategic plans of the GAUTRANS; and
- The duty of the GAUTRANS to provide a comprehensive public transport system is observed in the implementation of the Scheme.

## Transfer of Roads and Revenue Sharing

As part of the co-operation between GAUTRANS and SANRAL for the successful implementation of the Scheme, the MOU sets out that the GAUTRANS shall transfer its provincial roads forming part of the Scheme to SANRAL, in order to enable SANRAL to upgrade these roads. In this regard, it is specifically recorded in clause 49 of the MOU that where a provincial road is declared to be a national road, this shall be for the purposes of inclusion in the toll road network; thus the revenue collected from the specific road shall be shared in accordance with revenue-sharing method that shall be agreed upon at the time. To this end, portions of N1 and N17, along with R21 and R24 were transferred to SANRAL by GAUTRANS in good faith.

However, despite this unambiguous provision of the MOU which explicitly states that the contemplated transfers shall be effected subject to the proviso that the revenue accrued from the tolls by SANRAL would be shared with the Province, SANRAL have categorically



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stated that they do not envisage any revenue sharing with the GAUTRANS and any of the municipalities. The logic advanced by SANRAL for the reluctance to commit to revenue sharing was apparently by virtue of the fact that any possible revenue sharing would only become a reality after a period of thirty years into the implementation phase of the Scheme, as per the calculated assumptions of SANRAL's financial model. Such logic untenable as it reflects a lack of commitment to joint decision making by SANRAL as contemplated in the MOU. It had always been the GAUTRANS contention that the final model for the Scheme would necessarily require adequate input from GAUTRANS to constitute a mutually acceptable and workable document which sufficiently caters for both parties interests. Furthermore, SANRAL's position on the issue of revenue sharing undermines the underlying principles of co-operative government which necessarily encompass joint decision making by the parties.

As intimated above, the MOU contemplates that should a provincial road be declared a national road for purposes of inclusion in the toll road network, the revenue collected from such specific road shall be shared in accordance with the revenue sharing methodology agreed upon by the parties. In summary, the process contemplated would entail the following:

- GAUTRANS would transfer some of its existing and future provincial roads to SANRAL;
- SANRAL would acquire the permission from the Minister responsible for Transport to declare such roads as national roads;
- SANRAL would then obtain ministerial approval permitting the tolling of such roads in terms of the relevant provisions of the SANRAL Act; and
- The revenue accrued from the tolling of such roads would be shared accordingly between SANRAL and GAUTRANS.

The MOU between the parties provides that for the achievement of the government's goals and policy objectives with regards to roads throughout South Africa and macro transport and road planning, a revenue sharing model shall be entered into between the parties to enable each party to have financial shares in the Scheme which are proportional and equitable. The model of revenue sharing was envisaged as both SANRAL and the GAUTRANS



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need to fulfil their constitutional and legislative mandates regarding national and provincial roads respectively.

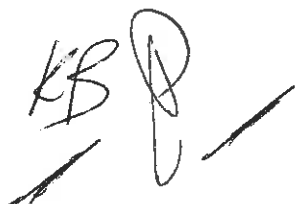
Revenue sharing as agreed upon in the MOU between the parties is envisaged to take place in two phases. In phase one, the revenue generated by the Scheme shall be applied as follows:

- Repayment of the capital debt;
- A portion reserved for investment in the Scheme with regard to the maintenance of existing roads and the construction of new roads;
- A minimum portion allocated to SANRAL for its role as the implementing agent for use in accordance with its legislative imperatives; and
- A minimum portion allocated to the GAUTRANS which the GAUTRANS may use for the purposes of major transport and infrastructure projects in Gauteng.

In phase two, the revenue generated shall be shared proportionally taking into account the following considerations:

- Any future projects that may be implemented as a direct part and a continuation of the Scheme;
- Funds that SANRAL requires in order to fulfil its broader mandate and priorities in terms of the SANRAL Act; and
- Funds that the GAUTRANS requires in order to fulfil its strategic objectives with regard to its comprehensive road and transport plans for Gauteng.

In order to give effect to and realise the revenue sharing contemplated by the parties, SANRAL is required in terms of the MOU to take all reasonable steps that may lead to the amendment of the relevant sections of the SANRAL Act in order to enable the parties to bring into effect the method of revenue sharing envisaged by the MOU. It would appear that SANRAL has reneged on what was agreed in the MOU in as far as the issue of revenue sharing is concerned and that it does not intend to attend to the necessary amendment of the SANRAL Act as agreed. The only amendments to the SANRAL Act, the National Road Traffic Act 93 of 1996 ("NTA") and the Administrative Adjudication of Road Traffic Offences Act 46 of 1998 ("AARTO") are those that would facilitate the enforcement of toll payments.



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In this regard, SANRAL's position is at odds with what is clearly stated in the MOU to the effect that SANRAL shall take any reasonable steps in order to have its legislation amended to provide for revenue sharing.

### Financial model

Another concern flagged in the context of lack of information sharing and joint decision making in the implementation of the MOU, is the reluctance of SANRAL to share its financial model with GAUTRANS. SANRAL indicated that it was not able to share its full financial model with the GAUTRANS as the model constituted intellectual property of the financial consultant hired by SANRAL. The financial consultant is known as Tollplan and was hired by SANRAL on its own account.

At the March 2009 workshop, SANRAL furthermore indicated that the current financial model was not the final model that will be used for the Scheme (due to outstanding information that was yet to be incorporated) and that the consultant was still constructing the final product. At this juncture it is important to indicate that the financial consultant was constructing the financial model on the instruction of SANRAL and the construction of this model would thus be done in the best interest of SANRAL and not necessarily in the best interest of all parties to the Scheme. It was indicated by SANRAL that a provisional financial model would be available only in three months from the date of the March 2009 workshop. SANRAL did not, however, indicate that the GAUTRANS would be allowed access to the model despite GAUTRANS's demand that SANRAL gives this undertaking in the spirit of openness, accountability and responsiveness.

### Conclusion

It is against this backdrop that I deem it appropriate to highlight the fact that the spirit of mutual and substantive co-operative partnership as underlined by the imperatives of the principles of co-operative government are not being observed by SANRAL with regards to the implementation of the Scheme. It is thus my contention that it would be premature for



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SANRAL to switch on the payment gantries as a number of key principles as contained in the June 2006 scheme and agreed to jointly with the NDoT, GAUTRANS and the Municipalities have not been incorporated in the current arrangements.

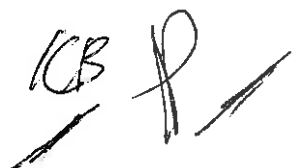
The road users of Gauteng cannot be charged any tolls before the upgrading and expansion of the entire freeway road network, more specifically new sections being PWV9 (Fourways to Laudium), PWV5 (Roodepoort to OR Tambo Airport through Midrand), PWV14 (Germiston to Boksburg) and R80 (N12 south of Johannesburg to Alberton).

The tolling system cannot go live before the Public Transport through modal integration initiatives such as park and ride facilities and the extension of the bus rapid transit network covering Greater Soweto, the southern parts of Johannesburg including Lenasia and Orange Farm, the northern parts of Johannesburg to include Sunninghill, Randburg, Cosmo City and Diepsloot, along with the further extension of the system into Ekurhuleni and Tshwane.

The tolling system is far from complete without the Travel Demand Management system that will allow for High Occupancy Vehicle (HOV) lanes – the June 2006 agreement identified categories that can use HOV lanes which included private passenger vehicles with 3+ occupants to encourage lift clubs and ride sharing where public transport is not practical and is not readily available.

In its current form, the tolling system has not attended to the major traffic diversions onto the Provincial and Metropolitan road network as a result of the national roads only scheme. These diversions were especially acute during Initial Construction Works (ICW), when of necessity lane diversions, narrowing of lanes and loss of shoulders will reduce capacity, even if the numbers of through lanes were not reduced. These diversions will remain after construction due to the toll charge then being in place.

Sibusiso Buthelezi



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IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

Case No: 17141/12

In the matter between:

**OPPOSITION TO URBAN TOLLING ALLIANCE** First Applicant

**SOUTH AFRICAN VEHICLE RENTING AND LEASING ASSOCIATION** Second Applicant

**QUADPARA ASSOCIATION OF SOUTH AFRICA** Third Applicant

**SOUTH AFRICAN NATIONAL CONSUMER UNION** Fourth Applicant

and

**THE SOUTH AFRICAN NATIONAL ROADS AGENCY LTD** First Respondent

**THE MINISTER, DEPARTMENT OF TRANSPORT** Second Respondent

**THE MEC, DEPARTMENT OF ROADS AND TRANSPORT, GAUTENG** Third Respondent

**THE MINISTER, DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS** Fourth Respondent

**THE DIRECTOR-GENERAL, DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS** Fifth Respondent

**NATIONAL CONSUMER COMMISSION** Sixth Respondent

**NATIONAL TREASURY** Seventh Respondent

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**CONFIRMATORY AFFIDAVIT**

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I, the undersigned,

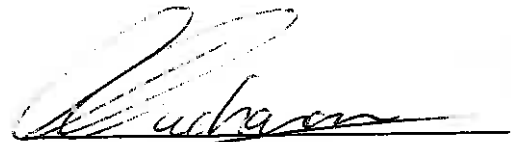




**KELVIN ANGUS BUCHANAN**

do hereby make oath and state that:

1. I am an adult male candidate attorney in the employ of Cliffe Dekker Hofmeyr Inc, the attorneys of record for the applicants with offices situated at 1 Protea Place, Sandown, Sandton.
2. The contents of this affidavit falls within my personal knowledge and is true and correct.
3. On 16 July 2012 I conducted an Internet search for the article annexed to the supplementary founding affidavit of Leopold Jean Joseph Pauwen as "SA7" which I found on the website of Sibusiso Buthelezi.



**KELVIN ANGUS BUCHANAN**

I hereby certify that the deponent has acknowledged that he:

- (a) knows and understands the contents of this affidavit;
- (b) has no objection to taking the oath;
- (c) considers the oath to be binding on his conscience.

THUS signed and sworn to before me, at *Sandton* on *16 July* 2012, the Regulations contained in Government Notice No. R1258 of 21 July 1972 (as amended), having been fully complied with.



PATRICIA FREDA BLAAUW  
Commissioner of Oaths  
Reference: 10717/10 Randburg 05/C7/2010  
22 Fredman Drive  
Sandton

**COMMISSIONER OF OATHS**

## GOVERNMENT NOTICE

### DEPARTMENT OF TRANSPORT

No. 310

13 April 2012

#### THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

### DEPARTMENT OF TRANSPORT

#### GAUTENG FREEWAY IMPROVEMENT PROJECT, TOLL ROADS: PUBLICATION OF THE TARIFFS FOR THE DIFFERENT CATEGORIES OF ROAD USERS AND CLASSES OF MOTOR VEHICLES

The Head of the Department of Transport hereby makes known, in terms of section 27(3) (c) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998), that the Minister of Transport has, in terms of section 27(3) (a) of the Act, determined the tariffs to be levied on the following roads:

**As declared by Government Notice No. 30912 of 28 March 2008**

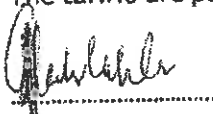
- N1 sections 20 and 21
- N3 section 12
- N4 section 1
- N12 sections 18 and 19

**As declared by Government Notice No. 31273 of 28 July 2008**

- R21 sections 1 and 2

The tariffs to be levied on these roads in terms of section 27(3) (b) and (d) of the Act are set out in the Schedule to this Notice and herewith amend Government Notice 52 of 4 February 2011.

The tariffs are payable from 30 April 2012.



Mr G Mahlalela

DIRECTOR-GENERAL: TRANSPORT



**SCHEDULE**

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998  
(ACT NO. 7 OF 1998)**

**GAUTENG FREEWAY IMPROVEMENT PROJECT, TOLL ROADS: PUBLICATION OF THE  
TARIFFS FOR THE DIFFERENT CATEGORIES OF ROAD USERS AND CLASSES OF MOTOR  
VEHICLES**

The purpose of this notice is to publish information about toll tariffs as required by section 27(3) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act).

**Contents of notice**

**Paragraph 1, Definitions**, sets out the meaning of *italicised* words in the notice. The notice cannot be read without reference to the Definitions. Both the definitions set out in section 1 of this notice and the definitions of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) apply to this notice.

**Paragraph 2, Categories of Users**, sets out the five categories of users of Gauteng Freeway Improvement Project (GFIP) toll roads.

**Paragraph 3, Tariffs**, sets out the tariffs for each e-toll transaction for the classes of motor vehicles and for the categories of users.

**Paragraph 4, Classes of Motor Vehicles**, sets out the four classes of motor vehicles, which are motor cycles, light motor vehicles, small heavy motor vehicles and large heavy motor vehicles.

**Paragraph 5, Discounts**, sets out the discounts a user may be entitled to, including time-of-day discounts, frequent user discounts and grace-period discounts.

**Paragraph 1: Definitions**

The words on the left have the meanings given to them on the right:

<b>Act</b>	means the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998).
<b>Agency</b>	means the South African National Roads Agency SOC Limited as defined in section 1 of the Act.
<b>discount</b>	means a rebate as contemplated in section 27(3) of the Act.
<b>e-tag</b>	means an electronic device that is fitted to a specific <i>motor vehicle</i> in the manner specified by the <i>Agency</i> to identify the specific <i>motor vehicle</i> when it passes under an <i>e-toll plaza</i> .
<b>e-toll account</b>	means the toll account opened with the <i>Agency</i> by the person who is liable for the toll account and which toll account is linked to the <i>VLN</i> of a <i>motor vehicle</i>
<b>e-toll plaza</b>	means a toll plaza as defined in section 1 of the Act.
<b>e-toll transaction</b>	means the single passage of a <i>motor vehicle</i> under an <i>e-toll plaza</i> and the recognition of the <i>motor vehicle</i> by electronic equipment.
<b>GFIP-toll roads</b>	means the Gauteng Freeway Improvement Project toll roads, which are N1 sections 20 and 21, N3 section 12, N4 section 1 and N12 sections 18 and 19 (as declared by Government Notice No. 30912 of 28 March 2008); and R21 sections 1 and 2 (as declared by Government Notice No. 31273 of 28 July 2008).
<b>grace period</b>	means seven days from the date and time that the liability to pay an <i>e-toll transaction</i> arises.
<b>motor vehicle</b>	means a <i>motor vehicle</i> as defined in the <i>National Road Traffic Act</i> .
<b>National Road Traffic Act</b>	means the <i>National Road Traffic Act, 1996</i> (Act No. 93 of 1996).
<b>standard tariff</b>	means the toll amount used to calculate a <i>discount</i> that may apply.
<b>tariff</b>	means the amount of toll as determined by the Minister in terms of section 27(3) of the Act
<b>user</b>	means a person driving or using a <i>motor vehicle</i> on a <i>GFIP-toll road</i> .
<b>VLN</b>	means the motor Vehicle Licence Number allocated to a <i>motor vehicle</i> under section 4(3) of the <i>National Road Traffic Act</i> or under the legislation of the country in which the <i>motor vehicle</i> was registered.

## **Paragraph 2: Five categories of users of the GFIP-toll roads**

2.1 *Users of the GFIP-toll roads are categorised for section 27(3) (b)(iv) of the Act in the following five categories. Users are categorised at the time of an e-toll transaction.*

### **Category 1: E-tag user who is registered with the Agency**

2.2 This user is called a registered *e-tag user*. A registered *e-tag user* is a user who has acquired an *e-tag* from the Agency or one of its authorised suppliers and is registered with the Agency as an *e-tag user*. To be a registered *e-tag user*, a user must have an *e-toll account* and must meet any one or more of the following criteria at the time of the *e-toll transaction*:

- 2.2.1 Have sufficient funds in their *e-toll account* to pay the toll that applies to the *e-toll transaction*;
- 2.2.2 Have linked their *e-toll account* to a payment method acceptable to the Agency;
- 2.2.3 Have an agreement with the Agency to pay for *e-toll transactions* on a different basis from either 2.2.1 or 2.2.2 above

2.3 A registered *e-tag user* is identified at the time of the *e-toll transaction* by an *e-tag* and the *VLN*.

### **Category 2: E-tag user who is not registered with the Agency**

2.4 This user is called a non-registered *e-tag user*. A non-registered *e-tag user* is a user who has acquired an *e-tag* from the Agency or one of its authorised suppliers but is not registered with the Agency. The *e-tag* initially has a specified amount of credit available for *e-toll transactions*. If there is no credit available for an *e-toll transaction*, the user is categorised as an alternate user.

2.5 Until the non-registered *e-tag user* registers with the Agency, the user is identified at the time of the *e-toll transaction* by a *VLN*.

### **Category 3: VLN user who is registered with the Agency**

2.6 This user is called a registered *VLN user*. A registered *VLN user* is a user who is registered with the Agency as a *VLN user* but not as an *e-tag user*. To be a registered *VLN user*, a user must have an *e-toll account* and must meet any one or more of the following criteria at the time of the *e-toll transaction*:

- 2.6.1 Have sufficient funds in their *e-toll account* to pay the toll that applies to the *e-toll transaction*;
- 2.6.2 Have linked their *e-toll account* to a payment method acceptable to the Agency;
- 2.6.3 Have an agreement with the Agency to pay for *e-toll transactions* on a different basis from either 2.6.1 or 2.6.2 above.

2.7 A registered *VLN user* is identified at the time of the *e-toll transaction* by a *VLN*.

### **Category 4: Alternate user**

2.8 An alternate user is a user who does not qualify for any other categories at the time of an *e-toll transaction*.

2.9 An alternate user is identified at the time of the *e-toll transaction* by an *e-tag* or a *VLN*, or by both where applicable.

### Category 5: Day-pass user

- 2.10 A day pass user is a user who buys a 24-hour day pass from the Agency or one of its authorised suppliers.
- 2.11 A day-pass is for a 24-hour period irrespective of how many *e-toll transactions* take place in that period by the specific *motor vehicle*. The 24-hour period is calculated from the date and time that the day pass user first passes under an *e-toll plaza* after buying the day pass and ends 24 hours later.
- 2.12 On purchase of a day pass, the day pass user is immediately able to use *GFIP-toll roads* under that day pass, but must do so within 30 days from the date of purchase. If the *day-pass user* does not use the *GFIP-toll roads* under that day pass within 30 days of purchase, the right to use the *GFIP-toll roads* under that day pass ends.
- 2.13 To pay toll by day-pass, a day-pass must be purchased before making use of the *GFIP-toll roads*.
- 2.14 A user may only use 12 day passes in a 12-month period for a specific *motor vehicle*.
- 2.15 A *day-pass user* is identified at the time of the *e-toll transaction* by the *VLN*.

### Paragraph 3: Tariffs

#### Liability to pay toll

- 3.1 The liability to pay toll arises when an *e-toll transaction* takes place, irrespective of how far the user has travelled or will travel on that journey.

#### Conditions for paying toll

- 3.2 The toll for each *e-toll transaction* is to be paid at the place and in the manner specified in the Conditions for Toll (section 27(1)(b) of the Act). The Conditions for Toll are published in the Government Gazette.

