

MOTIVATING MEMORANDUM

**Application for Township Establishment in terms
of Section 16(4) of the City of the Tshwane Land
Use Management By Law, 2016 in respect of:
Portion 161 of the Farm The Willows 340 JR**

SUBMITTED BY:

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1. INTRODUCTION

Application for township establishment is submitted for rezoning in terms of Section 16(4) of the City of Tshwane Land Use Management Bylaw, 2016 for the township establishment on Portion 161 of the farm The Willows 340 JR. The intention of the application is to obtain the development rights to allow the client to develop a rehab centre on the portion of land.

Plan Associates Town and Regional Planners was appointed by the registered owners to lodge this application on their behalf. The ***Special Resolution and Special Power of Attorney*** forms part of the application.

1.1 Background

The proposed township was initially submitted for the development of offices, however, the client's needs have changed and require land for more health related services.

The Gauteng Department of Health approved in 2018 a license to develop a facility for approximately 40 beds for rehab purposes including a facility for dialyses. Plan Associates approached the City of Tshwane to submit a Section 100 amendment application in terms of the Town Planning and Township Ordinance 15 of 1986. CoT informed the firm that the amendment of right was deemed to be significant and therefore a new application was required in terms of the new By Law.

Following the above, the client appointed Plan Associates to submit a new township application to the City of Tshwane.

2. PROJECT DETAILS

2.1 Title Deed description

In terms of the registered Title Deed, T T12913/2015 the subject property is described as:

- *Portion 161 of the farm the Willows 340 JR*

The subject property is registered in the name of:

Wilgers Hospitaal Limited: Reg No: 1989/001866/06

A copy of the ***Title Deed, Company documents and Conveyancers Report*** forms part of the application

2.2 Locality

The subject property is located in the Wilgers neighbourhood, south of Lynnwood Road and directly west of The Wilgers Hospital in Denneboom Road, Die Wilgers.

2.3 Surrounding Land Use, Ownership and Zonings

The majority of properties to the north of the site are mostly zoned “Special” and the properties to the east are residential and the area to the south is zoned as agricultural.

The surrounding uses are mostly medical consulting rooms and residential units, and business uses.

2.4 Legal Aspects

2.4.1 SG Information

The property is known as Portion 161 of the farm The Willows 340 JR. A previous township was approved over the portion of land and the General Plan (Die Wilgers Ext 83) was subsequently approved. However, the rights that were obtained were not suitable for the intended use and the township process was also not finalised up to township register and township proclamation.

The City of Tshwane indicated that a new application in terms of the By-law is required to procure the new development rights.

A surveyors report is submitted with this application.

2.4.2 Area

In terms of the Deed of Transfer the application site is **6,1371ha**.

2.4.3 Bond

The property is not encumbered by bond

2.4.4 Current zoning

The property is currently zoned as Agriculture. The zoning certificate forms part of the application.

2.4.5 Authorised Local Authority

The site falls under the jurisdiction of the City of Tshwane Metropolitan Municipality and is located within Region 6.

2.4.6 Conditions of Title and Interdicts

There are no restrictive title conditions or interdicts pertaining the proposed development.

There are however certain servitudes and Title Deed conditions that will be attended to upon opening of the townships register. For more detail in this regard you are referred to the deeds report attached submitted as part of the application.

The mineral rights aspects will be discussed in detail in Section 2.3.8 of the application.

2.4.7 Servitudes

For detail regarding servitudes, please refer to the Land Surveyors Report that is submitted as part of the application.

2.4.8 Mining Activities and Mineral Rights

a) Mineral Rights

Section 3(1) of the Mineral and Petroleum Resources Development Act, 2002 (No 28 of 2002) states that from 1 May 2004 the State became custodian of all Mineral Resources.

2.4.9 Land Claims

The comment from the Regional land claims commissioner has been requested and will be forwarded to the Municipality upon receipt thereof

2.4.10 Advertisement

The application for township establishment will be advertised by the applicant. Proof of compliance will be submitted to the Municipality upon expiry of the advertising period.

2.4.11 Circulation to External Departments

The application will be circulated to the relevant external departments as required by the Municipality and proof of circulation will be submitted to the Municipality. **Kindly note that Plan Associates requires a letter from the Local Authority which authorises Plan Associates to circulate the application on its behalf.**

3. Specialist Inputs

3.1 Environmental Impact Assessment

A Basic Assessment application is required by GDARD and the process has been commissioned. The Public Participation process has been commissioned and the scoping report for the application will be submitted in due course.

