

APPLICATION FOR THE TOTAL  
CANCELLATION OF GENERAL  
PLAN SG NO 427/2011  
(BOSCHDAL EXTENSION 6), THE  
SIMULTANEOUS TOWNSHIP  
ESTABLISHMENT OF BOSCHDAL  
EXTENSION 9 AND THE  
REMOVAL OF RESTRICTIVE  
TITLE CONDITIONS CONTAINED  
IN T76668/2015 IN RESPECT OF  
PORTION 88 (A PORTION OF  
PORTION 10) OF THE FARM  
BOSCHDAL 309-JQ, NORTH  
WEST PROVINCE

# **PROPOSED BOSCHDAL EXTENSION 9 COMPRISING ERVEN 254 - 256**

SEPTEMBER 2022

---



ACCREDITED TOWN AND REGIONAL PLANNERS  
(Proprietary) Limited Reg. No. 2002/01/393/07

## **MOTIVATION REPORT**

**PROPOSED TOTAL CANCELLATION OF GENERAL PLAN SG NO 427/2011, SIMULTANEOUS TOWNSHIP ESTABLISHMENT AND REMOVAL OF CONDITIONS A.I, A.II AND A.III IN CERTIFICATE OF TOWNSHIP TITLE T76668/2015 IN TERMS OF THE RUSTENBURG LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW 2018, READ WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)**

**ON**

**PORTION 88 (A PORTION OF PORTION 10) OF THE FARM BOSCHDAL 309, REGISTRATION DIVISION J.Q., NORTH WEST PROVINCE TO CREATE**

**BOSCHDAL EXTENSION 9  
COMPRISING ERVEN 254 - 256**

### **Compiled by:**

**Maxim Planning Solutions (Pty) Ltd  
(2002/017393/07)  
@Office Building, Room 25  
67 Brink Street  
c/o Brink- and Kock Street  
Rustenburg  
0299  
P.O. Box 21114  
Proteapark  
0305  
Tel: (014) 592 9489  
E-mail: dawie@maxim.co.za**

### **Compiled on behalf of:**

**Bun Malan (Pty) Ltd  
(1970/011888/07)  
12 Bergbos Street  
Protea Park  
Rustenburg  
0299  
P.O. Box 20872  
Protea Park  
0305  
Tel: 082 801 5038  
E-mail: pieter@bunmalan.co.za**

## Contents

LIST OF MAPS .....	4
LIST OF FIGURES .....	4
LIST OF TABLES .....	5
LIST OF PHOTOS .....	5
<b>CHAPTER 1: INTRODUCTION .....</b>	<b>6</b>
1.1 INTRODUCTION .....	6
1.2 BACKGROUND OF RUSTENBURG LOCAL MUNICIPALITY.....	7
1.2.1 REGIONAL LOCALITY .....	7
1.2.2 DEMOGRAPHICS .....	8
1.2.3 POPULATION PROJECTIONS .....	8
1.2.4 HOUSEHOLD BY DWELLING TYPE .....	8
1.3 INTEGRATED HUMAN SETTLEMENT PLANNING .....	9
1.4 APPLICATION .....	9
1.5 PUBLIC PARTICIPATION .....	10
1.6 STUDY AREA DELINEATION .....	11
1.7 REPORT OUTLINE .....	12
<b>CHAPTER 2: PARTICULARS OF THE DEVELOPMENT AREA .....</b>	<b>13</b>
2.1 LOCALITY .....	13
2.2 SG DIAGRAM AND SERVITUDES.....	14
2.2.1 SG DIAGRAMS .....	14
2.2.2 SERVITUDES .....	16
2.3 OWNER.....	17
2.4 BONDHOLDER .....	18
2.5 AREA .....	18
2.6 EXISTING LAND USE AND ZONING.....	18
2.6.1 CURRENT LAND USES .....	18
2.6.2 CURRENT ZONING.....	19
2.7 MINERAL RIGHTS .....	20
2.8 RESTRICTIVE TITLE CONDITIONS (INCLUDING SERVITUDES) .....	20
<b>CHAPTER 3: PHYSICAL ASPECTS.....</b>	<b>22</b>
3.1 TOPOGRAPHY.....	22
3.2 CLIMATE .....	24
3.3 GEOLOGY .....	24
3.4 ENVIRONMENTAL IMPACT ASSESSMENT .....	25
<b>CHAPTER 4: PROPOSED DEVELOPMENT .....</b>	<b>27</b>
4.1 LAND USES.....	27
4.2 FACTORS INFLUENCING THE LAYOUT PLAN.....	28
4.3 ROADS & ACCESS .....	30
4.4 TRAFFIC IMPACT ASSESSMENT .....	30
4.4.1 INTRODUCTION.....	30
4.4.2 PRIMARY STUDY AREA.....	30
4.4.3 EXISTING ROADS.....	31
4.4.4 NEW EXTERNAL ROADS .....	32
4.4.5 PUBLIC TRANSPORT AND PEDESTRIAN FACILITIES.....	33
4.4.6 SENSITIVE AREAS .....	33

4.4.7 LATENT RIGHTS .....	33
4.4.8 SITE INVESTIGATION .....	33
4.4.9 TRAFFIC COUNTS .....	33
4.4.10 TRIP GENERATION .....	34
4.4.11 TRIP DISTRIBUTION.....	34
4.4.12 DEMAND SIDE MITIGATION .....	35
4.4.13 PROPOSED IMPROVEMENTS .....	35
4.4.14 TRAFFIC IMPACT ASSESSMENT – METHOD .....	35
4.4.15 TRAFFIC IMPACT ASSESSMENT – CAPACITY ANALYSIS.....	36
4.4.16 REQUIRED IMPROVEMENTS AND CONFIGURATION.....	39
4.4.17 ROAD ACCESS AND SPACING .....	40
4.4.18 TRAFFIC MANAGEMENT .....	41
4.4.19 PEDESTRIAN FACILITIES.....	41
4.4.20 PUBLIC TRANSPORT FACILITIES.....	41
4.4.21 PARKING .....	41
4.4.22 CONCLUSIONS AND RECOMMENDATIONS .....	41
<b>CHAPTER 5: PROVISION OF ENGINEERING SERVICES.....</b>	<b>42</b>
5.1 CIVIL ENGINEERING SERVICES.....	42
5.1.1 INTRODUCTION.....	42
5.1.2 LEVEL OF SERVICE AND OWNERSHIP .....	42
5.1.3 BULK WATER SUPPLY.....	42
5.1.4 WATER DEMAND.....	42
5.1.5 INTERNAL WATER LAYOUT .....	43
5.1.6 DESIGN CRITERIA AND MATERIALS .....	43
5.1.7 BULK SEWER.....	43
5.1.8 SEWERAGE RUN-OFF .....	43
5.1.9 INTERNAL SEWER LAYOUT.....	44
5.1.10 DESIGN CRITERIA AND MATERIALS .....	44
5.1.11 LAYOUT AND ACCESS .....	44
5.1.12 INTERNAL ROADS.....	44
5.1.13 BULK STORM WATER.....	45
5.1.14 INTERNAL LAYOUT.....	45
5.1.15 DESIGN CRITERIA AND MATERIALS .....	45
5.1.16 FLOOD LINE.....	46
5.1.17 SOLID WASTE.....	46
5.1.18 PROPOSED CONSTRUCTION METHODS.....	46
5.1.19 BULK SERVICES CONTRIBUTIONS.....	47
5.2 ELECTRICAL ENGINEERING SERVICES.....	47
5.2.1 INTRODUCTION.....	47
5.2.2 AFTER DIVERSITY MAXIMUM DEMAND .....	47
5.2.3 BULK ELECTRICITY SUPPLY AND LINK SERVICES .....	48
5.2.4 INTERNAL ELECTRICAL INFRASTRUCTURE.....	48
<b>CHAPTER 6: MOTIVATION .....</b>	<b>50</b>