#### Tariffs for categories 1 - 4

- 3.3 The *tariffs* for the first four categories of users are set out in Table 1.
- 3.4 In respect of an *e-toll transaction*:
- 3.4.1 A registered *e-tag user* pays the *tariff* set out in column 3 of Table 1 for the particular class of *motor vehicle*.
- 3.4.2 A non-registered *e-tag user* pays the *tariff* set out in column 4 of Table 1 for the particular class of *motor vehicle* as long as the *e-tag* has credit available for *e-toll transactions*.
- 3.4.3 A registered *VLN user* pays the *tariff* set out in column 5 of Table 1 for the particular class of *motor vehicle*.
- 3.4.4 An alternate user pays the *tariff* set out in column 6 of Table 1 for the particular class of *motor vehicle*.

**Tariffs include VAT**

3.5 The tariffs include Value Added Tax as provided for in the Value Added Tax Act, 1991 (Act No. 89 of 1991)

<b>Table 1: Tariffs for Vehicle Class: Class A1</b>					
<b>Plaza name and place (Column 1)</b>	<b>Standard tariff (Column 2)</b>	<b>Tariff to be paid by registered e- tag users (Column 3)</b>	<b>Tariff to be paid by non- registered e- tag users (Column 4)</b>	<b>Tariff to be paid by registered VLN users (Column 5)</b>	<b>Tariff to be paid by alternate users (Column 6)</b>
1, Barbet (N1-21)	R 3.48	R 1.80	R 3.48	R 3.48	R 10.44
2, Mossie (N1-21)	R 3.48	R 1.80	R 3.48	R 3.48	R 10.44
3, Indlazi (N1-21)	R 3.38	R 1.75	R 3.38	R 3.38	R 10.14
4, Pikoko (N1-21)	R 3.38	R 1.75	R 3.38	R 3.38	R 10.14
5, Ivusi (N1-21)	R 3.20	R 1.66	R 3.20	R 3.20	R 9.60
6, Flamingo (N1-21)	R 3.20	R 1.66	R 3.20	R 3.20	R 9.60
7, Ihobe (N1-21)	R 3.90	R 2.02	R 3.90	R 3.90	R 11.70
8, Sunbird (N1-20)	R 3.90	R 2.02	R 3.90	R 3.90	R 11.70
9, Tarentaal (N1-20)	R 2.99	R 1.55	R 2.99	R 2.99	R 8.97
10, Blouvaik (N1-20)	R 2.99	R 1.55	R 2.99	R 2.99	R 8.97
11, Owl (N1-20)	R 3.72	R 1.92	R 3.72	R 3.72	R 11.16
12, Pelican (N1-20)	R 3.72	R 1.92	R 3.72	R 3.72	R 11.16
13, King Fisher (N1-20)	R 3.31	R 1.71	R 3.31	R 3.31	R 9.93
14, Ukhozi (N1-20)	R 3.31	R 1.71	R 3.31	R 3.31	R 9.93
15, Fiscal (N1-20)	R 2.92	R 1.51	R 2.92	R 2.92	R 8.76
16, Stork (N1-20)	R 2.92	R 1.51	R 2.92	R 2.92	R 8.76
17, Ilowe (N1-20)	R 0.70	R 0.36	R 0.70	R 0.70	R 2.10
18, Leeba (N3-12)	R 2.51	R 1.30	R 2.51	R 2.51	R 7.53
19, Ibis (N3-12)	R 2.51	R 1.30	R 2.51	R 2.51	R 7.53
20, Kiewiet (N3-12)	R 2.68	R 1.39	R 2.68	R 2.68	R 8.04
21, Kwikkie (N3-12)	R 2.68	R 1.39	R 2.68	R 2.68	R 8.04
22, Starling (N3-12)	R 2.85	R 1.47	R 2.85	R 2.85	R 8.55
23, Rooivink (N3-12)	R 2.85	R 1.47	R 2.85	R 2.85	R 8.55
24, Mpshe (N3-12)	R 2.30	R 1.19	R 2.30	R 2.30	R 6.90
25, Oxpecker (N3-12)	R 2.30	R 1.19	R 2.30	R 2.30	R 6.90
28, Phakwe (N12-18)	R 2.58	R 1.33	R 2.58	R 2.58	R 7.74
29, Thaha (N12-18)	R 3.65	R 1.89	R 3.65	R 3.65	R 10.95
30, Lenong (N12-18)	R 3.90	R 2.02	R 3.90	R 3.90	R 11.70
31, Lekgwaba (N12-18)	R 2.82	R 1.46	R 2.82	R 2.82	R 8.46
32, Loerie (N12-19)	R 3.83	R 1.98	R 3.83	R 3.83	R 11.49
33, Gull (N12-19)	R 3.83	R 1.98	R 3.83	R 3.83	R 11.49
34, Ilanda (N12-19)	R 2.82	R 1.46	R 2.82	R 2.82	R 8.46
35, Bee-eater (N12-19)	R 2.82	R 1.46	R 2.82	R 2.82	R 8.46
37, Hadedra (R21-1)	R 2.82	R 1.46	R 2.82	R 2.82	R 8.46
38, Ntsu (R21-1)	R 2.82	R 1.46	R 2.82	R 2.82	R 8.46
39, Heron (R21-1)	R 3.45	R 1.78	R 3.45	R 3.45	R 10.35
40, Bluecrane (R21-1)	R 3.45	R 1.78	R 3.45	R 3.45	R 10.35
41, Swael (R21-2)	R 4.87	R 2.52	R 4.87	R 4.87	R 14.61
42, Letata (R21-2)	R 4.87	R 2.52	R 4.87	R 4.87	R 14.61
43, Swan (R21-2)	R 4.00	R 2.07	R 4.00	R 4.00	R 12.00
44, Weaver (R21-2)	R 4.00	R 2.07	R 4.00	R 4.00	R 12.00
45, Hornbill (R21-2)	R 2.12	R 1.10	R 2.12	R 2.12	R 6.36
47, Ugaga (N12-19)	R 3.20	R 1.66	R 3.20	R 3.20	R 9.60
48, Inkovu (N4-1)	R 3.79	R 1.96	R 3.79	R 3.79	R 11.37
49, Penguin (N4-1)	R 3.79	R 1.96	R 3.79	R 3.79	R 11.37

**Table 1: Tariffs for Vehicle Class: Class A2**

Plaza name and place (Column 1)	Standard tariff (Column 2)	Tariff to be paid by registered e- tag users (Column 3)	Tariff to be paid by non- registered e-tag users (Column 4)	Tariff to be paid by registered VLN users (Column 5)	Tariff to be paid by alternate users (Column 6)
1, Barbet (N1-21)	R 5.80	R 3.00	R 5.80	R 5.80	R 17.40
2, Mossie (N1-21)	R 5.80	R 3.00	R 5.80	R 5.80	R 17.40
3, Indlazi (N1-21)	R 5.63	R 2.91	R 5.63	R 5.63	R 16.89
4, Pikoko (N1-21)	R 5.63	R 2.91	R 5.63	R 5.63	R 16.89
5, Ivusi (N1-21)	R 5.34	R 2.76	R 5.34	R 5.34	R 16.02
6, Flamingo (N1-21)	R 5.34	R 2.76	R 5.34	R 5.34	R 16.02
7, Ihobe (N1-21)	R 6.50	R 3.36	R 6.50	R 6.50	R 19.50
8, Sunbird (N1-20)	R 6.50	R 3.36	R 6.50	R 6.50	R 19.50
9, Tarentaal (N1-20)	R 4.99	R 2.58	R 4.99	R 4.99	R 14.97
10, Blouvaik (N1-20)	R 4.99	R 2.58	R 4.99	R 4.99	R 14.97
11, Owl (N1-20)	R 6.21	R 3.21	R 6.21	R 6.21	R 18.63
12, Pelican (N1-20)	R 6.21	R 3.21	R 6.21	R 6.21	R 18.63
13, King Fisher (N1-20)	R 5.51	R 2.85	R 5.51	R 5.51	R 16.53
14, Ukhozi (N1-20)	R 5.51	R 2.85	R 5.51	R 5.51	R 16.53
15, Fiscal (N1-20)	R 4.87	R 2.52	R 4.87	R 4.87	R 14.61
16, Stork (N1-20)	R 4.87	R 2.52	R 4.87	R 4.87	R 14.61
17, Ilowe (N1-20)	R 1.16	R 0.60	R 1.16	R 1.16	R 3.48
18, Leeba (N3-12)	R 4.18	R 2.16	R 4.18	R 4.18	R 12.54
19, Ibis (N3-12)	R 4.18	R 2.16	R 4.18	R 4.18	R 12.54
20, Kiewiet (N3-12)	R 4.47	R 2.31	R 4.47	R 4.47	R 13.41
21, Kwikkie (N3-12)	R 4.47	R 2.31	R 4.47	R 4.47	R 13.41
22, Starling (N3-12)	R 4.76	R 2.46	R 4.76	R 4.76	R 14.28
23, Rooivink (N3-12)	R 4.76	R 2.46	R 4.76	R 4.76	R 14.28
24, Mpshe (N3-12)	R 3.83	R 1.98	R 3.83	R 3.83	R 11.49
25, Oxpecker (N3-12)	R 3.83	R 1.98	R 3.83	R 3.83	R 11.49
28, Phakwe (N12-18)	R 4.29	R 2.22	R 4.29	R 4.29	R 12.87
29, Thaha (N12-18)	R 6.09	R 3.15	R 6.09	R 6.09	R 18.27
30, Lenong (N12-18)	R 6.50	R 3.36	R 6.50	R 6.50	R 19.50
31, Lekgwaba (N12-18)	R 4.70	R 2.43	R 4.70	R 4.70	R 14.10
32, Loerie (N12-19)	R 6.38	R 3.30	R 6.38	R 6.38	R 19.14
33, Gull (N12-19)	R 6.38	R 3.30	R 6.38	R 6.38	R 19.14
34, Ilanda (N12-19)	R 4.70	R 2.43	R 4.70	R 4.70	R 14.10
35, Bee-eater (N12-19)	R 4.70	R 2.43	R 4.70	R 4.70	R 14.10
37, Hadedda (R21-1)	R 4.70	R 2.43	R 4.70	R 4.70	R 14.10
38, Ntsu (R21-1)	R 4.70	R 2.43	R 4.70	R 4.70	R 14.10
39, Heron (R21-1)	R 5.74	R 2.97	R 5.74	R 5.74	R 17.22
40, Bluecrane (R21-1)	R 5.74	R 2.97	R 5.74	R 5.74	R 17.22
41, Swael (R21-2)	R 8.12	R 4.20	R 8.12	R 8.12	R 24.36
42, Letata (R21-2)	R 8.12	R 4.20	R 8.12	R 8.12	R 24.36
43, Swan (R21-2)	R 6.67	R 3.45	R 6.67	R 6.67	R 20.01
44, Weaver (R21-2)	R 6.67	R 3.45	R 6.67	R 6.67	R 20.01
45, Hornbill (R21-2)	R 3.54	R 1.83	R 3.54	R 3.54	R 10.62
47, Ugaga (N12-19)	R 5.34	R 2.76	R 5.34	R 5.34	R 16.02
48, Inkovu (N4-1)	R 6.32	R 3.27	R 6.32	R 6.32	R 18.96
49, Penguin (N4-1)	R 6.32	R 3.27	R 6.32	R 6.32	R 18.96



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**Table 1: Tariffs for Vehicle Class: Class B**

Plaza name and place (Column 1)	Standard tariff (Column 2)	Tariff to be paid by registered e- tag users (Column 3)	Tariff to be paid by non- registered e-tag users (Column 4)	Tariff to be paid by registered VLN users (Column 5)	Tariff to be paid by alternate users (Column 6)
1, Barbet (N1-21)	R 14.50	R 7.50	R 14.50	R 14.50	R 43.50
2, Mossie (N1-21)	R 14.50	R 7.50	R 14.50	R 14.50	R 43.50
3, Indlazi (N1-21)	R 14.07	R 7.28	R 14.07	R 14.07	R 42.21
4, Pikoko (N1-21)	R 14.07	R 7.28	R 14.07	R 14.07	R 42.21
5, Ivusi (N1-21)	R 13.34	R 6.90	R 13.34	R 13.34	R 40.02
6, Flamingo (N1-21)	R 13.34	R 6.90	R 13.34	R 13.34	R 40.02
7, ihobe (N1-21)	R 16.24	R 8.40	R 16.24	R 16.24	R 48.72
8, Sunbird (N1-20)	R 16.24	R 8.40	R 16.24	R 16.24	R 48.72
9, Tarentaal (N1-20)	R 12.47	R 6.45	R 12.47	R 12.47	R 37.41
10, Blouvaalk (N1-20)	R 12.47	R 6.45	R 12.47	R 12.47	R 37.41
11, Owl (N1-20)	R 15.52	R 8.03	R 15.52	R 15.52	R 46.56
12, Pelican (N1-20)	R 15.52	R 8.03	R 15.52	R 15.52	R 46.56
13, King Fisher (N1-20)	R 13.78	R 7.13	R 13.78	R 13.78	R 41.34
14, Ukhozi (N1-20)	R 13.78	R 7.13	R 13.78	R 13.78	R 41.34
15, Fiscal (N1-20)	R 12.18	R 6.30	R 12.18	R 12.18	R 36.54
16, Stork (N1-20)	R 12.18	R 6.30	R 12.18	R 12.18	R 36.54
17, Ilowe (N1-20)	R 2.90	R 1.50	R 2.90	R 2.90	R 8.70
18, Leebe (N3-12)	R 10.44	R 5.40	R 10.44	R 10.44	R 31.32
19, Ibis (N3-12)	R 10.44	R 5.40	R 10.44	R 10.44	R 31.32
20, Kiewiet (N3-12)	R 11.17	R 5.78	R 11.17	R 11.17	R 33.51
21, Kwikkie (N3-12)	R 11.17	R 5.78	R 11.17	R 11.17	R 33.51
22, Starling (N3-12)	R 11.89	R 6.15	R 11.89	R 11.89	R 35.67
23, Rooivink (N3-12)	R 11.89	R 6.15	R 11.89	R 11.89	R 35.67
24, Mpshe (N3-12)	R 9.57	R 4.95	R 9.57	R 9.57	R 28.71
25, Oxpecker (N3-12)	R 9.57	R 4.95	R 9.57	R 9.57	R 28.71
28, Phakwe (N12-18)	R 10.73	R 5.55	R 10.73	R 10.73	R 32.19
29, Thaha (N12-18)	R 15.23	R 7.88	R 15.23	R 15.23	R 45.69
30, Lenong (N12-18)	R 16.24	R 8.40	R 16.24	R 16.24	R 48.72
31, Lekgwaba (N12-18)	R 11.75	R 6.08	R 11.75	R 11.75	R 35.25
32, Loerie (N12-19)	R 15.95	R 8.25	R 15.95	R 15.95	R 47.85
33, Gull (N12-19)	R 15.95	R 8.25	R 15.95	R 15.95	R 47.85
34, Ilanda (N12-19)	R 11.75	R 6.08	R 11.75	R 11.75	R 35.25
35, Bee-eater (N12-19)	R 11.75	R 6.08	R 11.75	R 11.75	R 35.25
37, Hadedda (R21-1)	R 11.75	R 6.08	R 11.75	R 11.75	R 35.25
38, Ntsu (R21-1)	R 11.75	R 6.08	R 11.75	R 11.75	R 35.25
39, Heron (R21-1)	R 14.36	R 7.43	R 14.36	R 14.36	R 43.08
40, Bluecrane (R21-1)	R 14.36	R 7.43	R 14.36	R 14.36	R 43.08
41, Swael (R21-2)	R 20.30	R 10.50	R 20.30	R 20.30	R 60.90
42, Letata (R21-2)	R 20.30	R 10.50	R 20.30	R 20.30	R 60.90
43, Swan (R21-2)	R 16.68	R 8.63	R 16.68	R 16.68	R 50.04
44, Weaver (R21-2)	R 16.68	R 8.63	R 16.68	R 16.68	R 50.04
45, Hornbill (R21-2)	R 8.85	R 4.58	R 8.85	R 8.85	R 26.55
47, Ugaga (N12-19)	R 13.34	R 6.90	R 13.34	R 13.34	R 40.02
48, Inkovu (N4-1)	R 15.81	R 8.18	R 15.81	R 15.81	R 47.43
49, Penguin (N4-1)	R 15.81	R 8.18	R 15.81	R 15.81	R 47.43

**Table 1: Tariffs for Vehicle Class: Class C**

Plaza name and place (Column 1)	Standard tariff (Column 2)	Tariff to be paid by registered e- tag users (Column 3)	Tariff to be paid by non- registered e-tag users (Column 4)	Tariff to be paid by registered VLN users (Column 5)	Tariff to be paid by alternate users (Column 6)
1, Barbet (N1-21)	R 29.00	R 15.00	R 29.00	R 29.00	R 87.00
2, Mossie (N1-21)	R 29.00	R 15.00	R 29.00	R 29.00	R 87.00
3, Indlazi (N1-21)	R 28.13	R 14.55	R 28.13	R 28.13	R 84.39
4, Pikoko (N1-21)	R 28.13	R 14.55	R 28.13	R 28.13	R 84.39
5, Ivusi (N1-21)	R 26.68	R 13.80	R 26.68	R 26.68	R 80.04
6, Flamingo (N1-21)	R 26.68	R 13.80	R 26.68	R 26.68	R 80.04
7, Ihobe (N1-21)	R 32.48	R 16.80	R 32.48	R 32.48	R 97.44
8, Sunbird (N1-20)	R 32.48	R 16.80	R 32.48	R 32.48	R 97.44
9, Tarentaal (N1-20)	R 24.94	R 12.90	R 24.94	R 24.94	R 74.82
10, Blouvaik (N1-20)	R 24.94	R 12.90	R 24.94	R 24.94	R 74.82
11, Owl (N1-20)	R 31.03	R 16.05	R 31.03	R 31.03	R 93.09
12, Pelican (N1-20)	R 31.03	R 16.05	R 31.03	R 31.03	R 93.09
13, King Fisher (N1-20)	R 27.55	R 14.25	R 27.55	R 27.55	R 82.65
14, Ukhozi (N1-20)	R 27.55	R 14.25	R 27.55	R 27.55	R 82.65
15, Fiscal (N1-20)	R 24.36	R 12.60	R 24.36	R 24.36	R 73.08
16, Stork (N1-20)	R 24.36	R 12.60	R 24.36	R 24.36	R 73.08
17, Ilowe (N1-20)	R 5.80	R 3.00	R 5.80	R 5.80	R 17.40
18, Leeba (N3-12)	R 20.88	R 10.80	R 20.88	R 20.88	R 62.64
19, Ibis (N3-12)	R 20.88	R 10.80	R 20.88	R 20.88	R 62.64
20, Kiewiet (N3-12)	R 22.33	R 11.55	R 22.33	R 22.33	R 66.99
21, Kwikkie (N3-12)	R 22.33	R 11.55	R 22.33	R 22.33	R 66.99
22, Starling (N3-12)	R 23.78	R 12.30	R 23.78	R 23.78	R 71.34
23, Roofvink (N3-12)	R 23.78	R 12.30	R 23.78	R 23.78	R 71.34
24, Mpshe (N3-12)	R 19.14	R 9.90	R 19.14	R 19.14	R 57.42
25, Oxpecker (N3-12)	R 19.14	R 9.90	R 19.14	R 19.14	R 57.42
28, Phalowe (N12-18)	R 21.46	R 11.10	R 21.46	R 21.46	R 64.38
29, Thaha (N12-18)	R 30.45	R 15.75	R 30.45	R 30.45	R 91.35
30, Lenong (N12-18)	R 32.48	R 16.80	R 32.48	R 32.48	R 97.44
31, Lekgwaba (N12-18)	R 23.49	R 12.15	R 23.49	R 23.49	R 70.47
32, Loerie (N12-19)	R 31.90	R 16.50	R 31.90	R 31.90	R 95.70
33, Guil (N12-19)	R 31.90	R 16.50	R 31.90	R 31.90	R 95.70
34, Ilanda (N12-19)	R 23.49	R 12.15	R 23.49	R 23.49	R 70.47
35, Bee-eater (N12-19)	R 23.49	R 12.15	R 23.49	R 23.49	R 70.47
37, Hadedda (R21-1)	R 23.49	R 12.15	R 23.49	R 23.49	R 70.47
38, Ntsu (R21-1)	R 23.49	R 12.15	R 23.49	R 23.49	R 70.47
39, Heron (R21-1)	R 28.71	R 14.85	R 28.71	R 28.71	R 86.13
40, Bluecrane (R21-1)	R 28.71	R 14.85	R 28.71	R 28.71	R 86.13
41, Swael (R21-2)	R 40.60	R 21.00	R 40.60	R 40.60	R 121.80
42, Letata (R21-2)	R 40.60	R 21.00	R 40.60	R 40.60	R 121.80
43, Swan (R21-2)	R 33.35	R 17.25	R 33.35	R 33.35	R 100.05
44, Weaver (R21-2)	R 33.35	R 17.25	R 33.35	R 33.35	R 100.05
45, Hornbill (R21-2)	R 17.69	R 9.15	R 17.69	R 17.69	R 53.07
47, Ugaga (N12-19)	R 26.68	R 13.80	R 26.68	R 26.68	R 80.04
48, Inkovu (N4-1)	R 31.61	R 16.35	R 31.61	R 31.61	R 94.83
49, Penguin (N4-1)	R 31.61	R 16.35	R 31.61	R 31.61	R 94.83

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### Tariffs for category 5

3.6 A day pass user pays the *tariff* set out in Table 2 for the particular *motor vehicle* class.

**Table 2: Tariff payable for day pass users**

Vehicle class	Tariff for each 24-hour period
A1	R30.00
A2	R50.00
B	R125.00
C	R250.00

**Paragraph 4: Classes of motor vehicles**

- 4.1 The classes of *motor vehicles* for purposes of the *GFIP-toll roads* are given in table 3 below.
- 4.2 To qualify for a specific *motor vehicle* class, the *motor vehicle* must have the dimensions set out in the table below.