The reference number for the BA is: GAUT 002/18-19/E2268

3.2 Geotechnical Investigation

A geotechnical investigation was carried out in 2007 by Geologist Johan van der Merwe with the following geotechnical considerations:

Expansive Soils

The site soils are generally sandy and gravelly and are potentially “low” in the degree of expansiveness based on the results of the laboratory tests and according to the Van der Merwe (1964) method. A total surface heave of less than 5mm, is predicted across the site, depending on the locality on site and should the moisture condition of the soils change from a dry to a saturated state.

Collapsible and Compressible Soils

The upper sandy and gravelly horizons that extend down to some 0,6m to 1,4m below surface, are considered to be potentially compressible, based on a visual appraisal of the soil structure i.e. a loose consistency and a voided texture. These soils were unfortunately too friable in order to take undisturbed soil samples. The thickness of potentially compressible material is shown at each test pit position on the "Site Plan" (see Geotech Report).

Foundations

Conventional spread or strip footings, placed onto the shale bedrock at depths ranging from 0,6m to 1,4m below surface, are envisaged for proposed multi-storey structures. A safe allowable bearing pressure not exceeding 300 kPa is applicable at this depth. Removal of the large Eucalyptus (bluegum) and other trees which covers portions of the site will probably result in a fair amount of ground disturbance which should be reinstated prior to construction of services and structures. A rebound of the soil moisture is also bound to occur after removal of the trees with settlement induced problems of structures not founded onto bedrock that may result thereof.

3.3 Engineering Services

The preliminary Civil Engineering Services reports in terms of water and sanitation and roads and storm water were compiled by CED Engineers.

The electrical engineers have consulted with Tshwane Electricity and confirmation was received that bulk capacity is available for the development.

The engineering services reports form part of the application.

3.4 Traffic Impact Assessment

Novus 3 was appointed to conduct a Traffic Impact Study for the entire proposed development (Ext 83, Wilgers 548 and Wilgers Hospital). The proposed township layout was discussed with the division Traffic Engineering and operations various times and amended and subsequently the Traffic Impact study was compiled and submitted.

The Traffic Impact Study for the development forms part of the application

3.5 Restrictive conditions

There are no Restrictive Title Deed Conditions pertaining to the proposed development on the property.

3.6 Advertisements

The application will be advertised in the prescribed manner as stipulated in terms of *Section 16(1)(f) read with Schedule 13* of the City of Tshwane Land Use Management Bylaw, 2016.

Proof of compliance with the provisions of the aforesaid Sections as required in terms of *Section 16(1)(h)* will be submitted upon expiry of the objection period.

Please refer to Annexure E or table 2 above for the surrounding property owners.

4. INSTITUTIONAL FRAMEWORK

4.1 National Development Plan, 2030 (NDP)

The National Development Plan aims to eliminate poverty and reduce inequality by 2030. South Africa can realise the goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state and promoting leadership and partnership throughout society.

Where we live and work matters. Apartheid planning consigned the majority of South Africans to places far away from work, where services could not be sustained and where it was difficult to access the benefits of society and participate in the economy. A great deal of progress has been made since 1994, but South Africa is far from achieving the goals set out in the Reconstruction and Development Programme of "breaking down apartheid geography through land reform, more compact cities, decent public transport and development of industries and services that use local resources and/or meet local needs.

4.2 Gauteng Spatial Development Framework (GSDF)

Gauteng Province adopted the Gauteng Spatial Development Framework as the core policy framework intended to guide decisions relating to the location and nature of physical development in the Province. The GSDF seeks to achieve the following:

- Creation of a functionally integrated natural open space system and protection of the rural parts of the province for agricultural, recreational (walking and cycling), biodiversity and aquifer management purposes;
- The containment of urban sprawl by way of growth management that seeks to advance compaction, residential densification, and in-fill development, and mixed land uses within the existing urban fabric which will promote walking and cycling;
- The social and economic integration of disadvantaged communities into the urban system, particularly those on the urban periphery;
- The establishment of a hierarchy of nodes coupled with the improvement of linkages and connectivity between these nodes and areas of economic opportunity;
- Land use-public transport integration through nodal and corridor development;
- The promotion of viable public transport systems and reduction of reliance on private mobility with strong emphasis on densification along the priority public transport routes, especially rail and BRT routes which form the basis of the IRPTN movement system;
- Public transport routes become the priority areas for densification and infill development; and
- The urban system's existing and proposed road network is used to reinforce and shape the urban form as a growth management tool.

