

***THE PROVINCE OF
GAUTENG***

***DIE PROVINSIE
GAUTENG***

**Provincial Gazette Extraordinary
Buitengewone Provinsiale Koerant**

Vol. 15

**PRETORIA, 1 DECEMBER 2009
DESEMBER**

No. 261

CONTENTS • INHOUD*No.**Page
No. Gazette
No.***GENERAL NOTICE**

4022	Gauteng Transport Infrastructure Act (8/2001): Proposed acceptance of the preliminary design for the Gautrain Rapid Rail Link between Road P66-1 (K71) and Road D51 (K58): Kilometer 7,415 to kilometer 12,610	3	261
------	--	---	-----

GENERAL NOTICE

NOTICE 4022 OF 2009

PROPOSED ACCEPTANCE OF THE PRELIMINARY DESIGN FOR THE GAUTRAIN RAPID RAIL LINK BETWEEN ROAD P66-1 (K71) AND ROAD D51 (K58): KILOMETER 7,415 TO KILOMETER 12,610

The Member of the Executive Council for Public Transport, Roads and Works of Gauteng Province ("MEC") hereby gives notice that a preliminary design for the Gautrain Rapid Rail Link between Road P66-1 (K71) and Road D51 (K58) kilometer 7,415 to kilometer 12,610 been prepared in terms of section 8(4) (a) of the Gauteng Transport Infrastructure Act, 2001, (Act 8 of 2001) the ("Act") and, if applicable, an environmental report in terms of section 8(4) (b) thereof.

Notice is also given that the MEC intends to take a decision on the draft preliminary design. Interested and affected parties are invited to submit written comments on the preliminary design and environmental report (if applicable) within 21 days after the date of this notice by hand or by post for attention: Director: Design: Department of Public Transport, Roads and Works, Private Bag X83, Marshalltown, 2017, or 3rd floor, South Tower, Sage Life Building, 41 Simmonds Street Johannesburg, or by fax to number 011 355 7099.

Notice is also given that the regulatory measures contemplated in section 9 of the Act will take effect on publication of the acceptance of the preliminary design. These measures appear from that section, which is quoted below for convenience:

"Regulatory measures in respect of accepted preliminary designs

9. (1) As from the publication of the notice in respect of the acceptance of a preliminary design as contemplated in subsection (7) of section 8, and despite the provisions of any law or town planning scheme or for any law to the contrary -
 - (a) no application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme or from any authorisation contemplated in section 22 of the Environment conservation Act, 1989 (Act 73 of 1989) may be granted -
 - (i) in respect of an area within the road or rail reserve boundaries of the preliminary design, provided that the MEC may on written application by the applicant relax the provisions of this subsection in respect of an access road on such conditions as the MEC may deem fit, including -
 - (aa) a condition that the access road be substituted by another road or street serving the same function as the said access road;
 - (bb) a condition for amending the preliminary design requiring the applicant to pay all or any of the costs incurred by the MEC in the process, in which case section 38 applies;
 - (ii) on the basis of future access to the provincial road to which the said preliminary design relates, except on the basis of access provided for in the said preliminary design or amendment thereof on application in terms of subsection (9) of section 8 or otherwise.
 - (b) A building restriction area exists in respect of the road and rail reserve boundaries, as shown in the preliminary design and the provisions of section 46, 48 and 49 apply, with the necessary changes, in respect of the building restriction area, inasmuch as these sections are applicable to

building restriction area, but with the exception of subsection (4) of section 46, subsection (5) of section 46, subsection (9) of section 46, subsection (7) of section 48, and subsection (8) of section 48, which do not apply.

- (c) No application for a change in land use in respect of a portion of land adjacent to the road reserve boundary of a preliminary design in an urban area may be granted without the written comments of the MEC first having been obtained and considered in accordance with the applicable planning procedure by the authority empowered to grant changes in land use, which must duly consider such comments, and section 7 (6), a (7) and (8) applies in such a case, with the necessary changes.
- (2) After the publication of the notice contemplated in subsection (7) of section 8 and despite any law to the contrary, no service provider may after commencement of this Act lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure on, over or under the area within the road or rail reserve boundaries as shown in the preliminary design or may construct, alter or add to any structure or any nature whatsoever on, over or under such area, except –
 - (a) in terms of the written permission of the MEC first having been obtained and then only in terms of such conditions as the MEC may lay down; or
 - (b) in terms of an existing registered servitude.
- (3) This section ceases to apply on the proclamation in term of subsection (1) of section 11 of the provincial road or railway line in respect of which the preliminary design has been accepted by the MEC."