6.1	INTRODUCTION .....	50
6.2	NATIONAL DEVELOPMENT PLAN: VISION 2030 .....	51
6.3	CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT 108 OF 1996).....	52
6.4	NATIONAL HOUSING CODE (2006).....	53
6.5	A COMPREHESIVE PLAN FOR THE DEVELOPMENT OF SUSTAINABLE HUMAN SETTLEMENT (BNG STRATEGY).....	53
6.6	URBAN (UDF) AND RURAL DEVELOPMENT (RDF) FRAMEWORKS (1997).....	54
6.7	WHITE PAPER ON LOCAL GOVERNMENT (1998).....	55
6.8	NATIONAL HOUSING ACT, 1997 (ACT 107 OF 1997).....	55
6.9	RENTAL HOUSING ACT, 1999 .....	55
6.10	WHITE PAPER ON WISE LAND USE (2001).....	56
6.11	NATIONAL SPATIAL DEVELOPMENT PERSPECTIVE (2006).....	56
6.12	NATIONAL SPATIAL DEVELOPMENT FRAMEWORK - 2018.....	57
6.13	NORTH WEST SDF 2017 .....	59
6.14	RUSTENBURG INTEGRATED DEVELOPMENT PLAN, (2022-2027).....	62
6.15	RUSTENBURG SPATIAL DEVELOPMENT FRAMEWORK, 2010 REVIEW .....	65
6.16	DISTRESSED MINING TOWNS.....	67
6.17	SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) DEVELOPMENT PRINCIPLES.....	68
6.18	GENERAL .....	74

**LIST OF MAPS**

MAP 1: CADASTRAL BOUNDARIES .....	6
MAP 2: LOCALITY OF RUSTENBURG LM (NW 373) IN DISTRICT CONTEXT.....	7
MAP 3: LOCALITY OF APPLICATION SITE .....	11
MAP 4: LOCALITY MAP OF DEVELOPMENT AREA.....	13
MAP 5: LOCALITY MAP.....	14
MAP 6: CURRENT LAND USE MAP FOR THE PROPOSED DEVELOPMENT AREA .....	19
MAP 7: AERIAL PHOTOGRAPH .....	22
MAP 8: CONTOUR MAP .....	23
MAP 9: DRAINAGE PATTERNS .....	23
MAP 11: LAYOUT PLAN, PROPOSED BOSCHDAL EXTENSION 9 .....	29
MAP 12: NSDF NATIONAL RESOURCE PRODUCTION REGIONS.....	58
MAP 13: NATIONAL SPATIAL ACTION AREAS.....	58
MAP 14: NORTH WEST SPATIAL DEVELOPMENT FRAMEWORK.....	60
MAP 15: SDF MAP.....	66

**LIST OF FIGURES**

FIGURE 1: SG 426/2011 - PORTION 88 (A PORTION OF PORTION 10) OF THE FARM BOSCHDAL 309-JQ .....	15
FIGURE 2: SG 427/2011 – GENERAL PLAN OF BOSCHDAL EXTENSION 6.....	16
FIGURE 3: SG 427/2011 – GENERAL PLAN OF BOSCHDAL EXTENSION 6.....	17
FIGURE 3: GEOTECHNICAL ZONATION.....	25
FIGURE 4: STUDY AREA - TIA.....	31
FIGURE 5: ROADS MASTER PLAN.....	32
FIGURE 6: TRIP DISTRIBUTION.....	34
FIGURE 7: SCENARIO 1 & 2 TRAFFIC VOLUMES.....	36
FIGURE 8: SCENARIO 3 TRAFFIC VOLUMES.....	36
FIGURE 9: SCENARIO 1 LOS.....	37
FIGURE 10: SCENARIO 2 LOS .....	38
FIGURE 11: SCENARIO 3 LOS.....	39
FIGURE 12: INTERSECTION 1 PROPOSED CONFIGURATION .....	40

**LIST OF TABLES**

TABLE 1: OWNERSHIP DETAILS..... 17  
TABLE 2: PROPERTY AREA ..... 18  
TABLE 3: CURRENT DEVELOPMENT PARAMETERS..... 19  
TABLE 4: GEOTECHNICAL ZONATION ..... 24  
TABLE 5: PROPOSED ZONINGS & LAND USES..... 27  
TABLE 6: EXISTING ROADS ..... 31  
TABLE 7: ESTIMATED WATER CONSUMPTION ..... 43  
TABLE 8: ESTIMATED SEWER FLOW ..... 44  
TABLE 9: ESTIMATED DEMAND (KVA)..... 48  
TABLE 10: SPATIAL DEVELOPMENT PRIORITY AND OBJECTIVES ..... 65

**LIST OF PHOTOS**

PHOTO 1: EXISTING PARTY VENUE AND SHOP ON SITE..... 18

## CHAPTER 1: INTRODUCTION

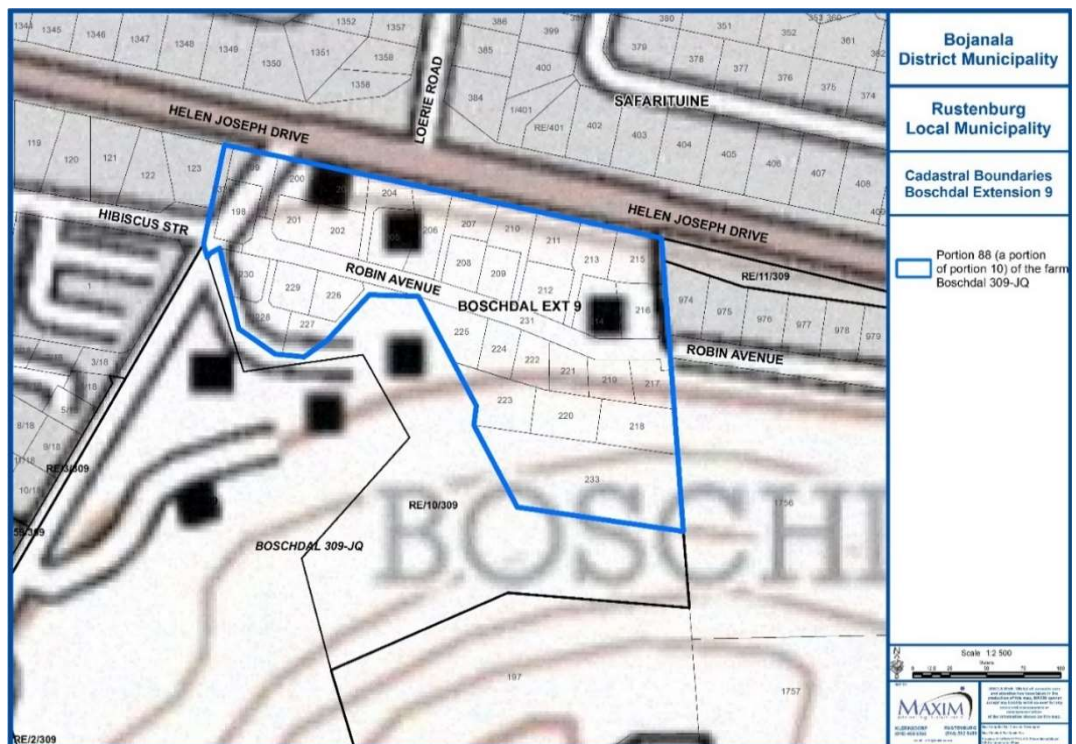
### 1.1 INTRODUCTION

Dawid Jacobus Bos (ID No. 571216 5113 080) and Koot Raubenheimer (ID No. 700305 51920 08 9) of the company Maxim Planning Solutions (Pty) Ltd (2002/017393/07) were appointed by the owner of Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province to attend to the establishment of Boschdal Extension 9, which comprises the following erven:

- Residential 2 (1 erf of 2.0296ha)
- Business 1 (1 erf of 1.8171ha) and
- Special (for the purposes of private open space) (1 erf of 0.6433ha)

The owner of Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province previously applied to the Rustenburg Local Municipality in respect of the establishment of the proposed township Boschdal Extension 6 on the fore-mentioned property. This application was approved and a General Plan was subsequently approved in respect of the proposed township area by the Surveyor-General by virtue of SG No. 427/2011. The township applicant subsequently set out to open a Township Register in respect of the township area of Boschdal Extension 6 and this Township Register was registered in the Deeds Office (Pretoria) on 26 August 2015. The township was however never proclaimed in the North West Provincial Gazette.