Evident from these principles is the strong emphasis on a compact city structure with associated land use-transport integration, including corridor and nodal development.

4.3 Tshwane Metropolitan Spatial Development Framework, 2012 (MSDF)

It is the intention of the MSDF to restructure Tshwane's fragmented, inequitable and inefficient urban form to create a more equitable, efficient and environmentally and financially sustainable urban dispensation in line with current legislation and policy. The compaction and functional integration of the city are normative directives from national level, and implies (1) higher density urban development, (2) greater mixing of compatible land uses and (3) focussed concentration of high-density residential land uses and intensification of non-residential land uses in nodes and along activity corridors.

This development contributes to the strategic objective 2 and 3 of this framework by providing a greater mix of compatible land uses, ensuring a sustainable community with clean healthy and safe environment and integrated social services. The framework states that the city can be restructured by compaction and densification. By promoting sustainable use of land will also help to achieve the abovementioned objective.

The MSDF represents the spatial interpretation of desired growth and development directions for the City. It spatially focusses on economic and infrastructure development and gives spatial expression to the development plans both for the long- and medium term. The purpose of this document is to provide a spatial representation of the City vision and to be a tool to integrate all aspects of spatial planning and to guide decision making processes regarding physical development. The MSDF is a statutory requirement and focuses on the overall municipal/metropolitan scale.

4.4 Tshwane Regional Spatial Development Framework, 2013 (RSDF)

The RSDF's needed to be inter-linked and also support the Tshwane Metropolitan Spatial Development Framework (MSDF) of 2012 as well as the Tshwane City Development Strategy (CDS) , Tshwane Densification and Compaction Strategy (2005) and Tshwane Open Space Framework. This RSDF for Region 6 was therefore prepared within the context of the MSDF, the City Development Strategy and in support of the other RSDF's.

The proposed development is in line with RSDF proposals for the area and will conform to land uses in the area. The following is an extract out of the RSDF (2013) which indicates that the subject site is located along a Mobility Spine and the Proposed BRT alignment.

Diagram 1: RSDF Extract



It can be noted from **Diagram 1** above that the subject property is located within an area that has been earmarked for mixed use. Mixed Use in terms of the RSDF is referred to land uses such as offices/ commercial/ residential/ industrial/ retail/ entertainment/ institutional etc. **Table 4** below provides an extract from the RSDF 2013 which shows the interrelationship between the functional road classification and activity matrix. It can be noted from the table that mixed land uses is supported by mobility spines as well as activity streets.

Table 1: Road Classification Matrix

Functional Road Classification	Land Use	Functional Design	and Roads and Street
Mobility Spine A Mobility Spine is an arterial along which through traffic flows with minimum interruption (optimal mobility). Much smaller than highways, Mobility Spines are usually made of two lanes of opposite vehicle flow. It serves the purpose of inter-regional and metropolitan movement.	<ul style="list-style-type: none"> • Nodal Development at intersections. • Mixed land uses at intersections. 	<ul style="list-style-type: none"> • Little (exception) or no direct access to land uses adjoining the spine. Access is usually through side roads and service roads. • Involves inter-metropolitan and inter-regional routes • No on street parking permitted • Very few traffic lights • Restricted pedestrian movement 	<ul style="list-style-type: none"> • Stormvoël Road/Tsamaya Avenue (K-16 planned extension) • Pretoria Road/Bronkhorstspuit Road • Lynnwood Road (K34) • Atterbury Road (K40) • Garstfontein Road (K50) • Delmas Road (R50) • Solomon Mahlangu Drive (K69) • Meiring Naude Road

The proposed development will further contributes to the key outputs of the Municipal IDP (2011 – 2016) by creating job opportunities during the construction period and when the rehab centre and dialyses units are operational. The rehab centre and dialyses units can also be viewed as an investment into the City of Tshwane as advocated by the IDP instead of developing increased capacity at other Life Hospitals which are located outside the boundaries of the City of Tshwane.