**Table 3: Classes of motor vehicles**

Class	Motor vehicle type	Dimensions of motor vehicle
A1	Motor cycles	Length under 3,0 metres Width under 1,3 metres Height under 2,5 metres
A2	Light motor vehicles (excluding motor cycles)	Length under 6,0 metres Height under 2,5 metres Trailers that meet the criteria below are not considered when measuring dimensions for light motor vehicles: <ol style="list-style-type: none"> <li>1. It is designed or adapted to be drawn by a tow bar that is attached to a Class A2 motor vehicle.</li> <li>2. It is not self-propelled.</li> <li>3. It has a centre axle or centre axles.</li> <li>4. The gross vehicle mass is not more than 3 500 kilograms.</li> </ol> This means that a motor vehicle under 6,0 metres with a trailer that makes the total length of both vehicles more than 6,0 metres will still be classified as a Class A2 vehicle. If the motor vehicle is drawing a semi-trailer, the motor vehicle does not qualify as a class A2 light motor vehicle. This is regardless of whether the motor vehicle drawing the trailer is under 6,0 metres or not. A semi-trailer has the meaning given to it in the National Road Traffic Act.
B	Small heavy motor vehicles (but only if the motor vehicle does not qualify as a class A2 or class C motor vehicle)	Length, including any trailer, of 6,0 metres or more, but not over 12,5 metres or Length, including any trailer, of under 6,0 metres and height of 2,5 metres or more
C	Large heavy motor vehicles (but only if the motor vehicle does not qualify as a class A2 or class B motor vehicle)	Length, including any trailer, of 12,5 metres or more Width of 1,3 metres or more

- 4.3 Motor vehicles are classified using a combination of any two or more of the following dimensions of the motor vehicle: length, height and width. This system of classifying motor vehicles is known as the Volumetric Vehicle Classification System.

## Paragraph 5: Discounts that apply to tariffs

### Three types of discount

- 5.1. There are three types of *discount*:
- 5.1.1 Time-of-day *discount*;
  - 5.1.2 Frequent *user discount*;
  - 5.1.3 Grace-period *discounts* for alternate *users*.
- 5.2 *Discounts* are calculated on the *standard tariff* set out in column 2 of Table 1 for the particular *motor vehicle* class.
- 5.3 All *discounts* apply to a specific *motor vehicle* and not to an *e-toll account* that might include multiple *motor vehicles*.

### Time-of-day discount

- A discount based on the time of day**
- 5.4 The time-of-day *discount* gives a *discount* to *users* who use the *GFIP-toll roads* at certain times.
- Applies to users in categories 1 - 4**
- 5.5 A time-of-day *discount* applies to the following categories of *users* in all *motor vehicle* classes:
- 5.4.1 A registered *e-tag user*;
  - 5.4.2 A non-registered *e-tag user*;
  - 5.4.3 A registered *VLN user*;
  - 5.4.4 An alternate *user*.
- 5.6 The *user* must pay the toll for the relevant *e-toll transaction* within the *grace period* to receive the *discount*.
- Calculated as a percentage of the standard tariff**
- 5.7 The time-of-day *discount* is calculated using the *standard tariff* set out in column 2 of Table 1 for the particular *motor vehicle* class.
- 5.8 The *Agency* deducts the *discount* from the *tariff* that applies for the relevant *user*. It is in addition to any other *discount* that may apply.

Table 4: Time-of-day discounts

Time-of-day discounts: Classes A1 and A2				
Time-of-day	Weekday	Saturday	Sunday	Public holiday
After 00h00 up to and including 05h00	25% of standard tariff deducted	25% of standard tariff deducted	25% of standard tariff deducted	
After 05h00 up to and including 06h00	10% of standard tariff deducted			
After 06h00 up to and including 10h00	0% of standard tariff deducted			
After 10h00 up to and including 14h00	5% of standard tariff deducted	15% of standard tariff deducted	15% of standard tariff deducted	25% of standard tariff deducted
After 14h00 up to and including 18h00	0% of standard tariff deducted			
After 18h00 up to and including 23h00	10% of standard tariff deducted	15% of standard tariff deducted	25% of standard tariff deducted	
After 23h00 up to and including 00h00	25% of standard tariff deducted			

Time-of-day discounts: Classes B and C				
Time of day	Weekday	Saturday	Sunday	Public holiday
After 00h00 up to and including 05h00	30% of standard tariff deducted	30% of standard tariff deducted	30% of standard tariff deducted	
After 05h00 up to and including 06h00	25% of standard tariff deducted			
After 06h00 up to and including 08h30	0% of standard tariff deducted			
After 08h30 up to and including 16h00	20% of standard tariff deducted	25% of standard tariff deducted	25% of standard tariff deducted	30% of standard tariff deducted
After 16h00 up to and including 18h00	0% of standard tariff deducted			
After 18h00 up to and including 19h00				
After 19h00 up to and including 23h00	25% of standard tariff deducted	30% of standard tariff deducted	30% of standard tariff deducted	
After 23h00 up to and including 00h00	30% of standard tariff deducted			

**Discounts for frequent users**

**A discount based on frequent use of GFIP-toll roads**

- 5.9 The frequent user discount is a discount on the standard tariff shown in column 2 of Table 1. It is based on how often a registered e-tag user uses the GFIP-toll roads in a specific motor vehicle in a calendar month. The discount applies:
- a) to each motor vehicle separately; and
  - b) only after a threshold amount referred to in 5.11 below has been reached for e-toll transactions. This threshold amount includes all other applicable discounts.

**Applies to e-tag users in motor vehicle classes A1, A2**

- 5.10 A frequent-user discount applies only to registered e-tag users in motor vehicle classes A1 and A2.

**Applies only after user reaches R400 in e-toll transactions**

- 5.11 The discount does not apply to every e-toll transaction in a calendar month.
- 5.12 The discount applies only to e-toll transactions that take place after the user has reached a sum of R400 in e-toll transactions in a calendar month. The R400 includes any time-of-day and any other applicable discounts. No frequent user discounts apply to e-toll transactions under the R400 threshold.

**Calculated as a percentage**

- 5.13 The discount is calculated as a percentage. Table 5 below shows the percentage discounts. The percentage discount is applied to the standard tariff and then deducted from the tariff for registered e-tag users shown in column 2 of Table 1.

**Qualifying users do not pay more than R550**

- 5.14 Once qualifying users reach an amount of R550 in e-toll transactions in a calendar month, there is no liability to pay for more e-toll transactions in that calendar month. The amount of R550 includes any time-of-day and any other applicable discounts that apply to e-toll transactions between the thresholds of R400 and R550.

**Table 5: Frequent-user discounts**

Percentage discount	Total e-toll transactions for the calendar month
0% off	e-toll transactions under R400
15% off	each e-toll transaction that is above the R400 threshold but under R550
100% off	each e-toll transaction that is over the R550 threshold

**The thresholds change each year**

- 5.15 The threshold values of R400 and R550 are adjusted each year by a percentage based on the preceding 12 months' Consumer Price Index.

**Grace-period discount for alternate users**

5.16 An alternate user who pays within the *grace period* is entitled to a *discount* so that after the *discount* applies the user pays the amount equal to the amount shown in Table 6 below:

**Table 6: Grace-period discounts for alternate users**

Amount after <i>discount</i> (Column 1)	Conditions for an alternate user to receive <i>discount</i> on alternate user <i>tariff</i> (column 2)
<i>Tariff</i> set out in column 3 Table 1	If the user is registered with the Agency and has an e-tag that is registered with the Agency but the user does not meet the criteria to be a registered e-tag user at the time of the e-toll transaction.
<i>Tariff</i> set out in column 4 Table 1	If the user is identified by VLN but the user does not meet the criteria to be a registered VLN user at the time of the e-toll transaction.

5.17 Time-of-day and frequent user *discounts* may also apply to alternate users who pay within the *grace period*. If either of the *discounts* does apply, the *discount* is applied to the *standard tariff* in column 2 of Table 2 and deducted from the amount set out in column 1 of Table 6.



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STAATSKOERANT, 18 APRIL 2012

No. 35271 3

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## GOVERNMENT NOTICE

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### DEPARTMENT OF TRANSPORT

No. 320

18 April 2012

#### THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

#### GAUTENG FREEWAY IMPROVEMENT PROJECT, TOLL ROADS: CONDITIONS FOR TOLL

The South African National Roads Agency SOC Limited makes known the place at which tolls are payable and the conditions relating to the payment of tolls. This is in terms of section 27(1)(c) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act) for the following road systems:

#### As declared by Government Notice No. 30912 of 28 March 2008

- N1 sections 20 and 21
- N3 section 12
- N4 section 1
- N12 sections 18 and 19

#### As declared by Government Notice No. 31273 of 28 July 2008

- R21 sections 1 and 2

  
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Mr N Alli

Chief Executive Officer

South African National Roads Agency SOC Limited


**SCHEDULE**

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998  
(ACT NO. 7 OF 1998)**

**CONDITIONS FOR TOLL: GAUTENG FREEWAY IMPROVEMENT PROJECT USING  
ELECTRONIC TOLL COLLECTION**


The purpose of this notice is to publish information about the conditions for payment of tolls as required by section 27(1)(c) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act).

**Contents of notice**

Paragraph 1: Definitions

Paragraph 2: Categories of Users

Paragraph 3: Payment of tolls



**Paragraph 1: Definitions**

The words on the left have the meanings given to them on the right. The defined terms appear in this notice *in italics*.

<b>Act</b>	means the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998).
<b>Agency</b>	means the South African National Roads Agency SOC Limited as defined in section 1 of the Act, which has its principal place of business at 48 Tambotie Avenue, Val de Grace, Pretoria, 0184.
<b>alternate user</b>	means an alternate user as described in paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>day-pass user</b>	means a day-pass user as described in Paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>e-tag</b>	means an electronic device that is fitted to a specific motor vehicle in the manner specified by the Agency to identify the specific motor vehicle when it passes under an e-toll plaza.
<b>e-toll customer centre</b>	means the place of payment determined by the Agency for the payment of toll and set out in Annexure A, Part 1.
<b>e-toll customer service outlet</b>	means the place of payment determined by the Agency for the payment of toll, including the e-toll customer centres, and set out in Annexure A, Part 2
<b>e-toll transaction</b>	means the single passage of a motor vehicle under an e-toll plaza and the recognition of the motor vehicle by electronic equipment.
<b>GFIP-toll roads</b>	means the Gauteng Freeway Improvement Project toll roads, which are N1 sections 20 and 21, N3 section 12, N4 section 1 and N12 sections 18 and 19 (as declared by Government Notice No. 30912 of 28 March 2008); and R21 sections 1 and 2 (as declared by Government Notice No. 31273 of 28 July 2008).
<b>grace period</b>	means seven days from the date and time that the liability to pay an e-toll transaction arises.
<b>motor vehicle</b>	means a motor vehicle as defined in the National Road Traffic Act.
<b>National Road Traffic Act</b>	means the National Road Traffic Act (Act No. 93 of 1996).
<b>non-registered e-tag user</b>	means a non-registered e-tag user as described in Paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>non-registered</b>	means a non-registered VLN user as described in Paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes

<b>VLN user</b>	of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>registered e-tag user</b>	means a registered e-tag user as described in Paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>registered VLN user</b>	means a registered VLN user as described in Paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.
<b>tariff</b>	means the amount of toll as determined by the Minister in terms of section 27(3) of the Act.
<b>user</b>	means a person driving or using a motor vehicle on a GFIP-toll road.
<b>VLN</b>	means the motor Vehicle Licence Number allocated to a motor vehicle under section 4(3) of the National Road Traffic Act or under the legislation of the country in which the motor vehicle was registered.
<b>website</b>	means the website at the address at <a href="http://www.sanral.co.za">www.sanral.co.za</a> .

## Paragraph 2: Five categories of users of the GFIP-toll roads

2.1 The categories of *users* of the *GFIP-toll roads* as contemplated in section 27(3)(b)(iv) of the Act are those five categories described in paragraph 2 of the Government Gazette Notice of the tariffs for the different categories of road users and classes of motor vehicles on the Gauteng Freeway Improvement Project toll roads.

## Paragraph 3: Paying e-toll transactions

### Where and when payment must be made

3.1 The toll for each *e-toll transaction* is made known in the Government Gazette or Government Gazettes that apply to toll *tariffs* on *GFIP-toll roads*. The toll for each *e-toll transaction* must be paid:

- 3.1.1 At *e-toll customer service outlets*, unless otherwise agreed to with the *Agency*; and
- 3.1.2 By no later than the end of the *grace period*.

### Payments are recorded at the Central Operations Centre

3.2 All payments of toll are recorded and credited at the Central Operations Centre of the *Agency*, even if the *user* pays at an *e-toll customer service outlet*. All payments of toll are deemed to have been received at the Central Operations Centre and to have been paid at the Central Operations Centre. This means that the *Agency* is entitled to treat all payments as having been received and made at the Central Operations Centre even if they were paid at an *e-toll customer service outlet*. The Central Operations Centre is situated at 36 Assegaai Wood Street, Rooihuiskraal Ext 39, Centurion, 0157, City of Tshwane Metropolitan Municipality.

### Registered e-tag users and registered VLN users

3.3 A *user* who registers with the *Agency* must pay for *e-toll transactions* according to the Terms and Conditions for those who register with the *Agency*, which Terms and Conditions are agreed

to by the registered *user*. The Terms and Conditions for registered *users* are available on the website and at *e-toll customer service outlets*.

### **Non-registered e-tag users and non-registered VLN users**

3.4 A *user* who chooses not to register with the *Agency* can only pay at an *e-toll customer service outlet* and only by the following methods of payment:

- 3.4.1 In cash; or
- 3.4.2 By credit card; or
- 3.4.3 By debit card; or
- 3.4.4 By another payment method acceptable to the *Agency*.

3.5 A *user* who is not registered but who elects to register after an *e-toll transaction* occurred, but within the grace period, can pay for that *e-toll transaction* by the methods set out in 3.4 or in the manner set out in 3.3 above.

3.6 When paying in the manner set out in 3.4 above, a *user* who is not registered with the *Agency* must identify him or herself and give the *VLN*, and the make and model of the *motor vehicle* that was used when the *e-toll transaction* occurred. This is to enable the *Agency* to allocate payment for the *e-toll transaction* to the correct *motor vehicle*.

### **Day-pass users**

3.7 A *user* who chooses to pay toll by means of a day pass must acquire a day pass. The day pass must be for a specific *motor vehicle*. The day pass must be acquired before an *e-toll transaction* is incurred for the specific *motor vehicle*. *Users* can acquire a day pass by telephoning the e-toll call centre on 0800 726 725, accessing the *website* or by visiting an *e-toll customer service outlet*.

- 3.7.1 If a *user* acquires a day-pass by calling the e-toll call centre, payment can be made by credit card; or
- 3.7.2 If a *user* acquires a day-pass by through the *website*, payment can be made by credit card; or
- 3.7.3 If a *user* acquires a day-pass at any of the *e-toll customer service outlets*, payment may be made by the means set out in 3.4 above.

### **Alternate users**

3.8 An *alternate user* who has registered an e-toll account with the *Agency* must pay the toll that applies to *alternate users* in the manner set out in 3.3 above.

3.9 An *alternate user* who chooses not to register with the *agency* must pay the toll that applies to *alternate users* in the manner set out in 3.4 above.

3.10 An *alternate user* who receives an invoice from the *Agency* may also make payment for the amount recorded on the invoice in the manner set out in the invoice.