Reference: 2/1/7/8-Gautrain (between P66-1 (K71) and D51 (K58))

KENNISGEWING 4022 VAN 2009

VOORGESTELDE AANVAARDING VAN DIE VOORLOPIGE ONTWERP VIR DIE GAUTRAIN SNELSPoor-VERBINDING TUSSEN PAD P66-1 (K71) EN PAD D51 (K58): VAN KILOMETER 7,415 TOT KILOMETER 12,610

Die Lid van die Uitvoerende Raad vir Paaie en Vervoer van Gauteng Provinsie ("LUR") gee hiermee kennis dat 'n konsep voorlopige ontwerp vir die Gautrain Snelspoor-verbinding tussen Pad P66-1 (K71) en Pad D51 (K58) van kilometer 7,415 tot kilometer 12,610 opgestel is ingevolge artikel 8 (4)(a) van die Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) ("die Wet") en, indien van toepassing, 'n omgewingsverslag ingevolge artikel 8 (4)(b) daarvan.

Kennisgewing geskied ook hiermee dat die LUR oorweging daaraan skenk om 'n besluit oor die konsep voorlopige ontwerp te neem. Belangstellende en geaffekteerde persone of instansies word versoek om skriftelike kommentaar oor die konsep voorlopige beplanning en omgewingsverslag (indien van toepassing) in te dien binne 21 dae na die datum van hierdie kennisgewing, per hand of per pos vir aandag: Direkteur Ontwerp: Departement Paaie en Vervoer, Privaatsak X83, Marshalltown, 2017, of 3^{de} Vloer, Suidtoring, Sage Life Gebou, Simmondsstraat 41, Johannesburg, of per faks na 011-634 0561.

Neem ook kennis dat regulerende maatreëls soos beoog in artikel 9 van die Wet in werking sal tree vanaf die publikasie van die aanvaarding van die voorlopige beplanning ingevolge artikel 8 (7) van die Wet. Hierdie maatreëls in gemelde artikel word gerieflikheidshalwe hieronder aangehaal:

"Regulatory measures in respect of accepted preliminary designs

9. (1) *As from the publication of the notice in respect of the acceptance of a preliminary design as contemplated in subsection (7) of section 8, and despite the provisions of any law or town planning scheme or for any law to the contrary –*
 - (a) *no application for the establishment of a township, for subdivision of land, for any change of land use in terms of any law or town planning scheme or from any authorization contemplated in section 22 of the Environment conservation Act, 1989 (Act 73 of 1989) may be granted –*
 - (i) *in respect of an area within the road or rail reserve boundaries of the preliminary design, provided that the MEC may on written application by the applicant relax the provisions of this subsection in respect of an access road on such conditions as the MEC may deem fit, including –*
 - (aa) *a condition that the access road be substituted by another road or street serving the same function as the said access road;*
 - (bb) *a condition for amending the preliminary design requiring the applicant to pay all or any of the costs incurred by the MEC in the process, in which case section 38 applies;*
 - (ii) *on the basis of future access to the provincial road to which the said preliminary design relates, except on the basis of access provided for in the said preliminary design, or amendment thereof on application in terms of subsection (9) of section 8 or otherwise.*

- (b) *A building restriction area exists in respect of the road and rail reserve boundaries, as shown in the preliminary design and the provisions of section 46, 48 and 49 apply, with the necessary changes, in respect of the building restriction area, inasmuch as these sections are applicable to building restriction area, but with the exception of subsection (4) of section 46, subsection (5) of section 46, subsection (9) of section 46, subsection (7) of section 48, and subsection (8) of section 48, which do not apply.*
 - (c) *No application for a change in land use in respect of a portion of land adjacent to the road reserve boundary of a preliminary design in an urban area may be granted without the written comments of the MEC first having been obtained and considered in accordance with the applicable planning procedure by the authority empowered to grant changes in land use, which must duly consider such comments, and section 7 (6), a (7) and (8) applies in such a case, with the necessary changes.*
 - (2) *After the publication of the notice contemplated in subsection (7) of section 8 and despite any law to the contrary, no service provider may after commencement of this Act, lay, construct, alter or add to any pipeline, electricity line or cable, telephone line or cable, or any other structure on, over or under the area within the road or rail reserve boundaries as shown in the preliminary design or may construct, alter or add to any structure or any nature whatsoever on, over or under such area, except -*
 - (a) *In terms of the written permission of the MEC first having been obtained and then only in terms of such conditions as the MEC may lay down; or*
 - (b) *In terms of an existing registered servitude.*
 - (3) *This section ceases to apply on the proclamation in term of subsection (1) of section 11 of the provincial road or railway line in respect of which the preliminary design has been accepted by the MEC."*