Strategic Objective 3 of the IDP states that better health services with multiple use facilities should be considered. The rehab centre and dialyses units will allow the hospital to offer more facilities and increased the capacity of the hospital which in effect will be able to offer a wider service to communities.

4.5 Municipal Integrated Development Plan, 2011-2016 (IDP)

The intention of the IDP is to link, integrate and co-ordinate development plans for the municipality. The generic development principles that is set out in the IDP of government policies and strategies are the following:

The development of more compact urban form that promotes:

- Residential and employment opportunities in close proximity to, or integrated with each other;
- A diverse combination of land uses, also at the level of individual erven;
- Densification and integration
- The optimisation of the use of existing infrastructure, including bulk infrastructure, roads, transportation and social facilities;
- The support and prioritisation of the development of viable and sustainable public transportation systems to provide access to opportunities;
- Ensuring viable communities who have convenient access to economic opportunities, infrastructure and social services.

To ensure a positive developmental impact in Tshwane there are several key strategic objectives that should be focused on. The strategic objective of Economic growth and development and job creation is a key objective to ensure a positive developmental impact.

Investment creates jobs, and the City of Tshwane will be focusing on growing investment in the City. Partnerships with business and other spheres of government are to be pursued to grow investment, skills development and job opportunities.

Strategic land should be identified through the MSDF processes, and made available to encourage investment.

Another key strategic objective of this plan is sustainable communities with clean, healthy & safe environments and integrated social services.

The provision of social and health services is an important element in ensuring sustainable communities. The challenge is however to provide a holistic and synergised service as an integrated approach to address ills in the communities. Single service efforts do not always have the intended results. Multiple use facilities should also be considered. Engagements and partnerships with other spheres of government will assist to ensure well-resourced multiple use facilities that are provided.

Better quality health care is important and the City of Tshwane will contribute towards healthier communities to ensure sustainability.

The approved spatial and investment plans for the new City of Tshwane area must encourage integrated developments (different land uses), integrated communities (mixed income), and safer communities (the pursuit of law and order should be enabled by urban designs enabling that function) in order to address the legacy of apartheid planning and development.

5. MOTIVATION

5.1 Background

The subject property is located adjacent to the existing Wilgers Hospital in the eastern extents of the City of Tshwane. The Hospital initially procured the portion of land for the development of offices. However, with high number of patients requiring surgery and subsequent rehabilitation, the hospital applied to the Dept of Health for a license to open a rehabilitation centre. The Dept of Health granted the hospital the license for 40 beds. The Hospital appointed Plan Associates to apply to the City of Tshwane for the required land use rights through a township establishment process.

5.2 Layout and Land Use

The layout plan of this township is based on the original approved layout for Ext 83.

For the purposes of the following discussions you are referred to the **layout plan** for the proposed Township Die Wilgers Ext 83. The following table provides a breakdown of the various proposed zonings of the development. A brief summary of each category is then provided.

Erf Number	Proposed Rights			
	Use Zone	FAR	Coverage	Height

1374	Special: Hospital used for the accommodation and care of sick or injured persons or persons needing specialised medical treatment or operations and may include operating theatres, x-ray rooms, a Place of Refreshment, a Shop, pharmacy and Offices and consulting rooms directly related to the hospital and may include a Caretaker's Flat and ancillary and subservient uses	0.6 (8741m ²)	50%	3 storeys
1375	Special: Motor vehicle parking	n./a	n./a	n./a

The draft Annexure T and Draft Conditions of establishment are also submitted together with the application for township establishment.

5.3 Need and Desirability

The proposed development is locality directly adjacent to the existing Wilgers Hospital. The facility may therefore be able to assist patients directly from the hospital. The development is also a natural extension of the hospital and medical associated uses.

The three renal dialyses units in the proposed development will provide a wider alternative to patients that require dialyses. There is currently only three dialyses centres east of the N1 (see image) which may cause long waiting times or inconvenient time slots for patients. The proposed development is also contributing to a more compact city, the clustering of facilities, minimising urban sprawl and the protection of agricultural land on the outskirts of the city.



The site currently enjoys access from Denneboom Road which feeds into Lynnwood Road which is a mobility spine. The proposal is that Denneboom Road be extended in a western direction to link into Albert Road. The extended link will allow for an additional access for the properties which currently obtain access only Lynnwood via Denneboom Road. The site is also located in close proximity to the Proposed BRT which strives toward the utilisation of public transport and minimising personal transport.