The cadastral boundaries of the erven in the current township area of Boschdal Extension 6, together with the outside figure of the proposed township Boschdal Extension 9 can be seen in the adjacent map:



Map 1: Cadastral Boundaries

The initial township made provision for thirty three (33) Residential 1 stands, and a property zoned as Special for the use of a private park. Due to changing residential market conditions and the success of the business facilities operated from the subject property, has convinced the developer of the need for business activities on the property. The proposed layout and zonings were therefore amended to accommodate Business and higher density residential uses (Residential 2).

As integral part of this application, application is therefore made for the cancellation in total of the General Plan of Boschdal Extension 6 (SG No. 427/2011 – as discussed in further detail in Section 2.2 of this report). The proposed township Boschdal Extension 9 will therefore replace Boschdal Extension 6 in its entirety.

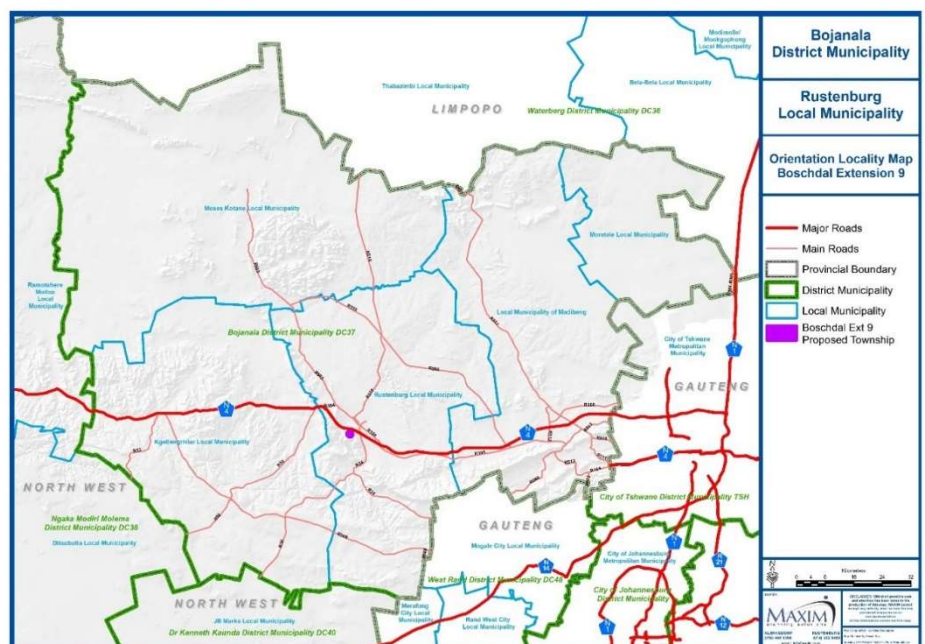
Application is also made for the removal of conditions A.i, A.ii and A.iii in Certificate of Township Title T76668/2015, as discussed in Section 2.8 of this report.

## 1.2 BACKGROUND OF RUSTENBURG LOCAL MUNICIPALITY

Rustenburg Local Municipality is located in Bojanala Platinum District Municipality, North West Province, South Africa. The city is situated at the foot of the Magalies mountain range and is referred to as “town of rest” or “resting place”. Rustenburg is the most populous municipality in the North West Province and also the fastest growing municipality in South Africa. The municipality’s economy is mainly based on the surrounding mining and agricultural activities.

### 1.2.1 REGIONAL LOCALITY

The city of Rustenburg is situated some 112 km northwest, from both Johannesburg and Pretoria. It is a local municipality in the Bojanala District. The municipal seat, Rustenburg, is situated on the N4 highway, forming part of the main route between Gauteng and Botswana.



Map 2: Locality of Rustenburg LM (NW 373) in district context



## 1.2.2 DEMOGRAPHICS

The new Rustenburg IDP 2022-2027 gives an overview of the demography of the Rustenburg Local Municipality and all its neighbouring regions, Bojanala Platinum District Municipality, North-West Province and South Africa as a whole. Population statistics is important when analysing the economy, as the population growth directly and indirectly impacts employment and unemployment, as well as other economic indicators such as economic growth, per capita income and the demand for housing.

With 719 000 people, the Rustenburg Local Municipality housed 1.2% of South Africa's total population in 2020. Between 2010 and 2020 the population growth averaged 3.03% per annum which is about double the growth rate of South Africa as a whole (1.59%). Compared to Bojanala Platinum's average annual growth rate (2.42%), the growth rate in Rustenburg's population at 3.03% was slightly higher than that of the district municipality.

When compared to other regions, the Rustenburg Local Municipality accounts for a total population of 719,000, or 38.2% of the total population in the Bojanala Platinum District Municipality, which is the most populous region in the Bojanala Platinum District Municipality for 2020. The ranking in terms of the size of Rustenburg compared to the other regions remained the same between 2010 and 2020. In terms of its share, the Rustenburg Local Municipality was significantly larger in 2020 (38.2%) compared to what it was in 2010 (36.0%). When looking at the average annual growth rate, it is noted that Rustenburg ranked highest (relative to its peers in terms of growth) with an average annual growth rate of 3.0% between 2010 and 2020.

## 1.2.3 POPULATION PROJECTIONS

Based on the present age-gender structure and the present fertility, mortality and migration rates, Rustenburg's population is projected to grow at an average annual rate of 1.7% from 719 000 in 2020 to 782 000 in 2025. The average annual growth rate in the population over the projection period for Bojanala Platinum District Municipality, North West Province and South Africa is 1.6%, 1.5% and 1.3% respectively and is lower than the average annual growth in the Rustenburg Local Municipality.

## 1.2.4 HOUSEHOLD BY DWELLING TYPE

Using the StatsSA definition of a household and a dwelling unit, households can be categorised according to type of dwelling. Rustenburg Local Municipality had a total number of 74 400 (30.13% of total households) very formal dwelling units, a total of 109 000 (44.26% of total households) formal dwelling units and a total number of 39 400 (15.95% of total households) informal dwelling units. The region within the Bojanala Platinum District Municipality with the highest number of very formal dwelling units is Rustenburg Local Municipality with 74 400 or a share of 61.76% of the total very formal dwelling units within Bojanala Platinum District.

When looking at the formal dwelling unit backlog (number of households not living in a formal dwelling) over time, it can be seen that in 2009 the number of households not living in a formal dwelling were 55 900 within Rustenburg Local Municipality. From 2009 this number increased annually at 1.24% to 63 200 in 2019. The total number of households within Rustenburg Local Municipality increased at an average annual rate of 3.38% from 2009 to 2019, which is higher than the annual increase of 1.96% in the number of households in South Africa. With high in-migration into a region, the number of households increases, putting additional strain on household infrastructure. In the short to medium term this can result in an increase in the number of households not living in a formal dwelling, as the provision of household infrastructure usually takes time to deliver.

Presently plus minus 70% of household have very formal or formal housing. Taking that as a ratio, 44000 very formal or formal houses need to be constructed to address present housing backlogs.

