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A. BACKGROUND

The primary function of road authorities in South Africa is to manage and control a system of rural and urban public roads and streets in the Republic. However, (amongst others) the development of such road networks and the management thereof, as well as certain aspects relating to developments adjacent to such road networks, are regulated by legislation.

The establishment of any network of roads have historically also been the catalyst of further development directly adjacent to or in close proximity of such roads. Road authorities recognised this tendency a long time ago. As the impact of such developments on the road networks could not be ignored, legislation empowering road authorities to control certain aspects relevant to such developments have been in existence since at least 1940\(^1\).

The aforementioned tendency was also recognised during the promulgation of the National Roads Act, 54 of 1971\(^2\) and thus, certain responsibilities and statutory authority were subsequently also placed on the predecessors of the South African National Roads Agency Limited [hereinafter referred to as “SANRAL”]\(^3\). This resulted in the formulation and implementation of various policies and procedures regulating several aspects of developments adjacent to national roads, as well as the management of the national road network.

The aforementioned responsibilities and statutory authority have subsequently also been taken up in The South African National Roads Agency Limited and National Roads Act, 7 of 1998 [hereinafter referred to as “the Act”]\(^4\).

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\(^1\) See the Ribon Development Act, 21 of 1940
\(^2\) Act 54 of 1971 was subsequently repealed with the promulgation of the South African National Roads Agency Limited and National Roads Act, 7 of 1998
\(^3\) See list of Definitions and Abbreviations
\(^4\) See List of Definitions and Abbreviations
B. OBJECTIVES OF THIS MANUAL

The objectives of the Manual are -

(a) to ensure a uniform approach by all SANRAL Regional Offices during:
   - the expansion and management of the national road network;
   - the application of the provisions of those Sections of the Act regulating development adjacent to or within the road reserve of national roads;
   - the application of established policies in respect of several aspects in respect of developments adjacent to or within the road reserve of national roads;
   - the processing of applications emanating from the provisions of the Act;
   - the execution of statutory obligations and responsibilities; and
   - to provide guidance to SANRAL staff regarding the procedures to be followed, as well as what information is required to process applications relating to Statutory Control and to deal with other statutory responsibilities; and

(b) to provide guidance to external parties and potential applicants (such as landowners, developers, service owners and the general public) with regard to all aspects referred to in paragraph (a) supra.
C. STANDARDS AND REQUIREMENTS

The guidelines provided in this Manual provide guidance to both SANRAL and all relevant external parties and potential applicants (such as landowners, developers, service owners and the general public). These guidelines, read with the latest approved Codes, Guidelines and Standards of SANRAL\(^5\), set standards which protects the interests of SANRAL without undue prejudice to other parties. Provided the standards and requirements contained in this Manual are followed and complied with, SANRAL should be in a position to efficiently process and, where appropriate, approve the relevant Applications.

However, applications that do not meet the standards and requirements, should not be summarily dismissed. Under certain circumstances some of the guidelines and standards given in this Manual can be relaxed when the desirability and consequences of lower standards have been properly investigated and evaluated. Where applicable, the standards that may be relaxed are alluded to in the relevant Chapters of this Manual.

As stated above, the guidelines provided in this Manual are based on current approved Codes, Guidelines and Standards of SANRAL. As these approved Codes, Guidelines and Standards are periodicaly revised and/or amended, cognisance must constantly be taken of the fact that this Guideline Manual is a “living document” and that the guidelines provided in this Manual will have to be updated as and when the need arises. As such, all affected persons who would have the need to engage with SANRAL in terms of this Manual are encouraged to submit written inputs with respect to omissions, improvements and/or clarifications required. Such inputs can be addressed to SANRAL’s Regional Manager who has jurisdiction.

\(^5\) See “List of Applicable Manuals"
D. GENERAL

D.1 APPLICATION OF CHAPTERS

The guidelines and procedures contained in this Manual are based on the provisions of the Act, as well as established policies. Whilst each Chapter of the Manual focuses mainly on one aspect and/or the provisions of a specific Section of the Act, Applications often cover a variety of aspects.

Therefore, as different aspects are governed by the provisions of different Sections of the Act, it must be noted that this Manual must be read as a whole and applied as such. Chapters must not only be read in isolation.

A typical example of where the aforementioned will be required is during the processing of an application for the sub-division of land situated within the Building Restriction Area. Such applications must be considered and dealt with in accordance with the provisions of Section 49 of the Act and the procedures contained in Chapter 13 hereof. However, cognisance must constantly also be taken of the provisions of (amongst others) Sections 44, 47, 48 and 50 of the Act, as well as the contents of the Chapters relevant to the aforementioned Sections.

D.2 APPLICATIONS AFFECTING CONCESSION ROADS

SANRAL has appointed and may in future appoint Concessionaires who are or will be responsible for the financing, design, construction, maintenance and operation of certain sections of several national routes. Cognisance must therefore be taken of the fact that if an Application received in terms of the Act, affects a Concession Road or affects land adjacent to a Concession Road, SANRAL is contractually obliged in terms of the Concession Contracts, to refer such an Application to the relevant Concessionaire for comments and/or inputs in order to ensure that the rights and obligations of the Concessionaire are taken into account.

The Concessionaires do not have the statutory authority to approve or reject any Application, but during the approval process in respect of such Applications, their comments, requirements and/or inputs must be obtained and taken into account by SANRAL.

1 See “List of Definitions and Abbreviations”
2 Section 49 of the Act relates to the sub-division of certain land
3 Section 44 of the Act relates to access and egress from national roads
4 Section 47 relates to the receipt and/or disposing of stormwater
5 Section 48 of the Act relates to structures and other works on, over or below national roads or certain other land
6 Section 50 of the Act relates to advertising on or visible from a national road
D.3 APPLICATION AND USE OF STANDARD DOCUMENTS

Throughout this Guideline Manual, reference is made to examples and Standard Documents that are attached as Annexures to the relevant Chapters. However, as was mentioned in paragraph D.1 supra, various Chapters of this Manual must be read and applied as a unit and not in isolation as different aspects are governed by the provisions of different Sections of the Act. It must therefore be noted that the Standard Documents must always be treated as mere examples that may require amendment in order to address all issues that are relevant to a specific Application or case. It may even be necessary to combine various components addressed in different Annexures, into a single letter of reply to a specific Application.