The development of the portion of land may contribute to the full utilisation of the vacant portion of land and contribute to increasing the safety and security of the area with a portion of land being fully utilised. The hospital had to remove vagrants from the portion of land earlier this a year and secure it with a fence to prevent illegal dumping onto the property.

This proposed development ***is in line with development guidelines as per RSDF, 2013.*** The following guidelines have been taken into consideration:

- **FAR**
 - *The FAR was determined by taking the Erf size into consideration as well as on-site parking and open space requirements. The necessary landscaping will also be done with this proposed development.*

- **Height**
 - *The Height will be restricted to three storeys. The windows will also be located in such manner, that they not enable overlooking.*
- **Building lines**
 - *All building lines will be according to an approved Site Development Plan as discussed in the Annexure T document.*
- **Parking**
 - *All parking can be accommodated on the Erf and no off street parking will be allowed.*
- **Physical barriers**
 - *The walls abutting the neighbouring properties will be constructed. The physical barriers along the street boundaries will be semi-transparent (palisade) and landscaping will be undertaken.*
- **Landscaping**
 - *Landscaping will be incorporated into the proposed development. On street parking will be prevented by landscaping measures on the road reserve that will include a 2 meter pedestrian walkway.*
- **Advertising**
 - *Advertising will be limited to one location on the erven and will be integrated in the building and design of the development.*
- **Health measurements**
 - *Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.*

The RSDF guidelines will also be incorporated into the Annexure T document so that all conditions will be considered when building plans is submitted.

6. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

6.1 Introduction

The applicability of this application is based on the certain provisions of this Act. This Act came into operation on 1 July 2015.

Section 3 of SPLUMA sets out the objects of the Act which include:

- To provide a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- To provide a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- To ensure that the system of spatial planning and land use management promotes social and economic inclusion;
- To provide for development principles and norms and standards;
- To provide for the sustainable and efficient use of land;
- To provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- To redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems

The following section will provide a motivation in terms of this Act.

6.2 Development Principles contained in Section 7 of the Act

The following Section will discuss the applicability of the development principles contained in Section 7 of this Act to the proposed development.