### **1.3 INTEGRATED HUMAN SETTLEMENT PLANNING**

As integral part of the township establishment process, the following studies were conducted as part of the pre-planning activities:

- Aerial survey of the development area conducted by Azur Aerial Works;
- Generation of contour based on aerial survey conducted by Azur Aerial Works;
- Geotechnical study done by Geoset CC;
- Detail electrical engineering services investigation conducted by Ampcon Consulting Engineers;
- Detail civil engineering services investigation conducted by EPS Consulting Electrical Engineers;
- Traffic Impact Study conducted by EPS Consulting Engineers.

The results of the studies referred to above will be addressed in the respective sections of this Motivation Report.

### **1.4 APPLICATION**

Application is hereby made by Dawid Jacobus Bos (ID No: 5712165113080) of the company Maxim Planning Solutions (Proprietary) Limited (2002/017393/07), being the authorised agent of Bun Malan (Proprietary) Limited (1970/011888/07), in terms of:

- Section 17(18) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the cancellation in total of General Plan SG No. 427/2011 of the township area of Boschdal Extension 6;
- Section 17(7) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the establishment of the proposed township Boschdal Extension 9 on the property comprising one (1) erf to be zoned “Business 1”,

one (1) erf to be zoned “Residential 2” and one (1) erf to be zoned “Special” (for the purposes of private open space)

- Section 17(2) of the Rustenburg Spatial Planning and Land Use Management By-Law, 2018 read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the removal of conditions A.i, A.ii and A.iii in Certificate of Township Title T76668/2015.

## 1.5 **PUBLIC PARTICIPATION**

Notice in respect of this application will be given in the following manner, as prescribed:

- Publishing notices of the application (as set out in **Annexure C1** of the comprehensive Land Development Application) in the North West Provincial Gazette in Afrikaans & English as contemplated in Sections 17(1)(d)(i), 17(18)(c) and Schedule 12 of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018;
- Publishing notices of the application (as set out in **Annexure C2** of the comprehensive Land Development Application) in the Beeld and Citizen in Afrikaans & English as contemplated in Section 17(1)(d)(i), 17(18)(c) and Schedule 12 of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018;
- Displaying a notice (as set out in **Annexure C3** of the Comprehensive Land Development Application) in a conspicuous place on the land to which the application applies as contemplated in Section 17(1)(d)(ii) and Schedule 12 of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018;
- Notices via registered mail to adjacent property owners (as set out in **Annexure C4** of the comprehensive Land Development Application) as contemplated in Section 17(1)(d)(iii) and Schedule 12 of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018
- Notices by hand or registered mail to the following external departments / organizations (as set out in **Annexure C5** of the comprehensive Land Development Application) as contemplated in Section 17(1)(d)(v) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018:
  - Department of Co-operative Governance and Traditional Affairs (COGTA)
  - Department of Agriculture, Land Reform and Rural Development (DALRRD)
  - North West Education Department
  - Department of Health
  - Department of Roads and Public Works
  - Department: Water and Sanitation (DWS)
  - Eskom
  - Bojanala Platinum District Municipality
  - Openserve (Telkom SA Limited)
  - South African Heritage Resources Agency (SAHRA)
  - South African National Roads Agency Limited (SANRAL)
  - South African Post Office Limited

- Magalies Water
- Transnet Freight Rail
- Department of Mineral Resources & Energy
- Rand Water
- Olifantsnek Irrigation Board
- North West Department of Economic Development, Environment, Conservation and Tourism (DEDECT)

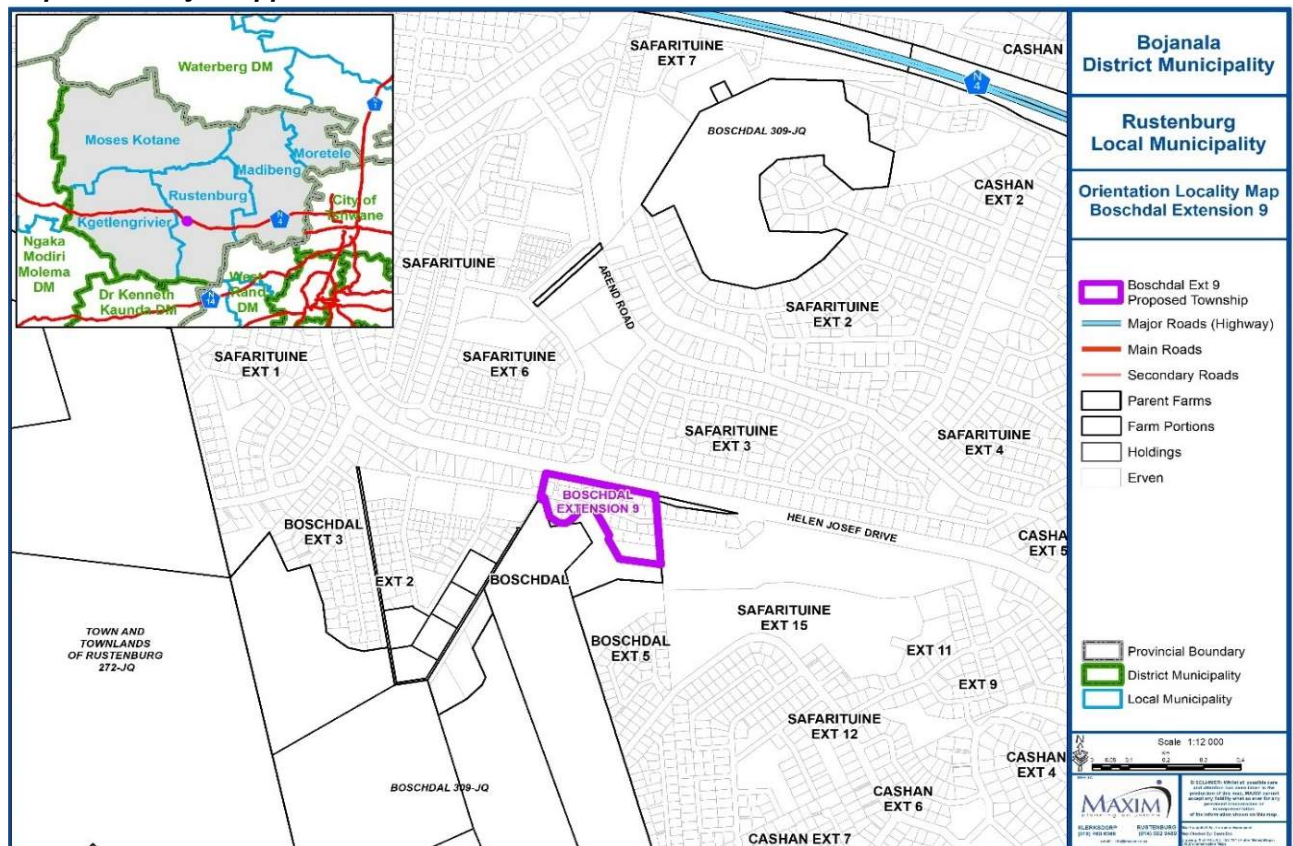
The public will be afforded a period of 28 days to comment in this matter whereas the external organisations / departments that will be approached for comments will be afforded a period of 60 days to furnish us with their comments in respect of the application. Proof in respect of the publication and posting of the required notices as well as proof regarding the proper dispatch of the notices to the external organizations/ departments, as prescribed in terms of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018, will be submitted to your Municipality for your record purposes in due course.

