

PROVINCIAL NOTICE 380 OF 2022**NOTICE OF ROUTE DETERMINATION OF A RAILWAY LINE IN TERMS OF THE GAUTENG TRANSPORT INFRASTRUCTURE ACT, 2001 (ACT NO. 8 OF 2001) AS AMENDED BY GAUTENG TRANSPORT INFRASTRUCTURE AMENDMENT ACT, 2003 (ACT NO. 6 OF 2003)****GAUTENG DEPARTMENT OF ROADS AND TRANSPORT****Phase 1 of the Gauteng Rapid Rail Integrated Network between Little Falls Station and Marlboro Station (30.3km of new rail)**

Notice is hereby given of the route determination of the provincial rail line, Phase 1 of the Gauteng Rapid Rail Integrated Network in terms of the Gauteng Transport Infrastructure Act, 2001 (Act No. 8 of 2001) as amended by the Gauteng Transport Infrastructure Amendment Act, 2003 (Act No. 6 of 2003)

The following is a broad description of the route:

The proposed route starts at the proposed location of the Little Falls Station which is located to the east of Hendrik Potgieter Road in Willowbrook. From the proposed Little Falls Station, the route runs in a north easterly direction towards Zandspruit where the route will pass to the west of Jackal Creek Golf Estate. The route then changes in a south easterly direction towards Cosmo City and a newly proposed Cosmo Station. From the Cosmo Station the route will continue in a south easterly direction towards the newly proposed Randburg Station, passing through North Riding, Olivedale, Bryanston and Ferndale.

The route will continue in a south easterly direction through Randburg, Bordeaux and Hurlingham. Once it has reached Sandhurst the route will change direction towards the existing Sandton Station where an upgraded station is proposed. From Sandton the route will run in a north easterly direction through Sandton, Sandown, Marlboro and Alexandra towards the existing Marlboro Station where the existing station will be upgraded to accommodate the new alignment.

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 / rail 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."

The route determination is applicable from the date of this notice. (25 May 2022)

The route determination report is available at the Office of the Department of Roads and Transport; 1215 Nico Smith Street, Koedoespoort.

Electronic copies of the route determination report are available at <http://gma.gautrain.co.za/projects/Pages/5-1-4-Final-Route.aspx> or at the Office of the Department of Roads and Transport; 45 Commissioner Street Johannesburg.

In terms of section 6(11)(c) of the Gauteng Transport Infrastructure Amendment Act, 2003 (Act No. 6 of 2003), interested and affected parties may also request reasons for the decision of the MEC with respect to the determination of the route within 30 days of the date of publication of the notice. Interested and affected parties are invited to submit such request and any further enquiries regarding the determined route for Phase 1 of the Gauteng Rapid Rail Integrated Network between Little Falls Station and Marlboro Station by email to phase1@gautengrapidrail.co.za for attention: **The Project Manager: GRRIN Extensions Project**, with the subject **GRRINE/RD01**.

PROVINSIALE KENNISGEWING 380 VAN 2022**KENNISGEWING VAN DIE ROETEBEPALING VAN 'N SPOORLYN IN TERME VAN DIE GAUTENG WET OP VERVOERINFRASTRUKTUUR, 2001 (WET NO. 8 VAN 2001), SOOS GEWYSIG DEUR GAUTENG WET OP VERVOERINFRASTRUKTUUR WYSIGINGSWET, 2003 (WET NO.6 VAN 2003)****GAUTENG DEPARTEMENT VAN PUBLIEKE VERVOER EN PADINFRASTRUKTUUR**

Fase 1 van die Geïntegreerde Gauteng Snelspoorverbinding tussen Little Falls Stasie en Marlboro Stasie (30.3km nuwe spoor)

Kennis word hiermee gegee van die Roete Bepaling van die provinsiale spoorlyn, Fase 1 van die Geïntegreerde Gauteng Snelspoor Netwerk in terme van die Gauteng Wet op Vervoerinfrastruktuur, 2001 (Wet No. 8 van 2001), soos gewysig deur die Gauteng Wet op Vervoerinfrastruktuur Wysigingswet, 2003 (Wet No. 6 van 2003).

Die volgende is 'n breë beskrywing van die roete:

Die voorgestelde roete begin by die beplande Little Falls Stasie oos van Hendrik Potgieter Weg in Willowbrook. Vanaf die voorgestelde Little Falls Stasie volg die roete 'n noord-oostelike rigting na Zandspruit vanwaar dit aan die westelike kant van die Jackal Creek Golfplandoed verbybeweeg. Van hier af beweeg die voorgestelde roete in 'n suid-oostelike rigting na Cosmo City en die nuwe voorgestelde Cosmo Stasie. Vanaf die voorgestelde Cosmo Stasie volg die roete 'n suid-oostelike rigting na die voorgestelde Randburg Stasie deur die North Riding, Olivedale, Bryanston en Ferndale areas.

Vanaf die nuwe Randburg Stasie volg die voorgestelde roete 'n suid-oostelike rigting deur Randburg, Bordeaux en Hurlingham. Vanaf Sandhurst verander die roete weer rigting na die huidige Sandton Stasie waar 'n nuwe / opgegradeerde stasie voorgestel word. Vanaf Sandton volg die roete 'n Noord-oostelike rigting deur Sandton, Sandown, Marlboro en Alexandra na die huidige Marlboro Stasie wat opgegradeer sal word om die nuwe voorgestelde roete te akkomodeer.