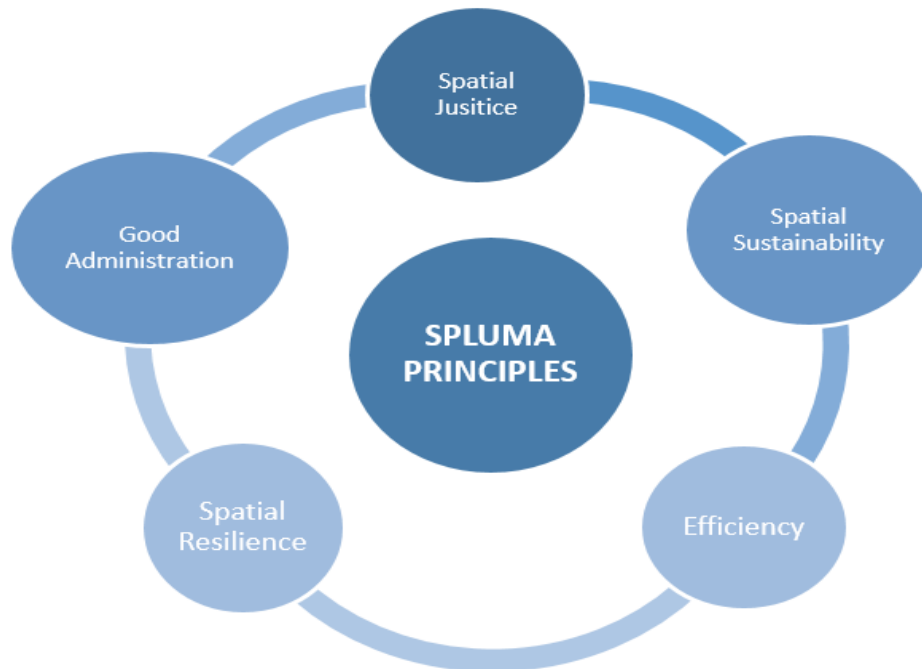


Figure 1 Graphic illustration of development principles

7 (a)	The principle of spatial justice, whereby-
(i)	<p>Past spatial and other development imbalances must be redressed through improved access to and use of land;</p> <ul style="list-style-type: none"> There are no spatial or development imbalances pertaining the proposed development. This proposed development will give an office/business opportunity for any individual that wants access to the area.
(ii)	<p>Spatial development framework and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;</p> <ul style="list-style-type: none"> This proposed development will also contribute to the financial wellness of the municipality by continually paying rates and taxes. The municipality can therefore channel a part of the funds to previous disadvantaged areas for development.
(iii)	<p>Spatial planning mechanisms, including land use schemes must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;</p> <ul style="list-style-type: none"> The current Town Planning Scheme and Land Use Management Bylaws in conjunction with the RSDF make provision for the any individual or disadvantaged communities to access all areas in the City of Tshwane.
(iv)	<p>Land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;</p> <ul style="list-style-type: none"> Although the municipality's land use management system and RSDF do include all areas of the municipality and provisions that are flexible and appropriate for the management of the disadvantaged areas, the application site in terms of locality is not in close proximity to the aforementioned areas.
(v)	<p>Land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas;</p> <ul style="list-style-type: none"> This proposed development will also contribute to the financial wellness of the municipality by continually paying rates and taxes. The municipality can therefore channel a part of the funds to upgrade several informal areas
(vi)	<p>A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;</p> <ul style="list-style-type: none"> The application at hand will consist of all relevant documentation as requested in terms of the City of Tshwane Land Use Management Bylaw, 2016, including a complete motivating memorandum with reference to objectives and principles contained in the Bylaw, comments from various internal and external departments, site details and important physical factors that might impact the development, development context, history of development, impact of proposed development on surrounding properties, motivation in terms of relevant policy and frameworks and relevant provisions of the Spatial Planning and Land Use Management Act, 2013. (Section 15(2) of the Bylaw) In terms of Section 17(13) of the bylaw, land development applications and/or matters referred to the Municipal Planning Tribunal shall be accompanied by a

	<p>report as contemplated in section 15(2) of this bylaw.</p> <ul style="list-style-type: none"> o In terms of Section 17(14) the MPT shall consider the application with due regard to the content of the reports contemplated in subsection 13, all approved policies of the Municipality, its Integrated Development Plan and Municipal Spatial Development Framework and its components as contemplated in the Municipal Systems Act, 2000 (Act 32 of 2000) and subject to provisions of the Act and specifically section 42 thereof. o This proposed development will not only add value to the subject property, but will also improve the whole area as motivated in this section. This proposed development provides opportunity for the community and anyone that wants access to the area.
(b)	The principle of spatial sustainability, whereby spatial planning and land use management systems must-
(i)	<p>Promote land development that is within the fiscal, institutional and administrative means of the Republic;</p> <ul style="list-style-type: none"> o The City of Tshwane is one of a number metro municipality's functioning throughout the Republic. The aim of the municipality within provincial and national spheres is to promote land development that is spatially compact, resource frugal and within the fiscal, institutional and administrative means of the municipality. o The application at hand therefore fits in with this principle by means of the proposed integration of public transport and different land uses in the area.
(ii)	<p>Ensure that special consideration is given to the protection of prime and unique agricultural land;</p> <ul style="list-style-type: none"> o The proposed development is located within the suburban core of Pretoria and is not located in close proximity to any agricultural land.
(iii)	<p>Uphold consistency of land use measures in accordance with environmental management instruments</p> <ul style="list-style-type: none"> o By integrating the environmental management instruments with land use measures, this proposed development will be fully managed and spatially sustainable.
(iv)	<p>Promote and stimulate the effective and equitable functioning of land markets;</p> <ul style="list-style-type: none"> o This will also stimulate land markets by improving services and can be seen as an injection to the Wilgers community.
(v)	<p>Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;</p> <ul style="list-style-type: none"> o By upgrading the existing infrastructure and engineering services by the developer/municipality, will have a minimum current cost. By upgrading these infrastructure, development will become sustainable over a period of time. o Once again the principle of densification will lead to the optimal utilization of existing land and infrastructure. o The payment of bulk service contributions addresses inter alia future costs for the provision of infrastructure.
(vi)	<p>Promote land development in locations that are sustainable and limit urban sprawl;</p> <ul style="list-style-type: none"> o This proposed development will promote land development and limit urban sprawl by using an already developed property and utilize it into a high demanded land use for the area. Therefor the owner will not have to purchase and develop on a new erf outside the built-up area and will prevent horizontal urban sprawl.
(vii)	Result in communities that are viable