## Annexure A

### Part 1: e-toll customer centres

(These centres are located in close proximity of the *GFIP- toll roads*):

- N1 Beyers Naude Interchange, at the BP Oasis Rest and Service facility
- N1 Rivonia Interchange
- N1 New Road Interchange, at the Star Stop Rest and Service Facility
- N1 Rigel Interchange
- N3 Grey Ave Interchange
- N3 Modderfontein Interchange

### Part 2: e-toll customer service outlets:

(These facilities are located at retail centres across Gauteng and includes mobile facilities as described underneath)

Permanent Outlets	Adress
Jakaranda Shopping Centre	Cnr Michael Brink and Frates Weg, Rietfontein, Pretoria
Bonaero Centre	Cnr Atlas Road and Geldenhuys Road, Bonaero Park
The Glen	Cnr Orpen and Letaba Streets, Oakdene
Kolonnade	Cnr Dr. Van der Merweand Zambezi Drive, Montana Park, Pretoria
Centurion Mall	Heuwel Avenue, CBD, Centurion
Irene Village Mall	c/o Nellmapius Ave and Van Ryneveld Roads, Irene, Pretoria, 0157
Cedar Square	Cedar and Will Roads, Fourways
Cresta Mall	Cnr Beyers Naudé Drive and Weltevreden Road, Cresta Ext 4, Randburg
Alberton City	Voortrekker Street, CBD, Alberton
Maponya Mall	Old Potchefstroom Road, Soweto
Menlyn Park Shopping Centre	Cnr Atterbury Road and Lois Ave, Menlo Park, Pretoria
Eersterus Plaza Shopping Centre	Cnr Hans Coverdale and West Streets
San Ridge Square Midrand	Cnr New and Lever Roads, Midrand
Benmore Shopping Centre	Cnr Grayston Drive and Benmore Drive, Benmore, Sandton
Trade Route Mall - Lenasia	Corner K43 and Nirvana Roads, Lenasia 1820
Westgate Shopping Centre	120 Ontdekkers Road, Horizon, Roodepoort
<b>Temporary Kiosks</b>	
Mahube Maxcity	438 Maphala Drive, Stand nr 40327
Centurion Lifestyle Centre	Old Johannesburg Road and Lenchen Avenue, Rooihuiskraal
The Grove Shopping Centre	Cnr Lynnwood and Simon Vermooten Roads, Equestria, Pretoria
Sunnypark	c/o Jeppe & Esselen Streets, Sunnyside, Pretoria
Killarney Mall	60 Riviera Road, Killarney, Johannesburg
Quagga Centre	Cnr Church & Court Street, Pretoria West, Pretoria
Northmead Mall	1st street, Northmead, Benoni.
Wonderpark Shopping Centre	Cnr Brits Road and Heinrich Avenue, Wonderpark, Pretoria

<b>Lakeside</b>	Norwich Lakeside Mall, Tom Jones Street, Benoni. 1501
<b>Meadowdale Mall</b>	Germiston Road, Meadowdale, Germiston
<b>Village Mall Hartbeespoort</b>	Magalies Boulevard, Schoemansville
<b>Eastrand Mall</b>	Cnr North Rand Road & Bentel Ave Boksburg North Gauteng 1459
<b>BrightWater Commons</b>	Republic Road, Randburg
<b>Sunninghill Village Mall</b>	Cnr Edison Crescent and Maxwell Drive, Sunninghill
<b>Southgate Mall</b>	Cnr Columbine Avenue and Rifle Range Road, Mondeor, Johannesburg
<b>Vaal Mall</b>	Cnr Barrage Road and Rossini Boulevard, Vanderbijlpark
<b>Sunward park</b>	Cnr Kingfisher & Duiker Streets, Sunward Park, Boksburg
<b>Morning Glen Mall</b>	Cnr Kelvin Street and Bowling Avenue, Gallo Manor
<b>Atterbury Value Mart</b>	Cnr Atterbury Road and Selikats Causeway, Faerie Glen, Pretoria
<b>Carlton Centre</b>	152 Commissioner Street, Johannesburg CBD
<b>Northpark Mall</b>	Cnr, Rachel de Beer and Burger streets, Pretoria North
<b>Moreleta Shopping Plaza</b>	Cnr Garfontein Road & Rubenstein Road. Moreleta Park. Pretoria
<b>Boulders Shopping Centre</b>	Old Pretoria Road, CBD, Midrand
<b>Mall @ Reds</b>	Cnr Hendrik Verwoed and Rooihuiskraal Drives, Rooihuiskraal, Ext 15, Centurion
<b>Rosettenville Junxion</b>	592 Geranium Street, Rosettenville
<b>Mobile Pay Stations</b>	
The Mobile Pay Stations are special purpose vehicles which are SANRAL and e-toll branded and equipped to enable users to make e-toll payments. These vehicles will be located alongside the GFIP toll roads.	

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## GENERAL NOTICE

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### NOTICE 338 OF 2012

#### THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS ACT, 1998 (ACT No. 7 OF 1998)

#### DRAFT FIRST AMENDMENT TO THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS REGULATIONS (EXEMPTIONS FROM PAYMENT OF TOLLS), 2012

The Minister of Transport hereby, in terms of section 58(1)(d) of The South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998) (the Act) intends making the regulations in the Schedule hereto.

These regulations provide for the exemption granted by the South African National Roads Agency SOC Limited to vehicles which provide public transport services and emergency vehicles on the Gauteng Freeway Improvement Project, toll roads (GFIP Toll Roads).

The Regulations provide further for information to be furnished and also the procedure to be followed by the applicant in connection with such exemption.

Interested persons are invited to submit written comments on the draft regulations to the Director-General, Department of Transport within 20 days from the date of publication for the attention of:

Mr T.H.M Mphahlele at the following address:

E-mail: [MphahleT@dot.gov.za](mailto:MphahleT@dot.gov.za)

Tel: 012 309 3481

Fax: 012 309 3134



The Department of Transport  
Private Bag X193  
PRETORIA  
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## SCHEDULE

### Definitions

In this Schedule "the Regulations" mean the South African National Roads Agency and National Roads Act Regulations 2012 as published by Government Notice No. R. ??? on Date

### Amendment of regulation1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended-

(a) by the insertion of the following definition after the definition of the expression "authorised employee":

**"customer service centre"** means the place of payment determined by the Agency for the payment of toll as published by the Agency from time to time;

(b) by insertion of the following definitions after the definition of the expression "customer services centre":

**"e-tag"** means an electronic device that is fitted to a motor vehicle in the manner specified by the Agency to identify the motor vehicle when it passes under an e-toll plaza;

**"e-toll plaza"** means a toll plaza defined in section 1 of the Act;

**"exempt emergency vehicle"** means-

- (i) a vehicle used by a traffic officer as defined in section 1 of the National Road Traffic Act or a member of a municipal police service contemplated in section 64 of the South African Police Service Act, 1995 (Act No. 68 of 1995) employed by the Provincial Government of Gauteng, the City of Johannesburg

Metropolitan Municipality, the City of Tshwane Metropolitan Municipality or the Ekurhuleni Metropolitan Municipality while on official duty in their official capacity, where the vehicle is owned or leased by that Provincial Government or one of those municipalities and is marked as such an official vehicle; and

- (ii) an ambulance or fire-fighting vehicle as defined in section 1 of the National Road Traffic Act while being used on official duty in its capacity as such a vehicle, where the vehicle is owned or leased by that Provincial Government or one of those municipalities and is marked as such an ambulance or fire-fighting vehicle, as the case may be.”;

**“exempt public transport service” means-**

- (i) a minibus taxi-type service as defined in section 1 of the NLTA where the service is for commuting as defined in the NLTA;
- (ii) a contracted service, i.e. a service provided by means of vehicles operated in terms of a contract with a contracting authority contemplated in section 56 of the NLTA;
- (iii) a scheduled commuter public transport service, i.e. a regular, daily scheduled public transport service operating according to a time-table, including the transportation of scholars and private contract passengers; and
- (iv) a dedicated service for transporting scholars or students on a daily basis contemplated in section 72 of the NLTA for which an operating licence or permit is required in terms of the NLTA;

- (c) by insertion of the following definition after the definition of the expression “exempt public transport service”:

**“GFIP toll-roads”** means the Gauteng Freeway Improvement Project toll roads, which are N1 sections 20 and 21, N3 section 12, N4 section 1,

N12 sections 18 and 19 (as declared by Government Notice No. 30912 of 28 March 2008) and R21 sections 1 and 2 (as declared by Government Notice No. 31273 of 28 July 2008);

(d) by insertion of the following definition after the definition of the expression "National Road Traffic Regulation"

"NLTA" means the National Land Transport Act, 2009 (Act No. 5 of 2009); and

(h) by insertion of the following definition after the definition of the acronym "NLTA":

"operator" means, in the case of an exempt public transport service, the operator of the service as defined in section 1 of the NLTA and, in the case of an exempt emergency vehicle, the organ of state contemplated in the above definition of "exempt emergency vehicle" that owns or leases the vehicle and uses it to provide the exempt emergency service;".

3. The following Regulation is hereby substituted for regulation 8 of the regulations:

**"Information required and procedures applicable to exemption"**

8. (1) To qualify for an exemption, the operator of a vehicle which provides an exempt public transport service or operates an exempt emergency vehicle must apply to the Agency by completing the application form provided by the Agency and submit the completed form to the customer service centre with, in the case of an exempt public transport service, the relevant operating licence or permit, and in the case of an exempt emergency vehicle, proof of ownership or leasing of the vehicle, as the case may be, for

each vehicle and the application fee and the other documents mentioned in sub-regulation (13).

(2) The application fee shall be the fee determined by the Agency from time to time and will not be refundable if the application is unsuccessful.

(3) If the operator of the exempt public transport service or exempt emergency vehicle qualifies for the exemption, the operator will be issued with an e-tag by the Agency which e-tag will constitute the means of identifying the vehicle or vehicles operated by the operator in respect of which the exemption is granted, and a written exemption certificate will be issued to that operator which is neither renewable nor transferable.

(4) An application contemplated in sub-regulation (1) must be made at least 30 days prior to the expiry of the relevant exemption certificate.

(5) When using the GFIP toll roads with an exemption certificate, the operator must at all times be in possession of the necessary operating licence or permit as required by section 50(1) of the NLTA in the case of an exempt public transport service, the original of which or a duplicate original must be available for inspection in the vehicle in terms of regulation 23(b) of the National Land Transport Regulations, 2009 promulgated in terms of the NLTA, together with in the case of both an exempt public transport service and an exempt emergency vehicle, the exemption certificate, which must also be kept in the vehicle when operated on a GFIP toll road.

(6) The e-tag issued by the Agency must be fitted to the vehicle or vehicles which qualify for the exemption in accordance with the requirements of the Agency, is subject to any requirements, terms or conditions imposed by the Agency and the operator may not enter any toll road unless such tag is affixed to that vehicle.

(7) The public transport service exemption will only apply where the operator and the vehicle providing the public transport service is operating lawfully on a route or in an area authorised by such operating license or

permit and, in the case of both an exempt public transport service and an exempt emergency service, the e-tag issued by the Agency has been fitted to the relevant vehicle(s) in the manner contemplated in sub-regulation (6).

(8) The Exemption Certificate will be valid for three years or, in the case of an exempt public transport service, until the date on which the operating license or permit lapses, whichever is the earlier, and the operator must then re-apply for exemption by completing the application form supplied by the Agency and supplying the required particulars and documentation.

(9) The operator must notify the Agency within 14 days if the vehicle changes ownership or if application is made to transfer the relevant operating licence or permit.

(10) If the operator wishes to transfer the e-tag to another vehicle, the operator must submit the motor vehicle licence to the Agency and request transfer of the tag to the new vehicle by completing the form provided by the Agency, and the new vehicle may not be used on a GFIP toll road until the new e-tag issued by the Agency is fitted to the vehicle and until the required operating licence for the new vehicle has been obtained.

(11) If the vehicle is stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use, the operator must notify the Agency on the form provided by the Agency and hand the completed form in at the customer service centre or by telephoning that centre immediately on becoming aware that it was stolen, scrapped, sold or otherwise disposed of, or declared permanently unfit for use.

(12) This exemption may be withdrawn in terms of section 27(1)(f)(i) of the Act if -

- (a) the operator or an employee or agent of the operator uses the e-tag issued to him or her for any unauthorised purpose; or

- (b) the operator fails to comply with these conditions or any other condition relating to the exemption imposed by the Agency and of which the operator has been notified of in writing by the Agency; or
- (c) the operator fails to pay toll in respect of routes on the GFIP toll roads for which exemption was not granted to the operator; or
- (d) the operating licence or permit on which the exemption is based lapses or is withdrawn or cancelled for any reason; or
- (e) the motor vehicle for which the exemption is granted is at any time not properly licensed or a valid roadworthy certificate has not been acquired for the vehicle as required by the National Road Traffic Act; or
- (f) the applicant tampers with or defaces a licence plate on such vehicle in contravention of the National Road Traffic Act.

(13) The following must accompany the application form:

- (a) The application fee;
- (b) the relevant operating licence, licences, permit or permits in the case of an exempt public transport service;
- (c) the current timetable or timetables in the case of an exempt public transport service that is a scheduled service;
- (d) the vehicle licence certificate for each vehicle; and
- (e) in the case of an exempt public transport service, the schedule to the application form indicating the routes for which the exemption is sought.

#### **Short title and commencement**

4. These Regulations are called the First Amendment to the South African National Roads Agency Limited and National Roads Regulations (Exemptions from Payment of Tolls) 2012 and shall come into operation on the date of their publication in the *Government Gazette*.

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## GENERAL NOTICE

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### NOTICE 451 OF 2012

### DEPARTMENT OF TRANSPORT

### GAUTENG FREEWAY IMPROVEMENT PROJECT, TOLL ROADS: PUBLICATION OF THE TARIFFS FOR THE DIFFERENT CATEGORIES OF ROAD USERS AND CLASSES OF MOTOR VEHICLES

I, S'busiso Joel Ndebele, Minister of Transport in terms of powers vested in me hereby, withdraw with immediate effect my determination of the above mentioned Tariffs as were made known by the head of the Department of Transport by means of Government Notice No. 310 issued under Government Gazette No. 35263 dated the 13<sup>th</sup> April 2012.



Mr. S.J. Ndebele, MP

Minister of Transport

Date: 2012-05-22

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GOVERNMENT NOTICE

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DEPARTMENT OF TRANSPORT

No. 438

5 June 2012

THE SOUTH AFRICAN NATIONAL ROADS AGENCY SOC LIMITED

**WITHDRAWAL NOTICE: GAUTENG FREEWAY IMPROVEMENT PROJECT,  
TOLL ROADS: CONDITIONS FOR TOLL**

The South African National Roads Agency SOC Limited hereby, with immediate effect, withdraws the conditions for toll notice published by it, in terms of section 27(1)(c) of the South African National Roads Agency Limited and National Roads Act, 1998 (Act No. 7 of 1998), in Government Notice No. 320 on 18 April 2012. The notice made known the place at which tolls were payable (and in respect of the road systems identified in Government Notice No. 320) and the conditions relating to the payment of tolls.



.....  
**Mr N Ali**  
**Chief Executive Officer**  
**South African National Roads Agency SOC Limited**





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# GAUTENG FREEWAY IMPROVEMENT PROPOSAL



**SANRAL**

**August 2005**

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#### 4. Financing the scheme

In order to finance the proposed scheme, and to ensure the sustainable operations, maintenance and expansion of freeway network in Gauteng, it is proposed that the scheme be financed on the user pay principle. There are several reasons why tolling is an attractive option, namely:

- Tolling is a value based alternative to dependency on the National Treasury for creation of much needed roads and their maintenance.
- It injects private sector money into the economy, which means that more public sector money will be available for essential services such as housing, health care, education and public transport.
- It promotes the user-pays principle of funding road maintenance and road building.
- It enables the effective management of the road network through differential pricing.
- It encourages the use of public transport.
- It frees money for maintenance and construction of lower-order roads.
- It is an effective travel demand management measure.

Tolling is an equitable way of implementing the user-pays principle and does not compromise fiscal integrity. The use of modern technology such as electronic toll collection (ETC) allows for uninterrupted traffic flow and provides a cost efficient alternative to the manual collection method.

Two options for raising debt are available:

- **Private project financing.**

The SANRAL previously evaluated an unsolicited bid proposal for the upgrading and expansion of the freeway network in Gauteng. It has shown that there are many risks to the private sector with



the implementation of such a scheme, such as the impact of competing roads, availability of road reserves, usage of free-flow toll systems, etc. The proposal was eventually not feasible.

- **State toll road.**

This option will allow road authorities to provide a balanced roll out of the proposed scheme, without only focusing on the more toll profitable sections. The scheme can be implemented systematically, as and when demand requires it, and when all land acquisition and environmental processes are completed.

SANRAL intends to implement the scheme as a State Toll Road. A preliminary financial analysis of the scheme showed that it could be viable to implement as a State Toll Road, which will provide excellent benefits to road users at a low toll tariff. A flat toll tariff of between R5 and R8 (2003 Rand, VAT inclusive) will be charged at all toll points. On average it amounts to a cost of between 21 to 35 c/km that is charged to the road user. These projected charges exclude discounts. It is estimated that toll revenue of R580 million per annum (VAT excluded) will be generated in the first year after completion of the Initial Construction Works (ICW). Assuming that the network is expanded to accommodate the economic growth, the toll revenue is expected to grow at about 3% per annum. Based on these assumptions, a Debt Service Cover Ratio (DSCR) above 1 will be achieved within the first two years after opening, and the Loan Supportable by Revenue is in excess of R7 billion.

Regular expansion of the network and periodic rehabilitation are necessary to provide the same level of service in order to counter the stifling effect of ever-increasing congestion levels. These measures will allow the Gauteng economy to continue grow at a healthy rate of 3% or more, providing an excellent Cost Benefit internal rate of return of about 45%.



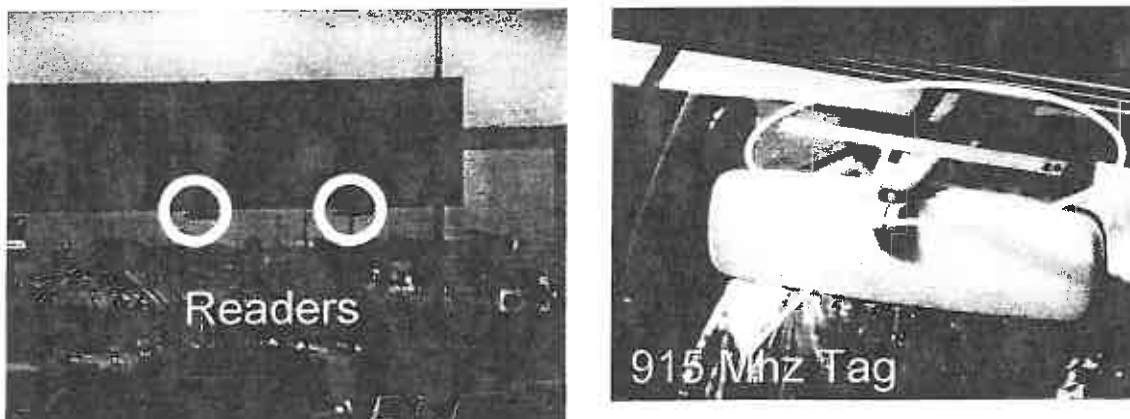
Apart from the initial improvements and expansions of the freeway network, the cost for periodic maintenance actions, such as resurfacing and rehabilitation of the road pavement are included in the scheme. These costs amount to R600m (2003 Rand, Excl VAT). Routine road maintenance actions (grass cutting, pothole repairs, guardrail repairs, etc.), as well as the toll collection operational costs are financed through the scheme. The estimated yearly road and toll operational and maintenance costs amounts to R140 m (2003 Rand, Excl VAT).

## **5. Toll Concept**

Some of the principles on which the scheme is based are discussed in more detail in this section.

### **5.1 Open road free flow tolling**

Conventional toll collection on urban freeways where all vehicles are stopped and payment by means of cash, credit card and ETC is allowed will result in unacceptable delays. It is therefore proposed that toll collection takes place electronically by means of the use of Electronic Toll Collection (ETC) tags, such as those already been used for the Bakwena toll concession. In order to encourage ETC usage, ETC users will receive a substantial discount (in the order of 40%), or alternatively, non ETC users will be penalized with a 40% levy to make provision for the back office costs to collect toll charges from them. The roll out of electronic licensing (EL), whereby RFID tags are issued yearly to all registered vehicles as part of their license disk will assist with the collection of tolls from non ETC users. SANRAL is currently busy with an RFID demonstration project on the Ben Schoeman freeway as part of the ITS pilot project.



**Figure 8: EVI Readers and Tag**

The implementation of Electronic Licensing (EL) will greatly reduce the risk of revenue losses.

