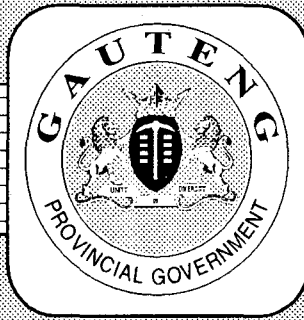


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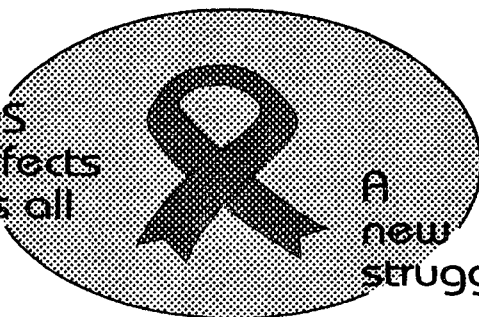
Vol. 11

PRETORIA, 15 APRIL 2005

No. 150

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GENERAL NOTICE

NOTICE 1336 OF 2005

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

GAUTENG DEPARTMENT OF PUBLIC TRANSPORT, ROADS AND WORKS

NOTICE OF PROPOSED ROUTE DETERMINATION FOR THE GAUTRAIN RAPID RAIL LINK

The Member of the Executive Council for Public Transport, Roads and Works of Gauteng Province hereby gives notice that he proposes to determine the route for the Gautrain Rapid Rail Link in terms of section 6 of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) ("the Act").

The following is a broad description of the route:

The Gautrain Rapid Rail Link, for which a route is to be determined, will entail a rail connection linking Tshwane, Johannesburg and the Johannesburg International Airport (JIA). The proposed rail route will consist of two spines, one linking Johannesburg and Tshwane, and the other linking Sandton and the JIA. The total rail route will consist of approximately 80km of new railway lines. The Johannesburg to Tshwane spine is proposed to commence at Johannesburg's Park Station with new stations at Rosebank, Sandton, Marlboro, Midrand, Centurion, Pretoria and Hatfield. The Sandton to JIA spine is proposed to commence at Sandton station, with further stations at Marlboro, Rhodesfield and the JIA.

A preliminary route determination report and environmental report may be inspected at www.gautrain.co.za and at the following addresses during office hours from 08:00 to 16:00 on weekdays, and copies of the reports may be requested from the Gautrain Project Office:

1. Johannesburg

GAUTRAIN Project Office

Ten Sixty Six

12th Floor

35 Pritchard Street (cnr Harrison)

Johannesburg

Tel: (011) 298 4900

2. Ekurhuleni Civic Centre

Ekurhuleni Civic Centre Library

C/o CR Swart & Pretoria Road

Kempton Park

Tel: (011) 921 2173

3. Sandton

Sandown Library

C/o Rivonia Road & West Street

Sandton

Tel: (011) 881 6420

4. City of Tshwane

Eskia Mphahlele Community Library

Sammy Marks Building

C/o Vermeulen & Van der Walt Streets

Pretoria

Tel: (012) 358 8956

Interested and affected parties are invited to submit written comments on the recommended route within 30 days from 20 April 2005 by hand to the address below or by fax to number (011) 298 4916 or by E-Mail to the following address: comments@gautrainpo.co.za or by post to Gautrain Project Office, Ten Sixty Six, 12th Floor, 35 Pritchard Street, Johannesburg, 2000, for attention – **The Project Leader: Gautrain Project**, quoting reference number **Gautrain/RD01**.

The information contained in the Route Determination Report is only to the extent required for purposes of Route Determination and contains a broad description of the route only. Further detailed design information and information regarding road closures and the impact on properties will be contained as part of the Preliminary Design process to comply with the next planning phase as required by Section 8 of the Act.