	<ul style="list-style-type: none"> ○ This development will also promote spatial sustainability and viable communities by creating a healthy neighbourhood by upgrading the current infrastructure and providing integrated land uses in the community.
(c)	The principle of Efficiency, whereby-
(i)	<p>Land development optimises the use of existing resources and infrastructure;</p> <ul style="list-style-type: none"> ○ Land development optimises the use of existing resources and infrastructure. In the case of upgrading the existing infrastructure, it will NOT only benefit the owner of the subject site, but also the entire surrounding area. By upgrading these infrastructure, the whole residential area will become sustainable over a period of time. ○ The development will further utilize the existing bulk service network and may not require the installation of new engineering services. The developer will be required to pay for bulk service contributions if necessary which in turn can be utilized by the City of Tshwane to maintain the bulk service network and continually service the communities. The bulk service contribution can in part also be utilized to increase the bulk capacity of the City of Tshwane which can then improve the livelihoods of disadvantage communities.
(ii)	<p>Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts;</p> <ul style="list-style-type: none"> ○ Taking into consideration the principles of SPLUMA as well as current municipality policies and procedures, noting the finalisation and implementation of the bylaws as contemplated in SPLUMA, the current decision making procedures at the municipality are designed to minimise negative financial, social, economic or environmental impacts. ○ Currently land use applications must be submitted and motivated in such a way in order to comprehensively inform and assist the local authority in its decision making procedures. ○ In terms of Section 17(13) of the bylaw, land development applications and/or matters referred to the Municipal Planning Tribunal shall be accompanied by a report as contemplated in section 15(2) of this bylaw. ○ In terms of Section 17(14) the MPT shall consider the application with due regard to the content of the reports contemplated in subsection 13, all approved policies of the Municipality, its Integrated Development Plan and Municipal Spatial Development Framework and its components as contemplated in the Municipal Systems Act, 2000 (Act 32 of 2000) and subject to provisions of the Act and specifically section 42 thereof. ○ The application at hand will consist of all relevant documentation as requested in terms of the City of Tshwane Land Use Management Bylaw, 2016, including a complete motivating memorandum with reference to objectives and principles contained in the Bylaw, comments from various internal and external departments, site details and important physical factors that might impact the development, development context, history of development, impact of proposed development on surrounding properties, motivation in terms of relevant policy and frameworks and relevant provisions of the Spatial Planning and Land Use Management Act, 2013. (Section 15(2) of the Bylaw)
(iii)	<p>Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;</p>

	<ul style="list-style-type: none"> ○ Although there might be some limitations in terms of efficiency and timeframes pertaining to development applications in the current reality, the municipality is constantly striving in improving the situation. The new bylaws should also further aid in addressing this situation. ○ As Stipulated in section 44 of SPLUMA, 2013, timeframes will have to be dealt with by the Municipal Planning Tribunals according to the Tshwane Land Use Management Bylaw, 2016.
(d)	<p>The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks;</p> <ul style="list-style-type: none"> ○ With the adoption of policy documents such as the Tshwane RSDF, 2013 a proactive approach was followed by the municipality allowing for spatial resilience, thus promoting sustainable livelihoods in communities. ○ The new Tshwane RSDF, 2013 however shows flexibility in spatial plans and policies now promoting densification and redevelopment. ○ By promoting redevelopment and densification, it will ensure economic growth in these areas and will be sustainable over a period of time. All areas should ensure the ability to adapt to spatial resilience.
(e)	<p>The principle of good administration, whereby-</p>
(i)	<p>All spheres of government ensure an integral approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;</p> <ul style="list-style-type: none"> ○ In terms of Schedule 6 of the City of Tshwane Land Use Management Bylaw, 2016 the land use memorandum should make reference to national, provincial and municipal frameworks. ○ According to Section 12(2) of SPLUMA, 2013, planning should be done in an integrated form from national, provincial and local government spheres. The said section also requires that when considering any matter in terms of its SDF it must have regard to the SDF's of the other spheres of government. ○ Institutional frameworks have been discussed in the abovementioned <i>section</i> to provide an integral approach to the proposed development. Development is guided in terms of these frameworks from all spheres of government.
(ii)	<p>All government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;</p> <ul style="list-style-type: none"> ○ This subject application will be circulated to all relevant internal departments for their inputs regarding the proposed development. These inputs will be crucial to determine certain conditions to be imposed in order to ensure a sustainable and successful development.
(iii)	<p>The requirements of any law relating to land development and land use are met timeously;</p> <ul style="list-style-type: none"> ○ Application for township establishment in terms of Section 16(4) of the Tshwane Land Use Management Bylaw, 2016 from 'Agriculture' to 'Special'. The abovementioned is the relevant law relating to this land development application. ○ All other law relating to the proposed development will be met timeously.
(iv)	<p>The preparation and amendment of spatial plans, policies, land use schemes as well as</p>

	procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them;
	<ul style="list-style-type: none"> ○ The prescribed advertising and notice to surrounding owners will allow the general public to have inputs on the proposed development. ○ The public participation process will be done accordance with Section 11 (1)-(13) of the City of Tshwane Land Use Management Act, 2013. ○ Section 45(3) of the Act makes reference to the burden of proof must be provided by the interested parties to any land development application. ○ It is also stated in Section 28(2) that a public participation process must be undertaken to ensure that all affected parties have the opportunity to make representation on, object to and appeal the decision.
(v)	Policies, legislation and procedures must be clearly set in order to inform and empower members of the public;
	<ul style="list-style-type: none"> ○ Policies, legislation and procedures will be followed in order to inform and empower members of the public. ○ Section 11 in the City of Tshwane Land Use Management Bylaw, 2016 will be followed to inform and empower the members of the public.

6.3 Requirements in terms of Section 42 of this Act

According to Section 42 of the Spatial Planning and Land Use Management Act, 2013, a Municipal Planning Tribunal must consider several considerations. The following will discuss the considerations in terms of Section 42 of the Act:

Section 42 (1) (a) and (42) (1) (b) has been discussed in the abovementioned sections.

Section 42(1)(c)(i): Public interest;
<p>The public interest can be seen as the welfare/need of the general public in which the whole society/community can benefit from. It is in the public interest to get opportunities to get access to sustainable developments with sufficient infrastructure and services. The demand for offices is massive in this region due to the excellent locality comparing to other social, business and retail institutions in the area.</p> <p>The public includes investors, stakeholders, consumers, taxpayers, electorates and all citizens. This proposed development is in public interest because of the following:</p> <ul style="list-style-type: none"> - This development will increase the job opportunity in the area; - It will provide sustainable development over a long period of time; - It will ensure upgraded services and infrastructure to the area. - It will provide secure tenure opportunities;
Section 42(1)(c)(ii): the constitutional transformation imperatives and related duties of the state;
<p>The MPT should take into account constitutional transformation imperatives and duties of the state when deciding the proposed development. It is our submission</p>

that the application at hand is in line with all imperatives and that the decision making authority can make an inform decision.
<i>Section 42(1)(c)(iii): the facts and circumstances relevant to the application;</i>
The facts and circumstances are discussed in the abovementioned sections and could be identified by the MPT that will deal with this application.
<i>Section 42(1)(c)(iv): the respective rights and obligations of all those affected;</i>
All affected parties have the opportunity during the public participation process of the town planning process to raise any concerns or obligations.
<i>Section 42(1)(c)(v): the state and impact of engineering services, social infrastructure and open space requirements;</i>
The impact of the proposed development on the engineering services, social infrastructure is discussed in the abovementioned sections. All other requirements in terms of this section was dealt with during this application.
<i>Section 42(1)(c)(vi): any factors that may be prescribed, including timeframes for making decisions;</i>
There are no unusual factors that should have an impact on the timeframes for decision making as prescribed in the Act as well as the City of Tshwane Land Use Management Bylaw, 2016.

6.4 Summary

The alignment of the application in terms of the principles of Section 7 and 42 as contained in SPLUMA have been addressed as far as possible in the above section. It is therefore our opinion that this proposed development is in line with all the relevant policy document and relates to the principles of SPLUMA.

7. CONCLUSION

In view of the aforementioned discussions it is our submission that the need and desirability with regards to the proposed development has been addressed satisfactorily.

The hope is expressed that this application for township establishment in terms of Section 16(4) of the City of Tshwane Land Use Management Bylaw, 2016 will be favourably considered by the City of Tshwane Metropolitan Municipality.

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