## **5.2 Open vs Closed Toll Concepts**

Two options for toll collection may be considered for a project of this nature, namely a closed toll collection system or an open toll collection system.

### **5.2.1 Closed System**

A closed toll system entails toll monitoring stations at all the entrance and exit positions to the freeway. Thereby a specific vehicle is spotted when entering the tolled network, and again, when exiting the network (usually at interchange on- and off ramps). The user is then tolled based on a cents per actual kilometer distance traveled on the network. The system is fair towards the user since it levies toll for the exact benefit experienced. On the downside, it requires more infrastructure, and much more transactions to process and monitor. Processing of the transactions includes verification of the vehicle, and collection of toll from prepaid accounts or credit card accounts.

### **5.2.2 Open System**

Alternatively, an open system may be considered, whereby mainline and ramp toll plaza are positioned strategically to optimize revenue and

limit diversion onto alternative routes. These toll collection points must be positioned such that a fair toll in relation to the distance traveled on the tolled network is charged. It is not possible to reach the same level of fairness as with a closed system. However, such a concept can be designed to target longer distance trips and not local trips. It will therefore reduce diversion from the freeway network onto the supporting road network. It will also reduce the number of toll transactions to be processed. For an open toll system for the Gauteng scheme, the following principles were incorporated:

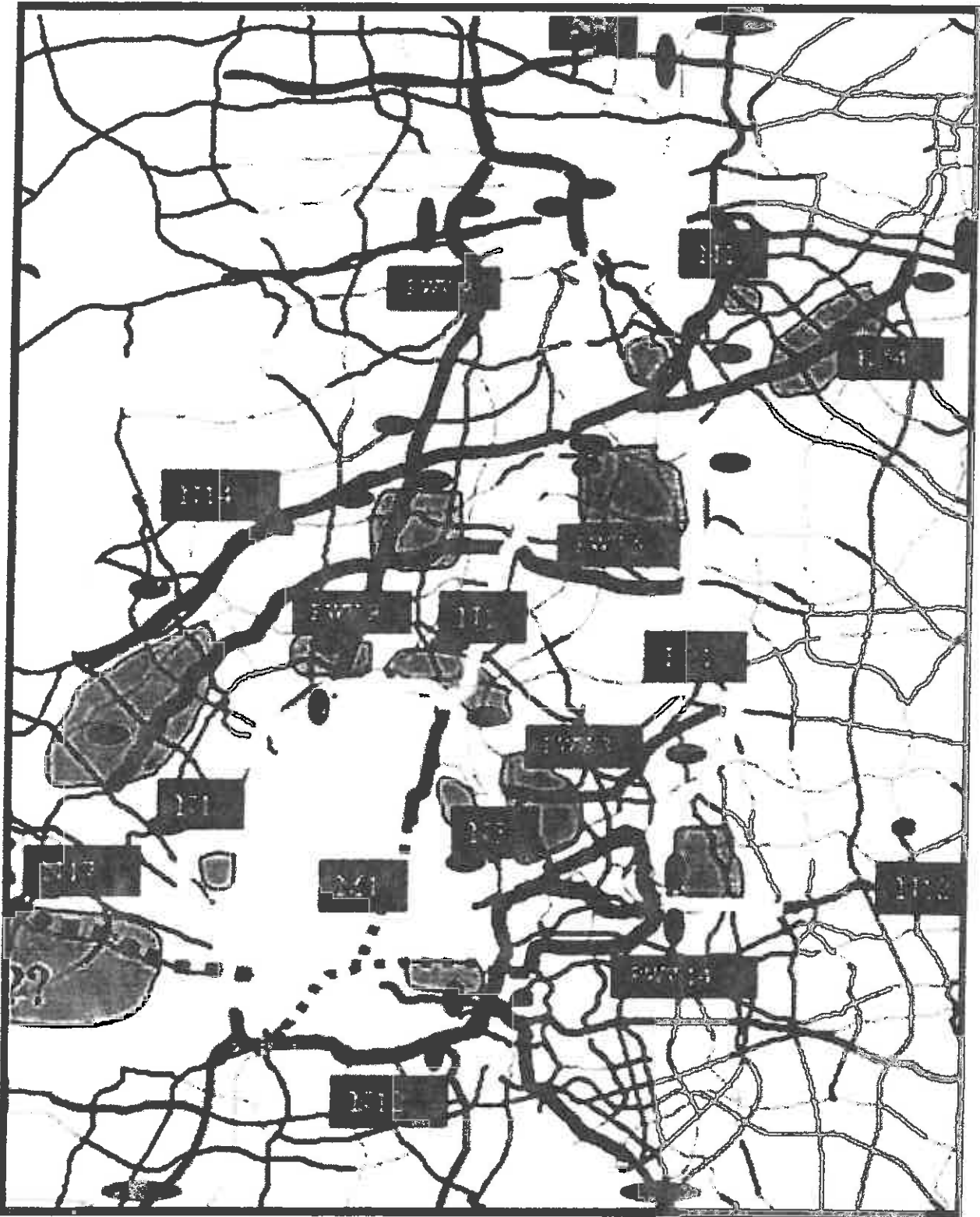
- **The strategy should not affect route choice**

In order to ensure good distribution of traffic throughout the network, toll points are positioned such that it does not affect route choice. For instance, traveling in the corridor between Pretoria and Johannesburg can take place via the PWV 9, N1 or R21, all at the same toll tariff. Users can also switch between the routes via the PWV 5 route without any affect on the toll charged.

- **Directional tolling in corridors**

A directional toll system provides more fairness with respect to the toll charged vs. the distance traveled. Therefore, the scheme utilises the concept to minimize toll charged to users using a portion of the route. For example, users traveling between Pretoria and Midrand will be charged once traveling southbound. For the return journey, they will not be charged. On the contrary, users traveling between Pretoria and Sandton will be charged for both journeys, since they utilise the full extent of the new or upgraded section.





**Figure 18: Proposed Toll Concept**

*Notes: Existing Toll Plazas are shown in green*

*New proposed toll points are indicated in pink*

*Ramp plazas on new infrastructure (red sections) are not shown*



- **Equal toll tariff at toll points based on 20km of travel**  
As mentioned previously, an open system will result in some users benefiting more from the toll road scheme than others, depending on the actual distance traveled on the network. The Gauteng Toll proposal toll charge is based on a cent per km rate related to approximately 20 km of traveling on the network. Thereby, the same toll tariff is charged at all the mainline toll points.

### **5.3 A system to promote Travel Demand Management(TDM) and public transport**

Promoting the use of public transport and Travel Demand Management (TDM ) measures are essential for integrated and sustainable transport management. The following principles are integrated, or possible to be integrated in the proposed toll scheme.

#### **5.3.1 Toll revenue benefiting public transport**

It is in principle acceptable to adjust the financial model in order to achieve financial returns above 0% to the benefit of public transport. Since State Toll Roads are not profit driven, the financial return is usually 0%. However, a need exists to promote public transport with additional funding sources. Increasing of the toll tariff within acceptable levels will act as a further disincentive to use private transport, whilst it is a source of funding to improve public transport services. Furthermore, expanding and improving the road network by means of the user pay principle does not impose the same "threat" to the viability of public transport initiatives such as Gautrain, since a penalty is applied to private vehicle use. The saving of an estimated R6,8 billion to fiscus for the project analysis period becomes available for other uses eg. public transport infrastructure or other social expenditure.

#### **5.3.2 Reduced toll for public transport operators**

SANRAL in principle agrees to the concept of reduced or discounted tariffs for public transport operators.



### 5.3.3 Congestion charging

Congestion pricing is used to manage travel demands during peak hours. In order to discourage users to travel in peak hours, or encourage them to rather use public transport, toll tariffs are increased for all or specific vehicle classes in congested periods. For example, the toll tariff for heavy vehicles may be increased dramatically in peak periods in order to encourage deliveries to take place outside peak hours. The merits of congestion charging of light vehicles still needs to be debated, since it might result in increased diversion onto the supporting road network.

### 5.3.4 High Occupancy Vehicle (HOV) lanes

Increasing vehicle occupancies decreases demand for road space. The charging of toll in itself promotes ride sharing. In order to further encourage ride sharing, additional lanes added to the existing network can be dedicated to high occupancy vehicles which obviously includes public transport vehicles.

### 5.4 Toll tariff adjusted year on year according to CPI

The toll tariff is adjusted year on year in accordance with the CPI figure. Therefore, the toll tariff that is set at the inception of the toll scheme stays constant in real terms, for the project life.

## 6. Results:

### 6.1 Direct impact on road user benefits

The current traffic conditions in the province were modeled on a SATURN macroscopic traffic program. In order to project a balanced perspective on the value of time, the value of time is calculated at R60/hr to reflect the average value of business time, R10/hr to reflect the value of private time, and R80/hr to reflect the value of time for freight movement (i.e. heavy vehicles). Table 3 shows:

- The results for 2004 (current situation),

- The effect if the freeway network is not expanded, and traffic growth at a rate of 3% per year continues for 5 years from the base model,
- The expected traffic situation if the improvements as discussed for the initial construction period are implemented.

Description	2009 No Improve- ments	2009 With Improve- ments
Fuel costs (Rmillion/day)	80.12	79.97
Other vehicle operating costs (Rmillion day)	146.24	146.23
Time cost of travelling (Rmillion/day)	147.43	141.39
Total costs (Rmillion/day)	373.75	367.59

**Table 3**

From the above table, it can be concluded that the direct economic impact of an insufficient freeway system in 5 years time will be economic losses in the order of R6.16 million per day or R1.35 billion per annum (based on 220 economically active days/year).

## 6.2 Operational Improvements

The implementation of the scheme will improve operational conditions on the freeway network dramatically. These improvements should not only be viewed against the current operational conditions, but also in terms of the expected operational conditions if no road network improvements take place. Table 4 shows the effect that the additional road capacity will have on the freeway network in 2009, with and without the proposed network improvements.



	N1			N3			R21					
	Rand Show Rd to Brakfontein – 56 km			Gilloolies to Buccleuch – 15 km			J/A to Flying Saucer – 36 km					
	North bound		South bound	North bound		South bound	North bound		South bound			
	Average Speed Km/hr	Maximum Demand Veh/hr	Average Speed Km/hr	Maximum Demand Veh/hr	Average Speed Km/hr	Maximum Demand Veh/hr	Average Speed Km/hr	Maximum Demand Veh/hr				
2004 am peak	88	6800	76	7600	57	7600	91	6000	103	3700	49	6000
2004 off peak	108	5700	108	5800	100	4800	99	5000	116	2400	116	2500
2004 pm peak	86	7000	88	6800	92	5700	57	7600	74	5000	100	3600
2009 Do Nothing	64	7800	56	8700	34	8700	56	7500	92	4400	36	7000
2009 ICW	102	6400	101	6400	89	6300	87	6200	113	2700	113	2900
2009 Tolled	66	7900	65	7500	69	7000	35	8800	55	5600	84	4400
	95	9100	100	8200	76	9200	94	7800	110	4700	65	8200
	113	5500	113	5100	107	5500	104	6100	118	2100	117	3100
	103	7900	94	8800	100	6100	69	9500	98	6400	107	4500

Table 4: Effect of improved network on average freeway speed

## 7. Economic Impact of the Scheme

### 7.1 Macro economic impacts

The impacts on the macro economy are expected to be substantial. As improved road systems become available, capital investments in other sectors such as manufacturing will be stimulated. It is estimated that these indirect effects will induce a further R4.5 billion of capital investment giving a total of R9.8 billion in new investment. Some 74% of the total R9.8 billion of the direct and induced investment would be in Gauteng.

The impact of these capital investments will contribute some R6.5 billion per annum to the GDP. The Gauteng portion (the contribution to its Gross Geographical Product (GGP)) should amount to about 80 per cent of the R6.5 billion. The contribution to the Gauteng GGP will be approximately 2.3 percent.

It is foreseen that the socio-economic impact of the project will be considerable. The project will play a key role in enhancing employment opportunities in the country in general and Gauteng in particular. A preliminary estimate is that approximately 29 000 jobs will be generated country-wide, with nearly 20 000 in Gauteng by the more effective operation of the economy through the saving of motor vehicle operating cost and time of vehicles. These savings will be reinvested and will lead to increased production and thus further employment creation in Gauteng and elsewhere. Most of the jobs (83 percent) would be permanent and even the construction jobs would be sustained over a fairly long period over the 30 year life-cycle of the project.

The employment creation potential of the project is, however, much bigger than the 29 000 jobs anticipated from direct employment creation. Currently several major development projects are being

established and planned for Gauteng. The upgraded road system will support and underpin these separate initiatives. In conjunction with these developments, the Gauteng Blue IQ initiative will also create substantial job opportunities. All the proposed development initiatives in the Province could together create as many as 200,000 new jobs. An improved road system will contribute to the creation of these jobs, and without a good road system the various projects may not all go ahead as planned because of a poor enabling environment.

The poor as well as the more affluent road users will benefit from the proposed scheme. Public transport and especially minibus-taxis will benefit from the improved roads. Additional income that will be distributed to households will be in the order of R3.3 billion. Some 18 per cent of the income will be distributed to low income households.

Reference Report: *Imperatives for a Toll Road Freeway Network for Gauteng. Tolling in Gauteng: Alternative mechanism for maintaining and upgrading the road network. (2 August 2001 – CSIR Transportek).*

## **7.2 Benefits to other major national and provincial initiatives**

The Province's Blue IQ initiative is a R1.7 billion initiative to invest in ten projects in the areas of tourism, technology, transport and high-value-added manufacturing. The Gauteng toll road project together with the Gautrain, one of the Blue IQ projects, will be essential to provide the necessary regional mobility to make a success of these spatial development initiatives. The estimated impact of the toll road project on Gautrain, and vice versa, indicated that the two projects will mutually support each other, and that demand is sufficient to support both projects.

The advantages of a metropolis for industrial development lies in efficient interaction between the supply of and demand for the products and services of industry. In economic terms this is called the 'cluster

concept'. Under the previous political dispensation decentralisation was practised, which resulted in high distribution costs between areas such as Rosslyn/GaRankuwa and the East Rand. Increasing traffic congestion is hindering the efficient integration of various industrialised areas in Gauteng. The proposed upgrading and tolling could have major benefits – there would be improved physical interaction, which would lower passenger and freight transport costs and travel time.

The Blue IQ projects involve four industrial developments, two of which are industrial development zones (IDZ), two light manufacturing developments, two nature reserves and a major office development.

At the end of 2000, the DTI announced a policy for the promotion of Industrial Development Zones, or IDZs. One of these zones is earmarked for the City Deep area in Johannesburg and the other one is earmarked for the area surrounding Johannesburg International Airport (JIA). Various incentives are to be offered to local and foreign investors to establish factories here. If direct foreign investment is to be attracted to these areas, an important decision criterion will be the availability of an effective, efficient and well-managed transport system. Not only will this contribute to lower transport and production costs and improved accessibility, but it can also contribute to making Gauteng's products and services competitive, both locally and internationally.

The Gautrain will link Tshwane, Sandton/Johannesburg with the JIA and will not only serve air travellers, but will also serve the employment areas at the airport and the IDZ.

The Gauteng Automotive cluster in the Rosslyn and Waltloo areas in Tshwane is a key development in the Mabopane Centurion Development Corridor (MCDC) which will be linked by the PWV 9 to the rest of the Gauteng's freeway network.



Likewise, the Wadeville – Alrode Industrial Corridor will bring much needed development to the East Rand and the freeway network will also improve mobility between the East Rand and the rest of Gauteng.

The Dinokeng nature reserve, home to the big five, North East of Tshwane, and the Cradle of Human Kind World Heritage Site in the West Rand, are both located on the periphery of Gauteng. The N1 and R21, the R28 and the PWV9 will provide regional access to these areas from Tshwane, Johannesburg and the JIA for local and foreign tourists.

### **7.3 SA Soccer bid 2010**

The hosting of the 2010 International Soccer World Cup in South Africa, will get a major boost from the Gauteng Freeway Project. The bid includes promises of major investments in roads, airports and transport systems. Without a fully developed freeway system in Gauteng, transport will become a nightmare when World Cup trips are added to the already congested freeway system. The World Cup is expected to contribute some R21 billion to the GDP. Between 300 000 and 500 000 World Cup visitors will spend some R18 billion and 159 000 jobs will be created. Thirty-two teams with 40 members each will stay here for 43 days. Some 14 700 VIP's and 10 500 journalists will visit the country.

## **8. Conclusion**

It is essential that transportation in Gauteng develops in parallel to meet the economic demands of the province. An approach whereby public transport, private transport and freight transport are integrated is needed for sustainable transport in the province. The proposed Gauteng toll road scheme provides a cost effective approach to solving the problem of insufficient road capacity in the province and the promotion of road based public transport. The implementation of the



proposed scheme will not only benefit users of different modes of transport, but the Gauteng economy as a whole for the foreseeable future.





**NATIONAL COUNCIL OF PROVINCES**

**FOR WRITTEN REPLY**

**QUESTION NO 141**

**DATE REPLY SUBMITTED: Monday, 23 April 2012**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: FRIDAY, 16 MARCH 2012 (INTERNAL QUESTION PAPER: NO 7 – 2012)**

**Mr R A Lees (DA) asked the Minister of Transport:**

With regard to the new tolls to be implemented on the roads in Gauteng with effect from April 2012, what (a) is the projected annual income from these tolls, (b) are the projected costs of (i) collection of toll revenue on these roads and (ii) maintenance of these roads in (aa) 2012, (bb) 2013 and (cc) 2014 and (c) are the details of the projected annual direct costs, excluding these mentioned above in the said years?

**CW191E**

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**REPLY:**

**The Minister of Transport:**

(a) The projected annual toll revenue on the Gauteng toll route is:

- 2012 financial year: nil (start of tolling on 30 April 2012)
- 2013 financial year: R1 018.4 million
- 2014 financial year: R2 494.5 million

(b) (i) and (ii) (aa), (bb) and (cc)

**Toll operations (collection) costs:**

- 2012 financial year: R 519.6 million
- 2013 financial year: R1 122.1 million
- 2014 financial year: R1 421.0 million

**Maintenance and improvements of roads:**

- 2012 financial year: R2 295.2 million
- 2013 financial year: R 668.7 million
- 2014 financial year: R 373.7 million

(c) No other direct costs are applicable to this route.

The above predicted revenues are dependent on the traffic volumes, which could mean a reduction in operations costs. However the maintenance and

improvements expenditure will be incurred because without timeous maintenance of the roads, the conditions of the roads will deteriorate.

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1. LETTER OF ACCEPTANCE

Name of Contract: PROCUREMENT OF AN OPEN TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL TRANSACTION CLEARING HOUSE

Contract Number: CONTRACT NRA N.001-201-2008/1

To: ELECTRONIC TOLL COLLECTION JOINT VENTURE (BEING A JOINT VENTURE COMPRISING KAPSCH TRAFFICOM AB, KAPSCH TRAFFICOM AG AND TMT SERVICES AND SUPPLIES (PROPRIETARY) LIMITED) (HEREINAFTER REFERRED TO AS "ETC JV")

Date: 18 SEPTEMBER 2009

Your Reference: LETTER OF TENDER SUBMITTED 20 JULY 2009

Our Reference: N16/1/A – GFIP – N:001-201-2008/1

We thank you for your Tender dated 20 July 2009 for the design, execution, commissioning and completion of the Works comprising the above-named Contract and remedying of defects therein so that they are fit for the purposes defined in the Contract, and for the operation and maintenance thereof under license for the period of 8 (eight) years, except for the operation of the TGH and VPC which shall be a period of 5 (five) years, all in conformity with the terms and conditions contained in the Contract and subject to that contained herein, signed by you and ourselves.