## 1.6 STUDY AREA DELINEATION

The proposed development area comprises the following property:

- Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province, registered by virtue of Certificate of Township Title T76668/2015, reflected on **Map 3** below:

**Map 3: Locality of application site**



As mentioned previously, cognisance should be taken of the fact that Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province was the subject of a successful township establishment application (Boschdal Extension 6) with a General Plan approved in respect of this township area by the Surveyor-General by virtue of SG No. 427/2011 and comprising Erven 198 to 233. This application seeks approval of the Rustenburg Local Municipality in respect of the total cancellation of the fore-mentioned General Plan.

## **1.7 REPORT OUTLINE**

The remainder of the report is structured in terms of the following main headings:

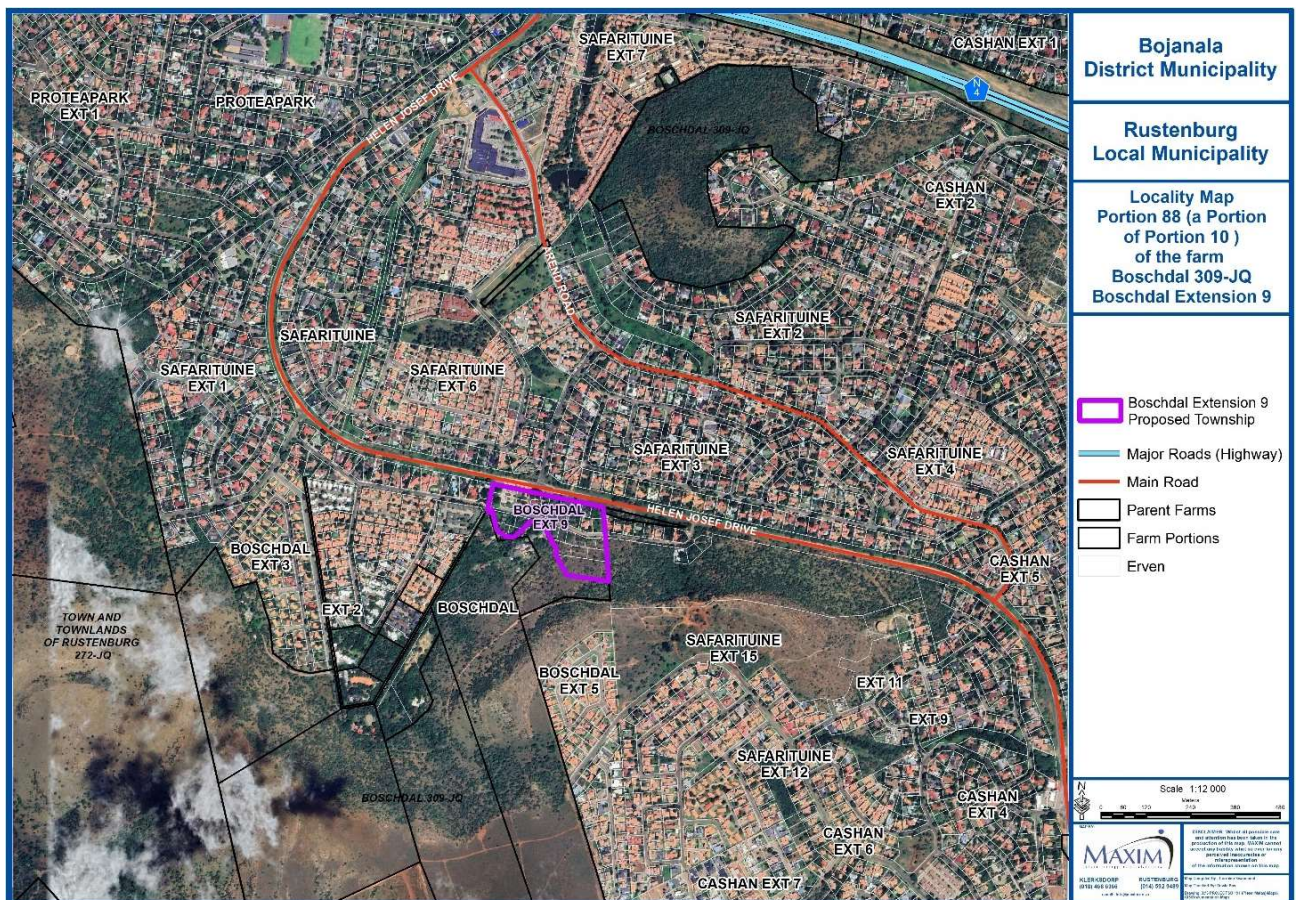
- Chapter 2: Particulars of the development area
- Chapter 3: Physical aspects
- Chapter 4: Proposed development
- Chapter 5: Provision of Engineering Services
- Chapter 6: Motivation

# CHAPTER 2: PARTICULARS OF THE DEVELOPMENT AREA

## 2.1 LOCALITY

The proposed development/township area is located in the southern suburbs, approximately 1.4km south of the N4 and Helen Joseph Dr interchange, directly adjacent and to the south of Helen Joseph Drive (former Boekenhout Road), adjacent to the intersection of the fore-mentioned road and Loerie Road, west of Safarituine Extensions 5 and 15 and south of Safarituine Extensions 3 and 6 (as indicated on **Maps 4 and 5** below).

**Map 4: Locality map of development area**



Map 5: Locality Map



The proposed township is located within the area of jurisdiction of the Rustenburg Local Municipality (NW 373) which in turn falls within the area of jurisdiction of the Bojanala District Municipality.

## 2.2 SG DIAGRAM AND SERVITUDES

### 2.2.1 SG DIAGRAMS

Portion 88 (a portion of Portion 10) of the Farm Boschdal 309, Registration Division J.Q., North West Province is illustrated on SG No. 426/2011 as seen overleaf:

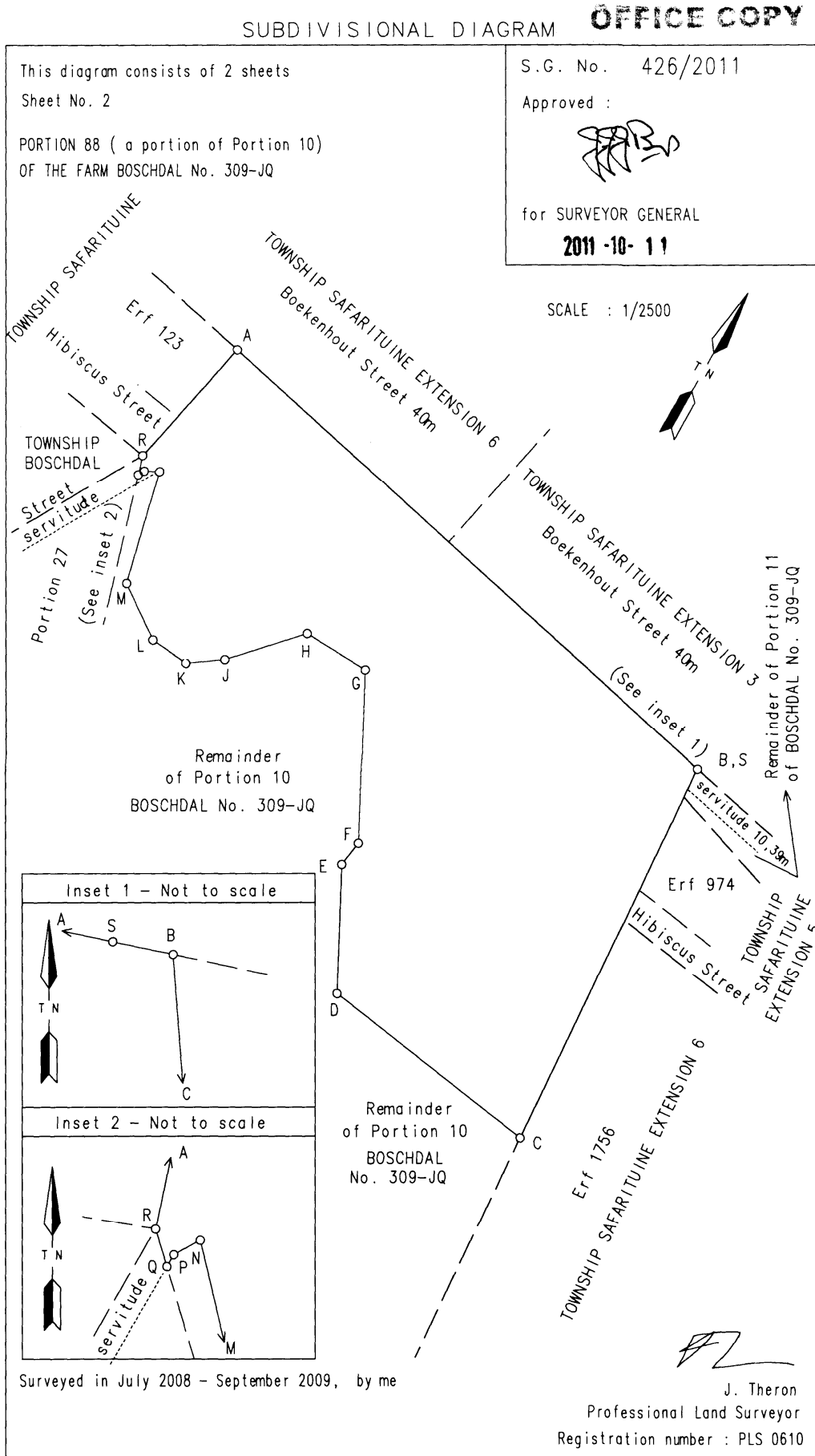


Figure 1: SG 426/2011 - Portion 88 (a portion of Portion 10) of the farm Boschdal 309-JQ



The approved township Boschdal Extension 6 is reflected on General Plan SG No. 427/2011 (attached as **Annexure F2** to the comprehensive land development application). As part of this application, application is made for the total cancellation of the above-mentioned General Plan in order to allow for the substitution of the fore-mentioned General Plan with a new General Plan in respect of the proposed township area of Boschdal Extension 9.

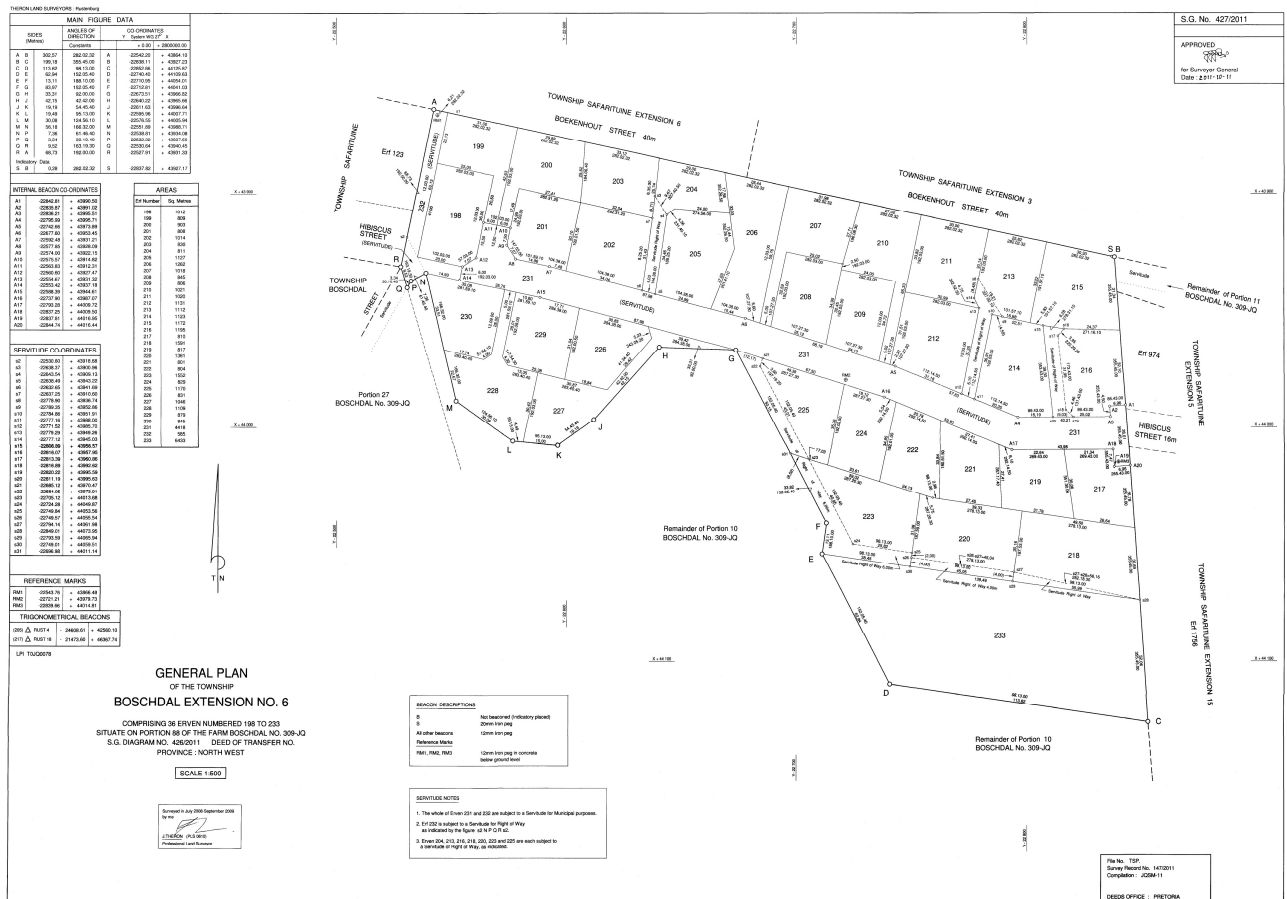


Figure 2: SG 427/2011 – General Plan of Boschdal Extension 6

### 2.2.2 SERVITUDES

In terms of General Plan SG No. 427/2011, the township area of Boschdal Extension 6 is subject to the following servitudes:

- Servitude for municipal purposes across Erven 231 and 232 : This servitude was created across the private internal road of Boschdal Extension 6 to allow access to the Rustenburg Local Municipality for services and access purposes. This servitude will no longer be required in respect of the layout plan of Boschdal Extension 9. As this servitude was created on the General Plan only, same will be cancelled as integral part of the cancellation of General Plan SG No. 427/2011;
- Servitude of right of way across Erven 204, 213, 216, 220, 223 and 225: This servitude was created on the General Plan of Boschdal Extension 6 across the fore-mentioned erven to allow access to other erven within the proposed township area. Due to the

proposed cancellation of General Plan SG No. 427/2011, this servitude will simultaneously be cancelled.

- Servitude of right of way across Erf 232: This servitude was created on the General Plan of the township Boschdal Extension 6 to allow access to the Remaining Extent of Portion 10 of the farm Boschdal No 309, Registration Division JQ, North West Province. This servitude is required to access the fore-mentioned farm portion from Hibiscus Street. Even though this servitude will be cancelled simultaneously with the cancellation of the General Plan of Boschdal Extension 6, the layout plan of the proposed township Boschdal Extension 9 again makes provision for the registration of a servitude of right of way across the proposed Erf 254 for access to the Remaining Extent of Portion 10 of the farm Boschdal No 309, Registration Division J.Q., North West Province. This servitude will again be created on the proposed General Plan of the proposed township Boschdal Extension 9. The proposed servitude of right of way is indicated on **Figure 3**.