Kennis word ook gegee dat die reguleringsmaatreëls bedoel in artikel 7 van die Wet by publukasie van die roete uit hoofde van artikel 6(11) van die Wet in werking sal tree. Sodanige maatreëls behels die dat elke aansoek om die stigting van 'n dorp, vir onderverdeling van grond, vir enige verandering van grondgebruik ingevolge enige wet of dorpsbeplanningskema asook om enige magtiging bedoel in die Wet op Omgewingsbewaring, 1989 (Wet No.73 van 1989)(WOB) of die Wet op Nasionale Omgewingsbestuur, 1998 (Wet No. 107 van 1998)(WNOB) met betrekking tot die gebiede beoog in artikel 8(1) van die Wet, gepaard moet gaan met 'n skriftelike verslag van 'n raadgewende siviele ingenieursfirma wat in spoor / pad ontwerp en vervoeringeniërsweese spesialiseer, wat oor die

aangeleenthede in daardie artikel verslag doen. Sodanige maatreëls blyk uit daardie artikel, wat hieronder geriefshalwe aangehaal word:

“Reguleringsmaatreëls ten opsigte van roetes

7.(1) Na die publikasie in artikel 6(11) bedoel en benewens enige wet, moet elke aansoek vir die stigting van 'n dorp, vir die onderverdeling van grond, vir enige verandering in grondgebruik ingevolge enige wet of dorpsbeplanningskema asook vir enige magtiging in die WOB en die WNOB bedoel, ten opsigte van die gebiede in artikel 8(1) bedoel, gepaard gaan met 'n skriftelike verslag deur 'n raadgewende siviele ingenieursfirma wat spesialiseer in padontwerp en vervoeringeniërsweese, waarin oor die volgende aangeleenthede verslag gedoen word:

- (a) Die uitwerking en invloed wat die toestaan van sodanige aansoek kan hê ten opsigte van –
 - (i) die roete in artikel 6(11) bedoel;
 - (ii) die toekomstige voorlopige ontwerp van die provinsiale pad of spoorlyn ten opsigte waarvan die gemelde roete bepaal is; en
 - (iii) enige ander roete wat ingevolge artikel 6(11) gepubliseer is of geag word gepubliseer te gewees het, enige voorlopige ontwerp ten opsigte waarvan die aanvaarding ingevolge artikel 8(7) gepubliseer is of geag word gepubliseer te gewees het, en enige and provinsiale pad of spoorlyn;
- (b) die uitvoerbaarheid van die wysiging van gemelde roete en die koste ten opsigte daarvan, indien die aansoek toegestaan word;
- (c) die bykomende koste ten opsigte van toekomstige voorlopige ontwerp indien 'n gewysigde roete uitvoerbaar bevind sou word, indien die aansoek toegestaan word; en
- (d) enige ander tersaaklike aangeleentheid rakende gemelde roete, ontwerp en bou van die provinsiale pad of spoorlyn wat toepaslik kan wees indien die aansoek toegestaan word.

(2) Die raadgewende siviele ingenieursfirma in subartikel (1) gemeld wat deur die LUR goedgekeur moet word, moet lede hê met die nodige spesialisasie en bekwaamheid soos in subartikel (1) bedoel en met minstens tien jaar ondervinding in die verlangde disciplines.

(3) Die aansoek vergesel van die verslag, benewens die bepalings van enige ander wet, moet aan die LUR gestuur word deur -

- (a) die munisipaliteit; of
- (b) die owerheid of liggaam aan wie sodanige aansoek gerig is; of
- (c) die aansoeker, met dien verstande dat die aansoeker –
 - (i) die instemming van die owerhede in paragraaf (a) of (b) bedoel moet kry; en
 - (ii) bewys tot tevredenheid van die betrokke owerheid moet voorlê dat die aansoeker die aansoek aan die LUR gestuur het.

(4) Die LUR kan skriftelik kommentaar lewer op die aansoek en gepaardgaande verslag aan die munisipaliteit, ander owerheid of liggaam aan wie die aansoek gerig is, binne 'n tydperk van 60 dae na ontvangs van die aansoek en gepaardgaande verslag, of sodanige korter tydperk as wat ingevolge enige ander wet voorgeskryf is.

(5) Geen aansoek mag toegestaan word nie sonder behoorlike oorweging van –

- (a) die kommentaar deur die LUR ingedien;
- (b) die skriftelike verslag en aangeleenthede in subartikel (1) hierbo bedoel;
- (c) die bykomende koste wat die toestaan van die aansoek regstreeks en onregstreeks vir die Staat en die betrokke gemeenskap kan meebring, opgeweeg teen die voordeel van die toestaan van die aansoek vir die aansoeker en die gemeenskap; en
- (d) die mate waarin die toestaan van die aansoek volhoubare ontwikkeling bevorder, wat vervoerbeplanning en grondgebruik-beplanning integreer met die oog op vervoeringeniërsvereistes.

(6) Nadat sy besluit oor die aansoek geneem is, moet die munisipaliteit of ander owerheid die LUR skriftelik van sy besluit in kennis stel binne 14 dae nadat sodanige besluit geneem is, en indien die aansoek toegestaan