We have pleasure in accepting your Tender (as corrected/adjusted) for the Accepted Contract Amount of: ZAR10 052 175 790.70  
(currency and amount in figures)

Ten billion, fifty two million, one hundred and seventy five thousand, seven hundred and ninety rand and seventy cents  
(currency and amount in words)

This amount is made up of the following components (the breakdown of which are attached hereto in the form of the accepted Schedule of Payment):

For the Design-Build of the Works, the amount of: ZAR1 330 173 559.34  
(currency and amount in figures)

One billion, three hundred and thirty million, one hundred and seventy three thousand, five hundred and fifty nine rand and thirty four cents  
(currency and amount in words)

For the Operation Service, the amount of: ZAR8 350 798 281.89  
(currency and amount in figures)

Eight billion, three hundred and fifty million, seven hundred and ninety eight thousand two hundred and eighty one rand and eighty nine cents  
(currency and amount in words)

2689

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA.N.001-201-2008/1**

**FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING HOUSE**

For the Asset Replacement Fund, the amount of:

**ZAR371 203 950.00**  
*(currency and amount in figures)*

**Three hundred and seventy one million, two hundred and three thousand nine hundred and fifty  
rand**  
*(currency and amount in words)*

All the above amounts are inclusive of 14% Value Added Tax (VAT)

In consideration of you properly and truly performing the Contract, we agree to pay you the Accepted Contract Amount or such other sums to which you may become entitled under the terms of the Contract, at such times and as prescribed by the Contract.

The following conditions of acceptance are applicable and by your signature hereto you agree to comply therewith:

- The Contract be awarded and is awarded to the Tendering entity (i.e. The ETC JV) and not to a special purpose vehicle ("SPV") to be formed by ETC JV for purposes of this Contract, with the right of assignment granted to ETC JV and which will allow it to assign its rights and obligations under the Contract to the SPV within a period of twenty eight (28) days (or such other period as SANRAL, as the Employer, may allow) of the date of award (Letter of Acceptance) provided that all Employer's conditions for such assignment have been met within this period and the written consent for such assignment has been received, in writing, from the Employer signifying its acceptance that all conditions for such assignment have been met, to the satisfaction of the Employer. This consent shall be granted or refused, as the case may be, at the sole discretion of the Employer and failing receipt thereof within the aforementioned period there shall be no assignment.
- If the ETC JV elects to assign its rights and obligations under the Contract to an SPV, then the following conditions will apply:
  - o The assignment shall be in terms of alternative 3 as per clause 2.3.1 (as read with the applicable Tender Data), of the Conditions of Tender relating to the Tenderer contracting with the Employer through an SPV, i.e. the ETC JV shall provide acceptable Parent Company Guarantees (for the full contract amount) and an accompanying Demand Guarantee (in the value of R 600,000,000-00) for the duration of this Contract. Additionally, the Performance Securities, as required in terms of the Contract, shall be provided;
  - o Receipt of and approval by the Employer of the memorandum and articles of association of the SPV which must, at a minimum, comply with the Conditions of Tender (Tender Data) 2.3.1;
  - o Approval by the Employer of the shareholding of the SPV, in compliance with the Conditions of Tender (Tender Data) 2.3.1, and the prohibition of subsequent changes thereto without the Employer's consent;
  - o Receipt of and approval by the Employer of the shareholders agreement relating to the shareholding in the SPV which must include the basis of funding the SPV and impose obligations on the shareholders in this regard and/or be back to back with approved facility agreements;
  - o Performance Security obligations having been complied with;
  - o Relevant Parent Company Guarantees and Demand Guarantees, having been received by the Employer, all in accordance with the requirements of the Conditions of Tender and that referred to herein.

**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA.N.001-201-2008/1**

**FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING HOUSE**

- Nothing contained in your Tender Offer (Contractor's Proposal) constitutes a qualification or variation of the Tender Documents. Further, the provisions of the Tender Documents, relating to the priority of documents, will apply;
- The Employer will negotiate all banking fees with banks. You may elect to utilise the cash deposit component (which is their responsibility), if so desired;
- The Employer will not accept the re-balancing of payment item B2-2001. The original Tendered rates for this item will apply;
- You accept all of the Employer's-nominated Tag suppliers and of whom Tenderers were advised during the Tender Phase;
- Only suppliers Prequalified for Works Packages 1-4 will be contracted by you to provide the services and supplies applicable to those Work Packages;
- The Employer has elected not to accept the offered discount for combined back office servers, i.e. the Employer requires separate back office systems;
- Communications backbone: Item A3-1001. Where duplication of equipment is found between the scope of the Employer in the provision of the communications network, and equipment that is included in your Tender Offer, an equivalent saving will be provided to the Employer as confirmed in the second clarification letter of ETC JV;
- Reference: Item B2-3008 - the unit is referred to as "Kiosk-Shift". The ETC JV, however, Tendered this item on the basis of a "Kiosk-Month". The description of payment item B2-3008 shall be altered to read the same as payment item B2-3007 in which the payment item is "Kiosk-Month", but referring to months 4 to 96 after commencement of tolling rather than months 0 to +3 after commencement of tolling. The alternative would be to retain the description of payment item B2-3008 and convert the "Kiosk-Month" rate to a "Kiosk-Shift" rate by dividing by 60, the number of shifts per month.
- The RSS system for Tolling Points TG034 and TG035 will be implemented through a Variation Order, using other similar Tendered rates to determine the value of such Variation.

For purposes of clarity, the following periods / dates shall apply:

- Letter of Acceptance: Issued on 18 September 2009;
- Date of Receipt of the Letter of Acceptance: 18 September 2009;
- Signing of Contract Agreement by the ETC JV: by Wednesday, 23 September 2009;
- Issue of Employer's Representative Notice (COC sub-clause 8.1): 24 September 2009;
- Commencement Date (COC sub-clause 8.1): 8 October 2009;
- Submission of Contractor's Programme (COC sub-clause 8.3): by 8 October 2009;
- Issuing of Performance Security (COC sub-clause 4.2): by 16 October 2009;
- Issuing of Demand Guarantee (COC sub-clause 4.27): by 16 October 2009;
- Issuing of Parent Company Guarantees: by 16 October 2009;
- Provision of proof of insurances for Design Build Period (COC clause 19): At Commencement Date, or such other date as mutually agreed with SANRAL;
- Date for appointment of the DAB (COC sub-clause 20.3): To be mutually agreed.

All other dates shall be as contemplated in the COC.

\* COC = Conditions of Contract in terms of the FIDIC DBO.

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**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA N.001-201-2008/1**

**FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING HOUSE**

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We acknowledge that this Letter of Acceptance creates a binding Contract between us, and we undertake to fulfil all our obligations and duties in accordance with the terms of this Contract.

Signed by: *W. Lieneke*  
(signature)  
For and behalf of: The South African National Roads Agency Ltd.  
Date: 2009-09-18

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SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA N.001-201-2008/1  
FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING HOUSE

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### OPERATING LICENCE

The South African National Roads Agency Limited, Registration Number: 1998/009584/06, a Public Company incorporated in accordance with the South African National Roads Agency Limited and National Roads Act, 1998 ("the Act"), hereby grants to:

**ELECTRONIC TOLL COLLECTION JOINT VENTURE (BEING A JOINT VENTURE COMPRISING  
KAPSCH TRAFFICCOM AB, KAPSCH TRAFFICCOM AG, AND TMT SERVICES AND SUPPLIES  
(PROPRIETARY) LIMITED)**

(hereinafter referred to as "the Contractor")

The Operating Licence accordance terms and conditions of the Contract and as contemplated in the Act.

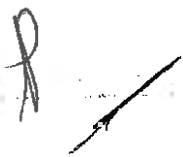
The Contractor shall during the period stated in the Contract, on behalf of the Employer:

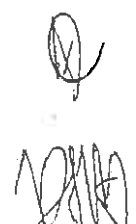
- Operate and Maintain the Works; and
- Be responsible for Care of the Works and ensure that the Works and Goods are in proper working order; and
- Levy and collect on behalf of SANRAL the toll on the roads as identified in the Contract; and
- Levy toll that as determined by the Minister of Transport and published in the Government Gazette from time to time; and
- Take such steps to process the payment of Tolls and to recover tolls from any person liable to pay same and to procure compliance in terms of the Act by all road users; and
- In general comply with all its obligations in terms of the Contract and the Act.

THUS DONE and SIGNED at Pretoria on this the 18th DAY of September 2009.



For and on behalf of:  
**SANRAL**





SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA N:001-201-2008/1

FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING-HOUSE

### CONTRACT AGREEMENT

This Agreement made on the 18th day of September, 2009,  
 between **THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED**  
 of **Ditsela Place (Head Office); 1204 Park Street, Hatfield, Pretoria, South Africa**  
 (herein called "the Employer"), of the one part,  
 and **ELECTRONIC TOLL COLLECTION JOINT VENTURE (BEING A JOINT VENTURE**  
**COMPRISING KAPSCH TRAFFICOM AB, KAPSCH TRAFFICOM AG, AND TMT**  
**SERVICES AND SUPPLIES (PROPRIETARY) LIMITED)**  
 of **Batawongsgatan 10, SE-55110, Jonkoping; Sweden**  
 (herein called "the Contractor"), of the other part:

Whereas the Employer desires that the Works known as **CONTRACT NRA N:001-201-2008/1: FOR THE**  
**PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A**  
**NATIONAL TRANSACTION CLEARING HOUSE** should be designed, executed and operated by the  
 Contractor and has accepted a Tender from the Contractor for the design, execution, completion and  
 operation and maintenance of these Works, and the remedying of any defects therein,

The Employer and the Contractor agree as follows:

1. In this Agreement, the words and expressions shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to.
2. The following documents shall be deemed to form and be read and construed as a part of this Agreement:
 

(a)	The Letter of Acceptance dated	18 September 2009
(b)	The Letter of Tender dated	20 July 2009
(c)	The Addenda Nos.	1 to 24
(d)	The Conditions of Contract (Volume 1)	
(e)	The Employer's Requirements (Volume 2)	
(f)	The completed Returnable Schedules	
(g)	The Operating License, and	
(h)	The Contractor's Proposal	



**SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
CONTRACT NRA.N.001-201-2008/1  
FOR THE  
PROCUREMENT OF AN OPEN ROAD TOLLING SYSTEM IN THE GAUTENG PROVINCE, SOUTH AFRICA AND A NATIONAL  
TRANSACTION CLEARING HOUSE**

- 3. In consideration of the payments to be made by the Employer to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Employer to design, execute, complete, operate and maintain the Works and remedy any defects therein in conformity with the provisions of the Contract and the Operating License granted by the Employer.
- 4. The Employer hereby covenants to pay the Contractor, in consideration of the design, execution, completion, operation and maintenance of the Works and the remedying of defects therein, the Contract Price at the times and in the manner prescribed by the Contract, and to grant the Contractor a royalty-free license to enable him to operate and maintain the Works during the Operation Service Period.

In witness whereof the Parties hereto have caused this Agreement to be executed on the day and year first above written.

Signed by: [Signature]  
(duly authorized signatory)

Signed by: [Signature]  
(duly authorized signatory)

for and on behalf of the Contractor in the presence  
presence of Witness: [Signature]  
(signature)

for and on behalf of the Employer in the  
presence of Witness: [Signature]  
(signature)

Name: D G Davey

Name: A.M.A. van Diebet

Address: 3 Cannon Close, Newlands

Address: 151 Observatory Dr., Pretoria

Date: 18/09/2009

Date: 2009/09/18

[Signature]

[Signature]

## 11.6 Toll-related operating and maintenance costs

Table 11-6 below indicates the composition of the operations costs of the Open Road Tolling system for the Comprehensive Open and Closed Toll Strategies respectively.

Table 11-6 . Composition of Operations Costs for Comprehensive Open and Closed Toll Strategies (March 2007 Rand)

	Comprehensive Open	Closed
Operator's Head Office	R 13 m	R 13 m
Central Operations Centre	R 96 m	R128 m
Customer Service Centres	R131 m	R188 m
Transaction Costs	R 66 m	R 70 m
Technical Shelters	R 6 m	R 19 m
Marketing	R 10 m	R 10 m
Engineering Services	R 18 m	R 21 m
TOTALS	R390 m	R499 m

From Table 11-6 it can be concluded that the annual operations costs of the ORT system will be more for a closed toll strategy, because of the expected increased numbers of transactions to be dealt with at the Central Operations Centre and elsewhere in the system.

Table 11-7 provides a summary of all annual recurring costs of the ORT system for the two toll strategies under consideration, i.e. including routine road maintenance costs, toll systems maintenance costs and ORT system operations costs. It can be concluded from Table 11-7 that a closed toll strategy is predicted to be about 15% more expensive to operate and maintain than the proposed comprehensive open system.

Table 11-7 : Recurring Annual Costs during Initial Years (March 2007 Rand)

Cost element	Comprehensive Open	Closed
Routine Road Maintenance	R165 m	R165 m
Toll Systems Maintenance	R 57 m	R 90 m
ORT System Operations	R390 m	R450 m
TOTALS	R612 m	R705 m

## 12. FINANCIAL EVALUATION

### 12.1 Approach to financial evaluation

The SANRAL has, since its inception in 1998, adopted a prudent policy in respect of the funding of new toll projects, namely that the net revenue of a toll project (after all operating and maintenance costs, but not interest, have been subtracted) should cover the annual interest payment due on the capital and money market loans procured or to be procured for

### 11.3 Initial capital costs for public transport infrastructure and for overload facilities

The initial capital costs allowed for public transport infrastructure and overload facilities amount to R1 500 million. It was considered that the potential expenditure on public transport infrastructure might possibly be for infrastructure related to the park-and-ride and modal interchange facilities related to the planned High Occupancy Vehicle Scheme and/or for other public transport infrastructure.

### 11.4 Summary of Initial Capital Costs

Table 11-5 summarises the initial capital costs of the Gauteng Toll Highway Scheme, including existing roads only, for the Comprehensive Open and the Closed Toll Strategies respectively.

Table 11-5 : Initial Capital Cost Summary – Upgrading of Existing Freeways (March 2007 Rand)

Cost element	ICC	
	Comprehensive Open Directional	Closed
Existing freeway upgrades	R11 780 m	R11 780 m
Public transport infrastructure/Overload facilities	R 1 500 m	R 1 500 m
Toll system	R 1 560 m	R 2 325 m
Operations and Customer Service Centres/Technical Shelters/"Enforcement" Areas	R 195 m	R 205 m
TOTALS	R15 038 m	R16 343 m

The additional R1 300 million of initial capital costs associated with the closed toll strategy indicates why the closed toll strategy is likely to be financially less viable.

### 11.5 Toll-related periodic and annual maintenance costs

The financial evaluation is performed on the basis that the toll revenue should make provision for all the road-related cost to be incurred during the project evaluation period, including routine annual and periodic maintenance costs.

The routine annual maintenance costs of the freeway network was based on the actual recent routine annual maintenance costs of the N1 through Gauteng which amounts to about R200 000 per km.

Provision was made for periodic maintenance of all freeways 10 years after completion of the initial construction works and for rehabilitation of all freeways 20 years after completion of the initial construction works.

Table 12-3 : Comparison of LSRs and ICC (March 2007 Rand) – Comprehensive Op Toll Strategy @ 25c/km and 30c/km Toll Tariffs Respectively

	LSR	ICC <sup>1)</sup>	LSR/CC
<b>Comprehensive Open Directional</b>			
• 25c/km <sup>2)</sup>			
80% collection	R18 971 m	R15 038 m	1,26
90% collection	R24 900 m	R13 938 m	1,60
<b>Comprehensive Open Directional</b>			
• 30c/km <sup>2)</sup>			
80% collection	R23 822 m	R15 038 m	1,58
90% collection	R30 685 m	R15 038 m	2,04

1) Including existing freeways only

2) Discounted tariffs

From Table 12-3 it is apparent that an LSR/ICC ratio of above 1,58 is being achieved at a discounted light vehicle tariff of 30c per km even if only 80% of the gross toll revenue is being collected. Table 12-4 indicates the debt service cover ratios, the maximum debt levels reached and the year of operation when loans are repaid.

Table 12-4 : Debt Service Cover Ratios and Loan Repayment Information for the Comprehensive Open Toll Strategy at 25c/km and 30c/km Toll Tariffs Respectively

	2011/12 DSCR	Loans repaid by	Max. debt level
<b>Comprehensive Open</b>			
• 25c/km <sup>1)</sup>			
80% collection	0,81	year 10	R22 924 m
90% collection	1,04	year 14	R19 306 m
<b>Comprehensive Open</b>			
• 30c/km <sup>1)</sup>			
80% collection	1,00	Year 11	R19 347 m
90% collection	1,25	Year 11	R19 081 m

1) Discounted tariffs

From Table 12-4 it can be concluded that project viability in terms of a debt service cover ratio above 1,0 can be achieved, even if 80% of the gross toll revenue is being collected, if the discounted light vehicle tariff amounts to 30c per km. It can also be observed from Table 12-4 that there is a significant degree of similarity between the maximum debt levels and the year of repayment of loans for the 25c per km/90% collection and 30c per km/80% collection cases with maximum debt levels of R19 306 million and R19 347 million respectively and with repayment of all loans in year 14 of operation in both cases.



# environment & tourism

Department  
Environmental Affairs and Tourism  
REPUBLIC OF SOUTH AFRICA

SAM

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Private Bag X447, Pretoria, 0001 • Freedom Building, 318 Pretorius Street, Pretoria, 0002 Tel: (+27 12) 310 3211 Fax: (+27 12) 310 3212

Reference: 12/12/20/917

Enquiries: Ms Sweethani Muvhango

Telephone: (012) 310 3250 Fax: (012) 320 7539 E-mail: [SMuvhango@dept.gov.za](mailto:SMuvhango@dept.gov.za)

Ms Mpali Makoa  
South African National Roads Agency Limited  
Private Bag X 17  
LYNNWOOD RIDGE  
0040

Fax no: 012 362 2117

PER FACSIMILE / MAIL

Dear Ms Makoa

## GRANTING OF CONDITIONAL AUTHORISATION FOR PROJECT REFERENCE 12/12/20/917: PROPOSED UPGRADING OF THE R 21 BETWEEN THE N 12 AND HANS STRYDOM INTERCHANGES, GAUTENG PROVINCE

With reference to the abovementioned application, please be advised that the Department has decided to grant authorisation. The environmental authorisation and reasons for the decision are attached herewith.

In terms of regulation 10(2) of the Environmental Impact Assessment Regulations, 2006, you are instructed to notify all registered interested and affected parties (IAPs), in writing and within seven (7) calendar days of the date of this letter, of the Department's decision in respect of your application as well as the provisions regarding the making of appeals that are provided for in the regulations.

Your attention is drawn to Chapter 7 of the Regulations which regulates appeal procedure. Attached please find a simplified copy of the appeals procedure to be followed. Kindly include a copy of this procedure with the letter of notification to IAPs.