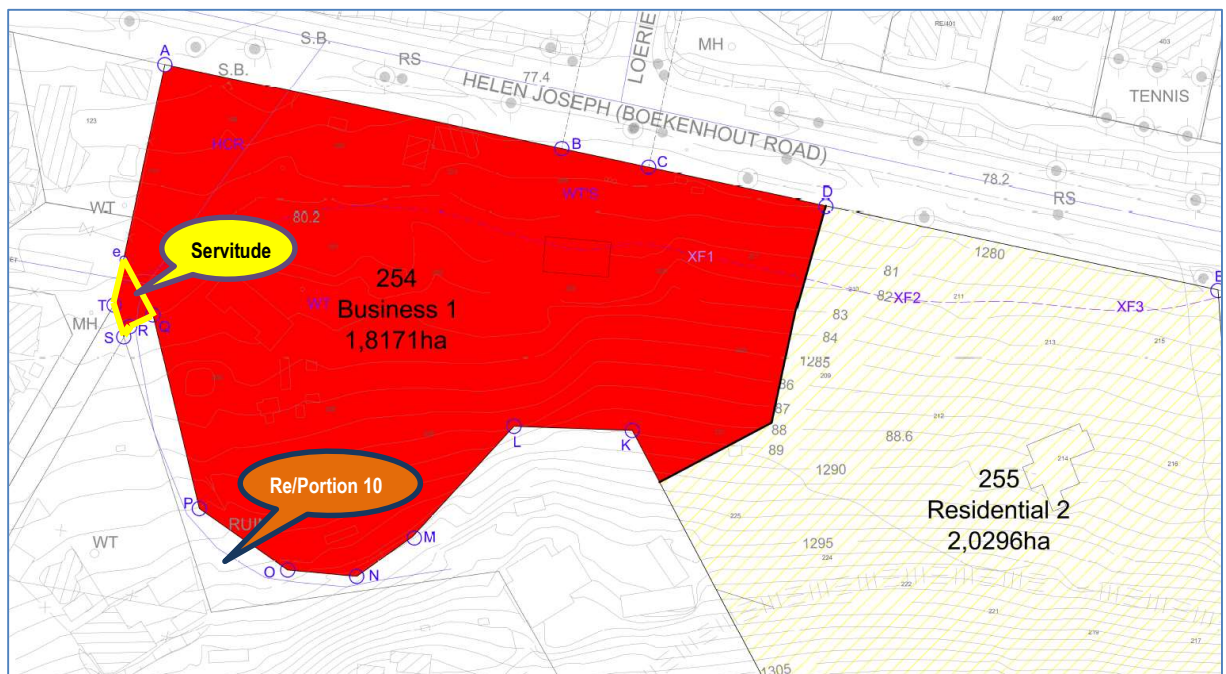


Figure 3: SG 427/2011 – General Plan of Boschdal Extension 6

## 2.3 OWNER

The applicable farm portion is currently registered as follows:

Table 1: Ownership Details

Property Description	Registered Owner	Title Deed Number
Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province	Bun Malan Proprietary Limited (Reg. No. 1970/011888/07)	Certificate of Township Title T76668/2015

(Refer **Annexure E1** of the comprehensive Land Development Application for a copy of the Windeed Property Search conducted in respect of the property as well as **Annexure E2** for the relevant title deed).

## 2.4 **BONDHOLDER**

Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province is subject to a bond in favour of Boschdal Trust (IT 1294/2004) registered by virtue of B25980/2008. The consent of the bondholder in respect of the cancellation of General Plan SG No. 427/2011, the removal of the restrictive title conditions in Certificate of Township Title T76668/2015 and the establishment of the proposed township Boschdal Extension 9 is attached to the comprehensive land development application as **Annexure M**.

## 2.5 **AREA**

The proposed development area comprises the following area:

*Table 2: Property Area*

Property Description	Area
Portion 88 (a portion of Portion 10) of the farm Boschdal No. 309-JQ	4.4900 Hectares

## 2.6 **EXISTING LAND USE AND ZONING**

### 2.6.1 **CURRENT LAND USES**

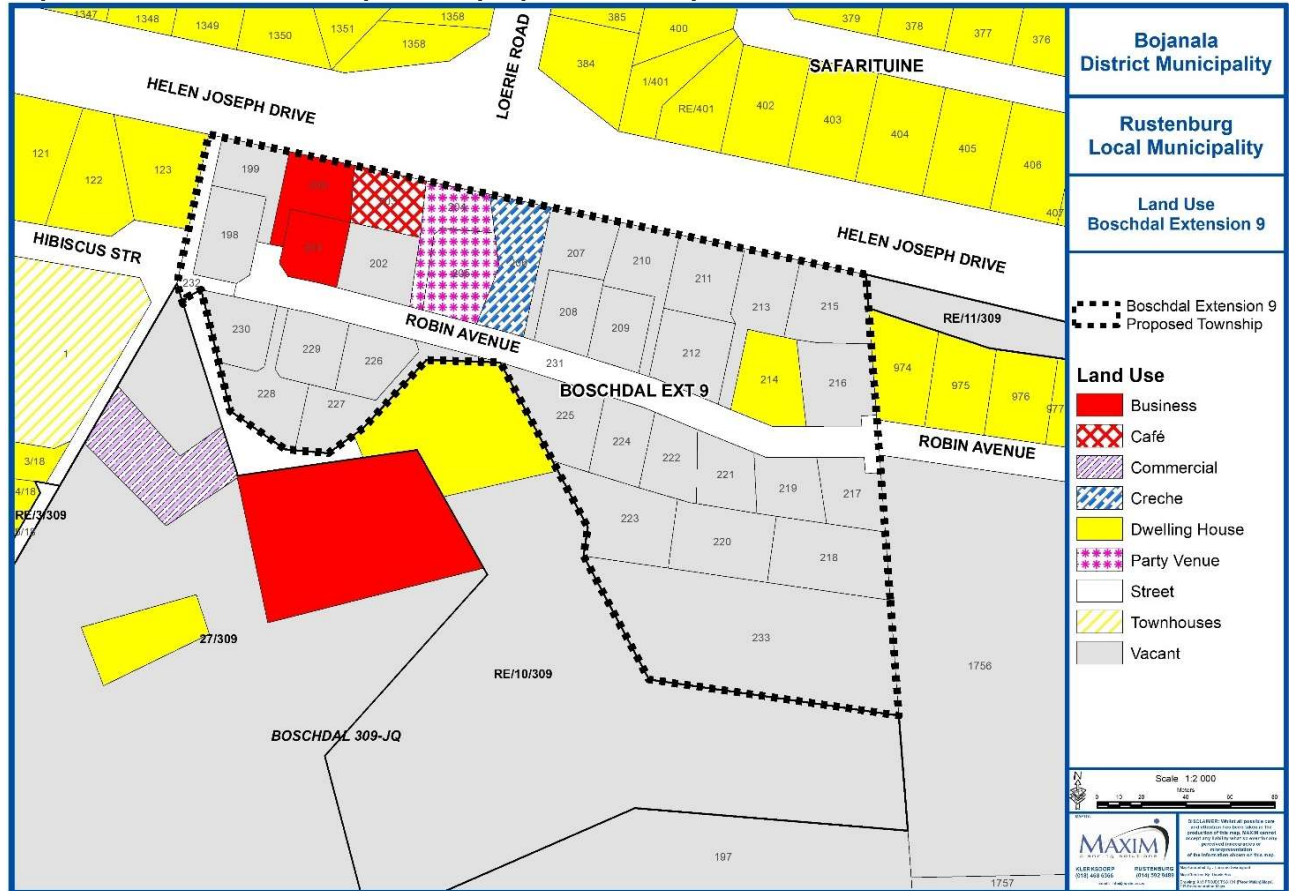
The majority of the application site is currently vacant, with a few existing land uses present on site, as indicated in the map below. Some businesses exist on the site, adjacent to Helen Joshep Drive. These will be incorporated into the proposed Business1 erf.