Notice is also given that the regulatory measures contemplated in section 7 of the Act will take effect on publication of the route in terms of section 6(11) of the Act. These measures include that every application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme as well as for any authorisation contemplated in the Environment Conservation Act, 1989 (Act No. 73 of 1989) or the National Environmental Management Act, 1998 (Act No. 107 of 1998) in respect of the areas mentioned in section 8(1) of the Act, must be accompanied by a written report by a consulting civil engineering firm specialising in road design and transportation engineering, reporting on the matters set out in that section. These measures appear from that section, which is quoted below for convenience:

“Regulatory measures in respect of routes”

7.(1) After the publication of the notice contemplated in section 6(11) and in addition to any law, every application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme as well as for any authorisation contemplated in the ECA and NEMA, in respect of the areas mentioned in section 8(1), must be accompanied by a written report by a consulting civil engineering firm specialising in road design and transportation engineering, reporting on the following matters:

- (a) The effect and impact which the granting of such application may have in respect of –
 - (i) the route contemplated in section 6(11);
 - (ii) the future preliminary design of the provincial road or railway line in respect of which the said route has been determined; and
 - (iii) any other route published or deemed to have been published in terms of section 6(11), any preliminary design in respect of which the acceptance has been published or deemed to have been published in terms of section 8(7) and any other provincial road or railway line;
- (b) the feasibility of amending the said route and the costs in respect thereof, should the application be granted;
- (c) the additional cost in respect of future preliminary design if an amended route should be found to be feasible, should the application be granted; and
- (d) any other relevant matter pertaining to the said route, design and construction of the provincial road or railway line which may be relevant should the application be granted.

(2) The consulting civil engineering firm referred to in subsection (1) must be approved by the MEC as having members with the necessary specialisation and competence as contemplated in subsection (1) and with at least ten years experience in the required disciplines.

(3) The application accompanied by the report in addition to the provisions of any other law must be forwarded to the MEC by:

- (a) the municipality; or
- (b) the authority or body to which such application has been made; or
- (c) the applicant, provided that the applicant must –
 - (i) obtain the consent of the authorities mentioned in paragraph (a) or (b); and

- (ii) submit proof to the satisfaction of the relevant authority that the applicant has forwarded the application to the MEC.

(4) The MEC may comment in writing on the application and accompanying report to the municipality, other authority or body to whom the application has been made, within a period of 60 days after having received the application and accompanying report, or such shorter period as may be prescribed in terms of any other law.

(5) No application may be granted without due consideration of –

- (a) the comments submitted by the MEC;
- (b) the written report and matters contemplated in subsection (1) above;
- (c) the additional costs which the granting of the application may cause directly and indirectly to the State and the community concerned, weighed against the advantage to the applicant and the community of granting the application; and
- (d) the extent to which the granting of the application promotes sustainable development which integrates transport planning and land use planning in view of transportation engineering requirements.

(6) After having made its decision on the application, the municipality or other authority must inform the MEC in writing of its decision within 14 days after having made such decision and in the event of the application having been granted, must furnish full reasons for such decision in writing to the MEC within the said period.

(7) Within 28 days after having received the decision and reasons for having granted the application, the MEC is entitled to appeal against the decision, in accordance with the procedure prescribed in the applicable law with the necessary changes being made, to the appeal authority or appeal tribunal provided for in the relevant law, provided that where the applicable law prescribes an appeal to the Premier, any member of the Executive Committee, or Government official of the Province, the appeal must be heard and finally disposed of by the Townships Board for the Province as though the said Townships Board had the final appellate jurisdiction with regard to the appeal.

(8) After the publication of the notice contemplated in section 6(11) and despite any law to the contrary, no service provider may after commencement of this section, lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure on, over or under the areas described in section 8(1) or may construct, alter or add to any structure of any nature whatsoever on, over or under such areas, except –

- (a) if the written permission of the MEC has been obtained and only in terms of such conditions as the MEC may prescribe; or
 - (b) in terms of an existing registered servitude.
-

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Fax: (012) 325-5984

E-mail: infodesk@nlsa.ac.za