A copy of the official appeal form can be obtained from:

Mr PKM Pretief, Appeals Administrator, Tel: 012 310 3705, [pretief@dest.gov.za](mailto:pretief@dest.gov.za); or

Mr H Grové, Appeals Administrator, Tel: 012 310 3070, [hgrove@dest.gov.za](mailto:hgrove@dest.gov.za), at the Department

Should you wish to appeal any aspect of the decision, you must, *inter alia*, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:

By facsimile: (012) 310 3688;

By post: Private Bag X447, Pretoria, 0001; or

Mkhaziso ka zwa Mhondo ni Vusondela nashana • Uthixo e Tsemandzawo nateku/Velapha • Ishele le Lintl'eni jhondisoq' q'om nshana  
Kazwani ya Tshaka & Moango • Departheni: Ompawansaka an Tourism • Letipha le Tshaka le Bantshaka • Letipha le Tshaka  
Kgoro ya Tshaka le Boer • Umkhango wezabhusuleko nokuvelapha • Umnyango Wazwami Horuzelata

Gufo Fole - putang ps mla dlat

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By hand: 2<sup>nd</sup> Floor, Fedsure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

Should the applicant decide to appeal, the applicant must serve a copy of its notice of intention to appeal on all registered IAPs as well as a notice indicating where, and for what period, the appeal submission will be available for inspection.

Please include the Department, attention of the Director: Environmental Impact Evaluation, in the list of IAPs, notified through your notification letter of the decision, for record purposes.

You are strongly advised to refrain from the initiation of any construction activities prior to the conclusion of the appeals process. All construction activities initiated during the appeals process will be done solely at your risk.

Yours faithfully

Ms Pam Yako  
Director - General  
Department of Environmental Affairs and Tourism  
Letter signed by: Lize McCourt  
Designation: Chief Director: Env. Impact Management  
Date: 19/2/2006

CC: Munyedziwa Hichotes      ARUP/Tswelopele      Fax: 011 767 3059

APPEALS PROCEDURE IN TERMS OF CHAPTER 7 OF R. 385 OF 2006 TO BE FOLLOWED BY THE APPLICANT AND INTERESTED AND AFFECTED PARTIES UPON RECEIPT OF NOTIFICATION OF AN ENVIRONMENTAL AUTHORISATION

Table with 2 columns: APPLICANT and INTERESTED AND AFFECTED PARTIES (IAPs). It contains 5 rows of procedural steps for both parties, including notification requirements, submission of appeals, and responding statements.

NOTES:

- 1. An appeal against a decision must be lodged with:-
a) the Minister if the decision was issued by the Director-General...
b) the MEC if the decision was issued by the Head of Department...
c) the delegated organ of state where relevant.
2. An appeal lodged with:-
a) the Minister must be submitted to the Department of Environmental Affairs and Tourism
b) the MEC must be submitted to the provincial department responsible for environmental affairs
c) the delegated organ of state, where relevant, must be submitted to the delegated organ of state
3. An appeal must be:-
a) on an official form obtainable or published by the relevant department
b) accompanied by:
- a statement setting out the grounds of appeal
- supporting documentation which is referred to in the appeal...
- a statement that the appellant has complied with regulation 62 (2) or (3)...
- the prescribed appeal fee, if any.
4. A copy of the official appeal form can be obtained from:
Mr PKM Relief, Appeals Administrator, Tel: 012 310 3705, relief@deat.gov.za; or
Mr H Grové, Appeals Administrator, Tel: 012 310 3070, hogrove@veat.gov.za, at the Department.
Should you wish to appeal any aspect of the decision, you must, inter alia, lodge a notice of intention to appeal with the Minister, within 10 days of receiving notice of the decision, by means of one of the following methods:
By facsimile: 012 310 3688;
By post: Private Bag X447, Pretoria, 0001; or
By hand: 2nd Floor, Fedeure Form Building, North Tower, cor. Van der Walt and Pretorius Streets, Pretoria.

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## Environmental Authorisation

**Authorisation register number:** 12/12/20/917  
**Last amended:**  
**Holder of authorisation:** SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED  
**Location of activity:** Ekurhuleni Metropolitan Municipality, Gauteng

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## Decision

The Department is satisfied, on the basis of information available to it and subject to compliance with the conditions of this environmental authorisation, that the applicant should be authorised to undertake the activity specified below.

Details regarding the basis on which the Department reached this decision are set out in Annexure 1.

## Provisions of regulations from which exemption is granted

The South African National Roads Agency Limited (SANRAL) is hereby exempted in terms of regulation 51 of the EIA Regulations, 2006 from assessing alternatives in terms of complying with the following sections B: 2 (a) and 2 (b); 10 (c), 10 (e), 10 (f), 10 (g), 10 (h), 10 (i), 10 (j), and 10 (k); Section C: 1, 2, 4.5 and 6; and Section D: 1(b), and 1(e) of the Basic Assessment Report with respect to the proposed development in order to meet the requirements of Regulations 23 (2) of the EIA Regulations, 2006.

## Activities authorised

By virtue of the powers conferred on it by the National Environmental Management Act, 1995 (Act No. 107 of 1995) and the Environmental Impact Assessment Regulations, 2006 the Department hereby authorises –

SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED

with the following contact details –

Ms Mpali Makoa  
Private Bag X 17  
LYNNWOOD RIDGE  
0040

Tel: 012 436 6013  
Fax: 012 362 2117

to undertake the following activity/ activities (hereafter referred to as "the activity")

*[Handwritten signature]*  
2012/2012

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R. 396:

1(m): The construction of facilities or infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the bank of a river or stream where the flood line is unknown, excluding for purposes associated with existing residential use, but including:

- i) Canals;
- ii) Channels;
- iii) Bridges;
- iv) Dams; and
- v) Weirs.

4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in stream dam, floodplain or wetland

7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum, gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 100 cubic metres at any one location or site.

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding:

- a) Masts of 15 meter and lower exclusively used
  - i) By radio amateurs; or
  - ii) For lighting purposes
- b) Flag poles; and
- c) Lightning conductor poles.

15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres.

for the purpose of upgrading a portion of the Regional Route 21 (R 21) between the national Route 12 (N12) in the south and Hans Strijdom (Road K69) Interchange in the north, as described in the Basic Assessment Report (BAR) dated 10 October 2007.

- i) The upgrade of the road surface and associated structure entails the following:
  - The lanes will be added mainly to the median of the existing freeway;
  - Rehabilitation of the existing road pavement.
  - Repair and upgrades to certain bridge and overpass structures
  - Construction of two new pedestrian bridges.
  - The existing bridge 22889 will be demolished.
  
- ii) The interchange improvement entails the following:
  - The doubling of KE4 over a short section and the provision of south facing on and off ramps.
  - Signalisation of both the eastern off-ramp terminal and P29-1 intersection at Olifantsfontein Interchange
  - Loop ramps proposed from Benoni Interchange.
  - Slip and right -turning lanes at Bapsfontein Interchange.
  - Upgrade of Pomona Road Interchange eastern and western ramp terminals.
  
- iii) Other improvements will include the provision of intelligent transport infrastructure for the extension of the Communications and Surveillance systems.
  - Construction activities include:
    - o Civil works: trenches, miniducts, pipe boring, manholes, poles and foundations of structures;
    - o Electrical distribution (cables, metering and distribution kiosks);
    - o Wireless and Fibre Optic communications; and
    - o CCTV cameras, and
    - o Variable Message Signs (VMS).

along the R 21 between the N 12 and the Hans Strijdom Interchanges, which fall within the jurisdiction of the Ekurhuleni Metropolitan Municipality of the Gauteng Province, hereafter referred to as "the property".

The granting of this environmental authorisation is subject to the conditions set out below.

### Conditions

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14/1/2010

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Scope of authorisation

- 1.1 Authorisation of the activity is subject to the conditions contained in this authorisation, which conditions form part of the environmental authorisation and are binding on the holder of the authorisation.
- 1.2 The holder of the authorisation shall be responsible for ensuring compliance with the conditions by any person acting on his or her behalf, including but not limited to, an agent, sub-contractor, employee or person rendering a service to the holder of the authorisation.
- 1.3 The activity authorized may only be carried out at the property indicated above.
- 1.4 Any changes to, or deviations from, the project description set in this authorisation must be approved, in writing, by the Department before such changes or deviations may be effected. In assessing whether to grant such approval or not, the Department may request such information as it deems necessary to evaluate the significance and impacts of such changes or deviations and it may be necessary for the holder of the authorisation to apply for further authorisation in terms of the regulations.
- 1.5 This activity must commence within a period of four (4) years from the date of issue. If commencement of the activity does not occur within that period, the authorisation lapses and a new application for environmental authorisation must be made in order for the activity to be undertaken.
- 1.6 This authorisation does not negate the holder of the authorisation's responsibility to comply with any other statutory requirements that may be applicable to the undertaking of the activity.
  - 1.6.1 Relevant legislation that must be complied with by the holder of this authorisation include but is not limited to:
    - Compliance with the requirements of Section 38 of the National Heritage Resources Act, Act 25 of 1999, including the comments and recommendations of the relevant heritage resources authority responsible for the area in which the development is proposed. Should any heritage resources be exposed during excavation for the purpose of construction, construction in the vicinity of the finding must be stopped. A registered heritage specialist must be called to the site for inspection. Under no circumstances shall any heritage material be destroyed or removed from the site. The relevant heritage resource agency must be informed about the findings.
    - Compliance with the requirements of the National Water Act (Act 36 of 1998).

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- All provisions of the Occupational Health and Safety Act, 1993 (Act 95 of 1993).
- Should fill material be required for any purpose, the use of borrow pits must comply with the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) administered by the Department of Minerals and Energy. No excavation for infill material may be done in identified sensitive areas, watercourses and 1:10 year flood lines.
- Provisions of the Explosives Act, Act 26 of 1956
- Relevant local authority bylaws and regulations.
- Special measures must be taken to ensure as little disruption of users of the road due to construction activities as possible. Road users must be kept informed of the progress of construction and expected completion dates by means of information sign boards placed strategically along the section of affected road.
- The applicant is hereby limited to storage of bituminous products to a threshold below 30 000 litres on site. Should the applicant wish to exceed this capacity, a separate application for environmental authorisation must be made in terms of R. 386 (7) of 2005.

#### Appeal of authorisation

- 1.7 The holder of the authorisation must notify every registered interested and affected party (IAP), in writing within 7 (SEVEN) calendar days, of receiving notice of the Department's decision to authorise the activity.
- 1.8 The notification referred to in 1.7 must –
- 1.8.1 specify the date on which the authorisation was issued;
  - 1.8.2 inform the interested and affected party of the appeal procedure provided for in Chapter 7 of the regulations; and
  - 1.8.3 advise the interested and affected party that a copy of the authorisation will be furnished on request, and
  - 1.8.4 give the reasons for the decision.

**Management of the activity**

- 1.9 An Environmental Management Plan ("EMP") for construction which fulfils the requirements of this authorisation must be compiled and submitted to the Department for approval before the construction process commence. The EMP must be compliant to regulation 34 of the regulations and include-
  - 1.9.1 Measures for waste avoidance, minimisation and disposal of waste at an appropriate facility.
  - 1.9.2 Siting, demarcation and management of material storage and vehicle servicing areas used by the contractor which must be outside of the 1:50 year flood line or at least 100 meters away from water courses.
  - 1.9.3 Measures for traffic control as prescribed by the South African Traffic Safety Manual
  - 1.9.4 All work areas must be supplied with proper sanitation facilities.
  - 1.9.5 Measures for dust control during the construction phase.
  - 1.9.6 Measures for protection and demarcation of sensitive areas as identified in the BAR section 9: (page 10)
  - 1.9.7 Measures to ensure the natural migration of aquatic biota is not impeded.
  - 1.9.8 Measures for the storage and management of topsoil for use during rehabilitation upon completion of the construction process.
  - 1.9.9 Measures for the rehabilitation of all areas disturbed during the construction phase of the project excluding those areas where permanent structures are erected.
- 1.10 Once approved by DEAT, the construction EMP will be seen as a dynamic document. However, any changes to the EMP must be submitted to the authorities for approval before such changes could be effected.

**Monitoring**

- 1.11 The applicant must appoint a responsible person that will act as an Environmental Control Officer (ECO) that will have the responsibility of implementing the approved EMP.
  - The ECO shall be appointed before the start of construction and the authorities must be notified of such an appointment for communication purposes.
  - The ECO shall submit a quarterly environmental compliance report, in writing to The Director, Environmental Impact Evaluation and copy the applicant with such report. This report shall include a description of all activities on site, problems identified, transgressions noted and remedial action implemented. The report must reflect the DEAT reference number of the project on the cover page.

*J. 19/2/12*

- The ECO shall maintain the following on site:
  - o A site diary
  - o Copies of all reports submitted to the Department
  - o A complaints register of all public complaints and the remedies applied to such complaints
- The ECO shall remain employed until all rehabilitation measures as well as site clean-up are completed and the site is handed over to SANRAL by the contractor for operation.

**Recording and reporting to the Department**

1.12 The holder of the authorization must submit an environmental compliance audit report to the Department upon completion of the construction and rehabilitation activities. The environmental audit report must –

- 1.12.1 Indicate the date of the audit, the name of the auditor and the outcome of the audit in terms of compliance with the Environmental Authorisation conditions as well as the requirements of the EMP.
- 1.12.2 Records relating to compliance monitoring must be kept on site and made available for inspection to any relevant and competent authority in respect of this development.

**Commencement of the activity**

1.13 Fourteen (14) days written notice must be given to the Department that the activity will commence. Commencement for the purposes of this condition includes site preparation. The notice must include a date on which it is anticipated that the activity will commence.

**Operation of the activity**

1.14 Fourteen (14) days written notice must be given to the Department that the activity operational phase will commence.

**Site closure and decommissioning**

1.15 Should the use of the facilities instated as part of this authorisation ever cease or become redundant, the applicant shall undertake the required actions as prescribed by legislation at the time and comply with all relevant legal requirements administered by any relevant and competent authority at that time.

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**General**

- 1.16 A copy of this authorisation must be kept at the site office where the activity will be undertaken. The authorisation must be produced to any authorised official of the Department who requests to see it and must be made available for inspection by any employee or agent of the holder of the authorisation who works or undertakes work at the property.
- 1.17 Where any of the applicant's contact details change, including the name of the responsible person, the physical or postal address and/ or telephonic details, the applicant must notify the Department as soon as the new details become known to the applicant.
- 1.18 The holder of the authorisation must notify the Department, in writing and within 48 (fourty eight) hours, if any condition of this authorisation cannot be or is not adhered to. Any notification in terms of this condition must be accompanied by reasons for the non-compliance. Non-compliance with a condition of this authorisation may result in criminal prosecution or other actions provided for in the National Environmental Management Act, 1998 and the regulations.
- 1.19 National government, provincial government, local authorities or committees appointed in terms of the conditions of this authorisation or any other public authority shall not be held responsible for any damages or losses suffered by the applicant or his successor in title in any instance where construction or operation subsequent to construction be temporarily or permanently stopped for reasons of non-compliance by the applicant with the conditions of authorisation as set out in this document or any other subsequent document emanating from these conditions of authorisation.

Date of environmental authorisation: 19/7/2008



Mr. P. M. Yako  
Director - General

Department of Environmental Affairs and Tourism

Letter signed by: Lize McCourt

Designation: Chief Director: Environmental Impact Management





### Annexure 1: Reasons for Decision

#### 1. Background

The applicant, South African National Roads Agency Limited (SANRAL), applied for authorisation to carry out the following activity –

R. 366:

1(m): The construction of facilities on infrastructure, including associated structures or infrastructure, for any purpose in the one in ten year flood line of a river or stream, or within 32m from the bank of a river or stream where the flood line is unknown, excluding for purposes associated with existing residential use, but including:

- i) Canals;
- ii) Channels;
- iii) Bridges;
- iv) Dams; and
- v) Weirs

4: The dredging, excavation, infilling, removal or moving of soil, sand or rock exceeding 5 cubic metres from a river, tidal lagoon, tidal river, lake, in stream dam, floodplain or wetland.

7: The above ground storage of a dangerous good, including petrol, diesel, liquid petroleum, gas or paraffin, in containers with a combined capacity of more than 30 cubic metres but less than 100 cubic metres at any one location or site.

14: The construction of masts of any material or type and of any height, including those used for telecommunication broadcasting and radio transmission, but excluding-

- a) Masts of 15 meter and lower exclusively used
  - i) By radio amateurs; or
  - ii) For lighting purposes
- b) Flag poles; and
- c) Lightning conductor poles.

15: The construction of a road that is wider than 4 metres or that has a reserve wider than 6 metres, excluding roads that fall within the ambit of another listed activity or which are access roads of less than 30 metres.

for the purpose of upgrading a portion of the Regional Route 21 (R 21) between the National Route 12 in the south and the Hans Strijdom (Road K69) Interchanges in the north, Ekurhuleni, as described in the Basic Assessment Report dated 10 October 2007.

The applicant appointed ARUP/ Tswelopele Environmental Consulting to undertake a Basic assessment process and to compile a Basic Assessment Report (BAR as required by regulation R. 385, 2006.

**2. Information considered in making the decision**

In reaching its decision, the Department took, *inter alia*, the following into consideration --

- a) The information contained in the BAR received by the Department on the 12<sup>th</sup> of October 2007;
- b) The comments received from Gauteng Province Department of Agriculture, Conservation and Environment on the 15<sup>th</sup> of November 2007.
- c) The comments from South African Heritage Resources Agency dated 18 May 2007;
- d) The comments received from Department of Water Affairs and Forestry on the 16<sup>th</sup> of November 2007.
- e) The objectives and requirements of relevant legislation, policies and guidelines, including section 2 of the National Environmental Management Act, 1998 (Act No. 107 of 1998);
- f) The comments received from various interested and affected parties (IAPs) as included in the BAR.

**3. Key factors considered in making the decision**

All information presented to the Department was taken into account in the Department's consideration of the application. A summary of the issues which, in the Department's view, were of the most significance is set out below:

- a) It will contribute to a better free flow of traffic.
- b) It will contribute to the road visibility and safety during the night.
- c) It will contribute to the reduction of road accidents.
- d) Improved storm water runoff and drainage.
- e) The convenient access to public transport.
- f) Improvement of access to emergency vehicles will be improved

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12/12/08

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- g) Uplifting of individual and community spirit and improvement of standard to the road users.
- h) The project will not severely or significantly impact negatively on the environment.
- i) Sufficient public participation process was conducted and the consultant has met the minimum requirements as prescribed in the EIA regulations, GN. No. 385 of 21 April 2006 for public involvement.
- j) As part of the EIA process, Tswelopele Environmental Consulting, being the principle consultancy, proposed feasible mitigation measures to mitigate the identified possible impacts.

**4. Findings**

After consideration of the information and factors listed above, the Department made the following findings –

- The issues raised by I & AP's were adequately addressed.
- The proposed project would be undertaken on an area that is already disturbed and falls within the existing SANRAL servitudes; therefore the proposed development is compatible with the proposed site for the development.
- The information contained in the BAP was sufficient which includes adequate identification and assessment of impacts for the decision-making process.
- The information contained in the Environmental Management Plan is acceptable and the EMP must be implemented.

In view of the above, the Department is satisfied that, subject to compliance with the conditions contained in the environmental authorisation, the proposed activity will not conflict with the general objectives of integrated environmental management laid down in Chapter 5 of the National Environmental Management Act 1998 and that any potentially detrimental environmental impacts resulting from the proposed activity can be mitigated to acceptable levels. The application is accordingly granted.

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19/2/08

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## Office of the State Attorney Pretoria

Private Bag X 91  
PRETORIA  
0001

255 Salu Building  
Cnr Schoeman & Andries Street  
Ground Floor

Tel: (Switchboard): (012) 309 1500  
(Direct Line): (012) 309 1545  
(Secretary): (012) 309 1539

Fax/Faks: (012) 309 1649/50

Docex: 298

12 June 2012

Enquires: MR G P SELEKA

My Ref: 2397/12/Z65/jb

Email: PSeleka@justice.gov.za

Your Ref: PJConradie/Rthomson/01933299

Messrs Cliffe Dekker Hofmeyr Attorneys

**URGENT**

**FAX: (011) 562 1111**

Sir/Madam

**RE: OPPOSITION TO URBAN TOLLING/ DEPARTMENT OF  
TRANSPORT AND DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

1. Your letter dated 08<sup>th</sup> June 2012 refers.
2. Kindly note that with regard to paragraph 3.1 of your letter the unpaginated record will be served on your correspondent in respect of R21 before close of business today, the 12<sup>th</sup> June 2012 and the paginated record will be served at a later stage, possibly before Friday, the 15<sup>th</sup> June 2012.
3. With respect to your request in paragraph 3.2 of your letter, we note that the Record filed in this matter comprises 5 files, of which Files 1-3 are the Record of the decision taken by the Director-General of the Department of Environmental Affairs. There is no separate Record of the Minister of Water and Environmental Affairs as the decisions were taken by the Director-General.

4. With respect to your request in paragraph 3.3 of your letter, we point out that we are of the view that we are not required to provide you with delegations as part of the Record. However, in the interests of having this matter resolved, we attach a copy of the delegation in terms of which the Director-General for the Department of Environmental Affairs was authorised to grant the relevant environmental authorisations.

Yours faithfully

**G P SELEKA**  
**FOR: STATE ATTORNEY (PRETORIA)**  
2397/12/Z65/jb

From:

To: 0115621664

13/06/2012 09:25

#309 P.003/008

SA21

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National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Power to delegate functions regarding sections 24C(2) and 24C(3)(b) of NEMA – section 42 of NEMA)  
Granted to the Director-General

## **INSTRUMENT OF DELEGATION OF POWERS**

issued by

**MR MARTHINUS CHRISTOFFEL JOHANNES VAN SCHALKWYK  
IN HIS CAPACITY AS MINISTER OF THE NATIONAL DEPARTMENT OF  
ENVIRONMENTAL AFFAIRS AND TOURISM**

to

**THE DIRECTOR-GENERAL OF THE NATIONAL DEPARTMENT OF ENVIRONMENTAL  
AFFAIRS AND TOURISM**

National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Power to delegate functions regarding sections 24C(2) and 24C(3)(b) of NEMA – section 42 of NEMA)  
Granted to the Director-General

**I, MARTHINUS CHRISTOFFEL JOHANNES VAN SCHALKWYK, IN MY CAPACITY AS MINISTER OF THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM HEREBY STATE AS FOLLOWS:**

**1. AUTHORITY TO DELEGATE**

In terms of section 42 of the National Environmental Management Act No. 107 of 1998 ("NEMA"), I am entitled to delegate various powers or duties vested in me in terms of the National Environmental Management Act No 107 of 1998, as amended, to, inter alia, the Director-General (as defined in the National Environmental Management Act No. 107 of 1998).

**2. PERSON TO WHOM DELEGATION IS TO BE MADE**

Director-General of the National Department of Environmental Affairs and Tourism.

**3. POWERS AND DUTIES TO BE DELEGATED**

The powers and duties to be delegated are those under sections 24C(2) and 24C(3)(b) of the National Environmental Management Act No. 107 of 1998 ("NEMA"), as amended, which powers and duties are attached to my capacity as competent authority identified in terms of section 24C(2) and listed in Government Notice No. R. 388 and 387 dated 21 April 2006, or which I am empowered to exercise pursuant to an agreement with an MEC entered into in terms of section 24C(3)(b).

The specific powers and duties of a competent authority are as set out in the Environmental Impact Assessment Regulations, 2006, published in Government Notice No. R. 385 dated 21 April 2006.

**4. DELEGATION**

4.1 Subject to clause 4.3, I accordingly hereby, in my capacity as the Minister of the National Department of Environmental Affairs and Tourism, delegate to the Director-General the powers and duties attached to my capacity as competent authority in those cases where the activity referred to in section 24C(2) of NEMA:

4.1.1 Has implications for national environmental policy or international environmental commitment or relations;

4.1.2 will take place within an area identified in terms of section 24(2)(b) or (c) as a result of the obligations resting on the Republic in terms of any international environmental instrument, other than any area falling within the sea-shore, a conservancy, a protected natural environment, a proclaimed private nature reserve, a natural heritage site, or the buffer zone or transitional area of a biosphere reserve or a world heritage site;

National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Power to delegate functions regarding sections 24(3) and 24(4) of NEMA - section 42 of NEMA)  
Granted to the Director-General



- 4.1.3 will affect more than one province or traverse international boundaries;
- 4.1.4 is undertaken, or is to be undertaken, by-
  - (a) a national department;
  - (b) a provincial department responsible for environmental affairs; or
  - (c) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government; or
- 4.1.5 will take place within a national proclaimed protected area or other conservation area under control of a national authority.

4.2 Subject to clause 4.3, I hereby further delegate to the Director-General my power to deal with an application for environmental authorization with regard to any activity or class of activities referred to in section 24C(3)(b)

4.3 This delegation-

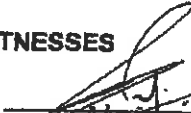

- 4.3.1 Includes the power to subdelegate;
- 4.3.2 Will not prevent the Minister of the National Department of Environmental Affairs and Tourism from exercising the above powers or performing any duties in terms of such powers himself or herself;
- 4.3.3 May be withdrawn by the Minister of the National Department of Environmental Affairs and Tourism at any time.


**5 PUBLICATION OF DELEGATION IN GOVERNMENT GAZETTE**

Notice of this delegation will in due course be published in the Government Gazette.

SIGNED and DATED at CAPE TOWN on the 28th day of SEPTEMBER 2006.

**AS WITNESSES**

- 1.   
\_\_\_\_\_
- 2.   
\_\_\_\_\_

  
\_\_\_\_\_

I, **MARTHINUS CHRISTOFFEL JOHANNES VAN SCHALKWYK**, IN MY CAPACITY AS MINISTER OF THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM





National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

I, PAM YAKO, IN MY CAPACITY AS DIRECTOR-GENERAL OF THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM HEREBY STATE AS FOLLOWS:

**1. AUTHORITY TO DELEGATE**

In terms of section 42(3) of the National Environmental Management Act No. 107 of 1998 ("NEMA"), I am empowered to delegate various powers or duties delegated to me by the Minister in terms of section 42(1)(a) of the National Environmental Management Act No 107 of 1998, as amended, to the holders of office in the Department of Environmental Affairs and Tourism mentioned in paragraph 2.

**2. HOLDERS OF OFFICE TO WHOM DELEGATION IS TO BE MADE**

Deputy Director-General: Environmental Quality and Protection  
Chief Director: Environmental Impact Management  
Director: Environmental Impact Evaluation (EIE)  
Deputy Director: EIE: National and Parastatals  
Deputy Director: EIE: Sensitive Environments

**3. POWERS AND DUTIES TO BE DELEGATED**

The powers and duties which I hereby delegate as aforesaid are those under sections 24C(2) and 24C(3)(b) of NEMA, as amended, which powers and duties have been delegated to me by the Minister. These powers and duties are attached to the Minister's capacity as competent authority identified in terms of section 24C(2) and listed in Government Notices Nos R. 386 and R. 387 dated 21 April 2006, or which the Minister is empowered to exercise pursuant to an agreement with an MEC entered into in terms of section 24C(3)(b).

The specific powers and duties of a competent authority are as set out in the Environmental Impact Assessment Regulations, 2006, published by Government Notice No R. 385 dated 21 April 2006.

National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

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National Department of Environmental Affairs and Tourism  
 Instrument of Delegation of Powers  
 (Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

#### 4. DELEGATION

- 4.1 Subject to clause 4.3, I accordingly hereby, in my capacity as the Director-General of the National Department of Environmental Affairs and Tourism, delegate to the aforesaid holders of office the powers and duties delegated to me by the Minister in those cases where the activity referred to in section 24C(2) of NEMA:
- 4.1.1 Has implications for national environmental policy or international environmental commitment or relations;
- 4.1.2 will take place within an area identified in terms of section 24(2)(b) or (c) as a result of the obligations resting on the Republic in terms of any international environmental instrument, other than any area falling within the sea-shore, a conservancy, a protected natural environment, a proclaimed private nature reserve, a natural heritage site, or the buffer zone or transitional area of a biosphere reserve or a world heritage site;
- 4.1.3 will affect more than one province or traverse international boundaries;
- 4.1.4 is undertaken, or is to be undertaken, by-
- (a) a national department;
  - (b) a provincial department responsible for environmental affairs; or
  - (c) a statutory body, excluding any municipality, performing an exclusive competence of the national sphere of government; or
- 4.1.5 will take place within a national proclaimed protected area or other conservation area under control of a national authority.
- 4.2 Subject to clause 4.3, I hereby further delegate to the said holders of office my delegated power to deal with an application for environmental authorization with regard to any activity or class of activities referred to in section 24C(3)(b)

National Department of Environmental Affairs and Tourism  
 Instrument of Delegation of Powers  
 (Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

ISS

National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

4.3 This delegation-

4.3.1 Will not prevent the Director-General of the National Department of Environmental Affairs and Tourism from exercising the above powers or performing any duties in terms of such powers himself or herself;

4.3.2 May be withdrawn by the Director-General of the National Department of Environmental Affairs and Tourism at any time.

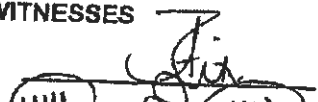
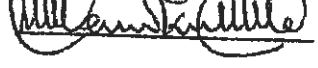
5 PUBLICATION OF DELEGATION IN GOVERNMENT GAZETTE

Notice of this delegation will in due course be published in the Government Gazette.

SIGNED and DATED at PRETORIA on the 27th day of JULY 2006.

AS WITNESSES

- 1.
- 2.

*[Signature]*  
  


*[Signature]*

(Acting) PAM YAKO, IN MY CAPACITY AS DIRECTOR-GENERAL OF THE NATIONAL DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

National Department of Environmental Affairs and Tourism  
Instrument of Delegation of Powers  
(Delegation of functions regarding sections 24C(2) and 24C(3)(b) of NEMA by the Director-General to holders of office in the Department in terms of section 42 of NEMA)

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## Statement on Cabinet meeting of 16 May 2012

17 May 2012

Cabinet held its ordinary meeting in Cape Town on 16 May 2012

### 1.1 Condolences

Cabinet expressed its condolences to the family of the late Minister of Public Service and Administration, Mr. Radhakrishana Lutchmana (Roy) Padayachee. It noted that a memorial service will be held in his honour on Thursday, 17 May, 2012, 11:00am at Pretoria City Hall, Visagie Street, Pretoria.

Cabinet supported the President's messages and convey condolences to the family and friends of Reverend Motlalepula Chabaku who was an inspiration and symbol of hope for women in South Africa

### 1.2 Preparations for Youth Day / month

Cabinet noted that planned celebrations are being held under the theme: "Together We Can Do More to Build Infrastructure and Fight Youth Unemployment, Poverty and Inequality" which sustains the strategic emphasis of the President's State of Nation Address.

During this period government will align all its communication activities to this theme in bolstering this national day and month and to support the National Youth Development Agency (NYDA). Cabinet urges the South African nation to rally behind government efforts of finding cost effective solutions in dealing with youth unemployment

Cabinet also noted that President Jacob Zuma will officiate the Youth Day celebrations in the Eastern Cape on 16 June 2012

In a separate but related development, the Department of Labour will participate in the 101st International Labour Organisation (ILO) Conference (30 May to 15 June 2012), which includes a general discussion session on youth unemployment. The theme of this conference is "Building of a Future with Decent Work" It is proposed that the outcomes of this Conference will feed into already existing programmes to aid the country in addressing youth unemployment

### 1.3 Gauteng Freeway Improvement Project (GFIP)

The Committee of ministers, chaired by the Deputy President Kgalema Motlanthe, briefed Cabinet on the progress made on the work relating to the Gauteng Freeway Improvement Programme (GFIP)

The Committee has reviewed all the facts and has directed that further work be done in certain areas

Cabinet has taken note of the comments made by the public and various organisations and expressed appreciation for the various views and solutions offered. Government will continue to consult the public and various organisations on the GFIP with a view to reaching a constructive outcome

We have effected major improvements to Gauteng freeways under the first phase of the GFIP, which have brought about observable changes to the flow of traffic on these roads. The benefits to motorists are evident.

In doing so the Government has borrowed money and incurred a significant debt. As a country we need to demonstrate unequivocal commitment to meet all our contractual obligations, including repaying the debt incurred in the construction of GFIP. Defaulting on our debt is simply not an option

The South African National Roads Agency (Sanral) was created by our democratic government and with its demonstrable capacity to manage large contracts and deliver world-class road infrastructure, it has proved to be a valuable institution of the state.

Government plans to use Sanral to build more road infrastructure faster, in the period ahead. Accordingly, in light of the delay in e-tolling as a result of the court decision, government will take the necessary steps to ensure Sanral's financial soundness pending the outcome of the legal and consultation processes. In this regard, the Committee chaired by the Deputy President is exploring interim measures to assist Sanral in meeting its financial obligations.

Cabinet reiterated its commitment to the user pay principle and its decision on e-tolling as an efficient mechanism of collection.

Cabinet has taken a decision to appeal the interim order to stop the e-tolling. Furthermore, government only received the written judgment late yesterday, 16 May, 2012. Our lawyers are studying this judgment and will advise the executive in due course

#### **1.4 Local government**

Cabinet noted reports of perpetual sporadic local protests, characterised by incidents of damage to property

Cabinet calls on all public representatives to intensify their public participation visits to affected and non-affected communities to address issues, and uplift some of the underlying dynamics.

## **1.5 International agenda**

### **1.5.1 The Global African Diaspora - 25 May 2012**

Cabinet noted progress done in preparation for The Global African Diaspora Summit which will be held on 25 May 2012 (Africa Day) at the Sandton Convention Centre, under the theme: "Towards the Realisation of a United and Integrated Africa and its Diaspora"

This historic Summit will bring together various stakeholders from all over the continent. The Summit will help in creating sustainable partnerships and development for the people of our continent and beyond. It will devise strategies on how to deal with skills development, boost African trade and investment in infrastructure development whilst strengthening the Pan-African agenda

As the host country Cabinet calls on all South Africans to welcome our guests from other continents and African Head of States. Cabinet encouraged for a Summit outcome that contributes to building a solid foundation for reviving our global African family.

### **1.6 Kingdom of Lesotho Elections**

The Kingdom of Lesotho will hold elections on 26 May 2012. Since 2009 Southern African Development Community (SADC) worked with the country's political parties to amend its electoral legislation for more proportional representation in parliament and a strengthened Independent Electoral Commission.

Cabinet wishes the people of Lesotho a good election to consolidate their democracy

### **1.7 African Union Candidature**

Cabinet continues to endorse the South African Development Community (SADC) candidature for the Chairperson of the African Union (AU), Dr Nkosazana Dlamini Zuma. She is a distinguished and capable candidate with credentials and track record that respond to the task at hand. Since the formation of the OAU, which is now the AU, the Southern and Northern regions never had an opportunity to lead the AU at the level of Chairperson of the AU Commission. Cabinet believes that in keeping with the rotational principle, all regions should be given an opportunity to lead the AU Commission

### **1.8 Child Protection Week - 27 May to 3 June**

This awareness campaign takes places under the theme: "Working Together to Protect Children" Cabinet calls on all South Africans as individuals and as sectors to 'Play Your Part' in protecting children from any form of abuse and to wear a green ribbon as a symbolic commitment.

Cabinet urged all Departments to bolster communication and support initiatives during this week by contextualizing the issues of child protection within their respective mandates through programmes and interventions of their own or in collaboration with Department of Social Development

**1.9 Women in information and communication technology**

Cabinet noted that government will celebrate World Telecommunications and Information Society Day on 17 May 2012 under the theme "Women and Girls in ICT" From 17 to 20 May 2012, government will hold a festival of activities, in the Northern Cape, acknowledging the role of women in the information and communications technology sector (ICTs) and encouraging more women to get involved in this sector. The purpose of this conference is to profile, celebrate, acknowledge and recognize the achievements of the ICT towards socio-economic development. Furthermore, build interest towards this industry as a career of choice and its innovations which has shaped communications. Lastly, it also serves as a precursor for the "Women in ICT Conference" in November 2012.

**1.10 Military Ombudsman**

Cabinet noted and welcomed the appointment of Lieutenant General (retired) Temba Templeton Matanzima, as the Military Ombudsman with effect from 14 May 2012. Cabinet wishes him well in carrying out this enormous task he will handle during his term of office

**2. Cabinet decisions emanating from the cluster system included the following:**

**2.1 The Science and Technology Ministerial Review Committee Phase Two Final Report**

Cabinet noted and welcomed the Science and Technology landscape Ministerial Review Committee Phase Two Final Report. Cabinet agreed that the Department of Science and Technology should go on public consultation process to better articulate the functions of the proposed structure

**2.2 Further Education and Training Colleges Amendment Bill, 2012 and Higher Education and Training Laws Amendment Bill, 2012**

Cabinet approved the Further Education and Training Colleges Amendment Bill, 2012 and the Higher Education and Training Laws Amendment Bill, 2012 for submission to Parliament

**2.3 Hosting of the Southern African Development Community (SADC) Meeting of Minister Responsible for Information Communication Technologies (ICTS), Communications and Postal in South Africa, 1-3 June 2012**

Cabinet approved the hosting of the Southern African Development Community (SADC) Meeting of Minister for Information Communications Technologies (ICTS), Communication and Postal from 1-3 June 2012 in Cape Town, South Africa

**2.4 Bi-national with South Africa**

The Governments of the Republic of South Africa and the Federal Republic of Nigeria have long-standing strong bilateral relations.

The two countries are currently implementing a variety of measures to strengthen the historic bilateral relations both political and economic. Accordingly, on the 22nd and 23rd of this month the South

Africa-Nigeria Bi-National Commission will meet here in Cape Town lead by the Deputy President/Vice President of the two sister countries.

The two countries share a common commitment to the unity and prosperity of the African continent as well as a just and equitable world – will continue to work together at various levels to achieve this common objective.

### 3 Appointments

**3.1 Cabinet approved appointment of the following as the Non-Executive Members to the Ports Regulator for a period of three years with effect from 1 June 2012:**

- a) Mr. Mahesh Fakir;
- b) Mr. Andile Mahlalutye;
- c) Ms Patricia Mazibuko;
- d) Mr Grove Steyn;
- e) Ms Thatho Abegail Tsautse;
- f) Mr Aubrey Bongani Zenzele Ngcobo,
- g) Ms Gloria Serobe (re-appointment and Chairperson),
- h) Mr. Randal Howard (re-appointment); and
- i) Ms Pumzile Langeni (re-appointment).

Cabinet congratulates the new appointees and wishes them well in their new responsibilities

**Issued by: Government Communications (GCIS)**