*Photo 1: Existing party venue and shop on site*

There is also an existing dwelling house on the property, which will be incorporated in the proposed Residential 2 property. The uses are in line with surrounding land uses, as can be seen in the map below:

**Map 6: Current Land Use Map for the proposed development area**



## 2.6.2 CURRENT ZONING

According to the Rustenburg Land Use Management Scheme, 2005, Portion 88 (a portion of Portion 10) of the Farm Boschdal 309-JQ, is currently zoned as indicated below:

**Table 3: Current Development Parameters**

<b>CURRENT DEVELOPMENT PARAMETERS</b>	
<b>Zoning</b>	“Agricultural”
<b>Maximum Coverage</b>	As determined by the Rustenburg Land Use Scheme, 2021
<b>Maximum Height</b>	As determined by the Rustenburg Land Use Scheme, 2021
<b>Parking</b>	In terms of the Rustenburg Land Use Scheme, 2021
<b>FAR</b>	As determined by the Rustenburg Land Use Scheme, 2021

Please refer attached Zoning Certificate in **Annexure N** of the Comprehensive Land Development Application.

## 2.7 MINERAL RIGHTS

The reservation of rights to minerals is subject to the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) that came into force on 01 May 2004. The land development application will subsequently also be referred to the Department of Mineral Resources for its consent in terms of Section 53 of the fore-mentioned Act in respect of the proposed development.

In this regard cognisance should be taken of the fact that the use of the subject property for township purposes was already previously authorised by the Department Mineral Resources and Energy.

## 2.8 RESTRICTIVE TITLE CONDITIONS (INCLUDING SERVITUDES)

The following title conditions are contained in Certificate of Township Title T76668/2015:

- **Condition A.i, A.ii and A.iii on page 2**

This condition relates to conditions imposed in terms of Act 21 of 1940.

In accordance with an endorsement in Certificate of Township Title T76668/2015 (as reflected on page 4 of the fore-mentioned title deed) it is stated that conditions A.i, A.ii and A.iii have been cancelled as part of the establishment of the township area of Boschdal Extension 6. The endorsement stipulates that the cancellation “will take effect on the day on which the township Boschkop (*sic*) Ext 6 is declared an approved township in the Provincial Gazette”. In the absence of the township Boschdal Extension 6 having been declared an approved township, the concerned title conditions therefore still apply and will have to be addressed as integral part of the township establishment process in respect of the proposed township Boschdal Extension 9.

Application is therefore also made in terms of Section 17(2) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 read together with Section 45(6) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2103) for the lapsing of these conditions as same are not reconcilable with the use of the property for business purposes.

- **Endorsement on page 4 reflecting Mortgage Bond**

In accordance with the requirements of Section 3(d) of Schedule 9, Section 1(f) of Schedule 15 and Section 29(e) of Schedule 17 of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 the consent of the bondholder i.e. Boschdal Trust (IT 1294/2004) is required in respect of the Land Development Application and same is attached to the comprehensive Land Development Application as **Annexure M**.

- **Endorsement on page 5 reflecting the establishment of the township Boschdal Extension 6 on the subject property**

The township Boschdal Extension 6 was establishment on Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province with the township register in respect of this township area being registered in the Deeds Office (Pretoria) on 26 August 2015.

The owner of Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West Province has indicated its intent not to continue with the development of this township area and this has resulted in this application in terms of Section 17(18) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 read together with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) for the cancellation in total of General Plan SG No. 427/2011. In accordance with the provisions of Section 17(18)(k)(i) of the Rustenburg Local Municipality Spatial Planning and Land Use Management By-Law, 2018 the township shall cease to exist as a township on date of cancellation of the General Plan.

Reference should also be made to the Conveyancer Certificate issued by Coetzer & Steyn Attorneys (Pretoria) attached to the comprehensive Land Development Application as **Annexure K**.

## CHAPTER 3: PHYSICAL ASPECTS

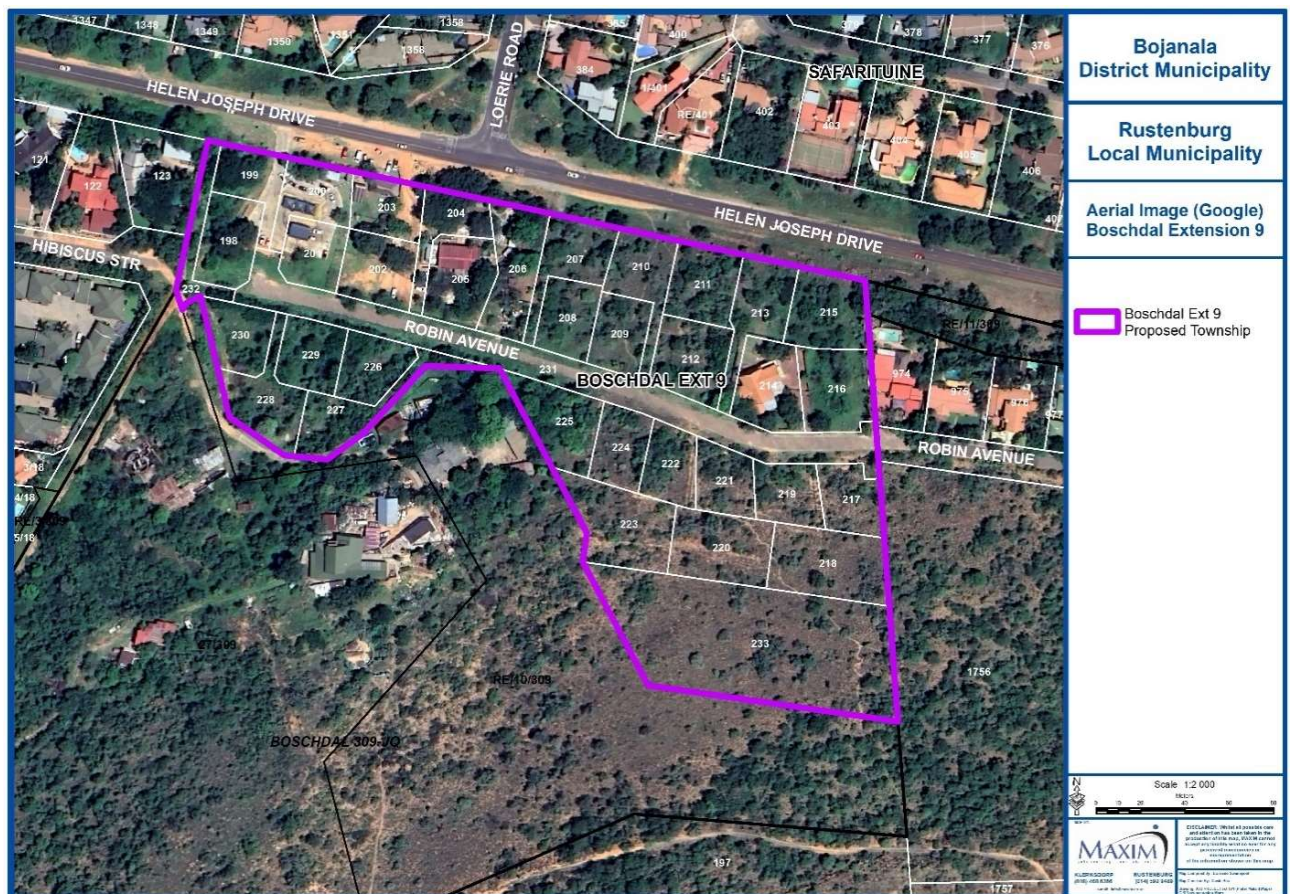
### 3.1 TOPOGRAPHY

As part of the pre-planning studies that were conducted in respect of the development area, line mapping was conducted by Azur Aerial Works. This included:

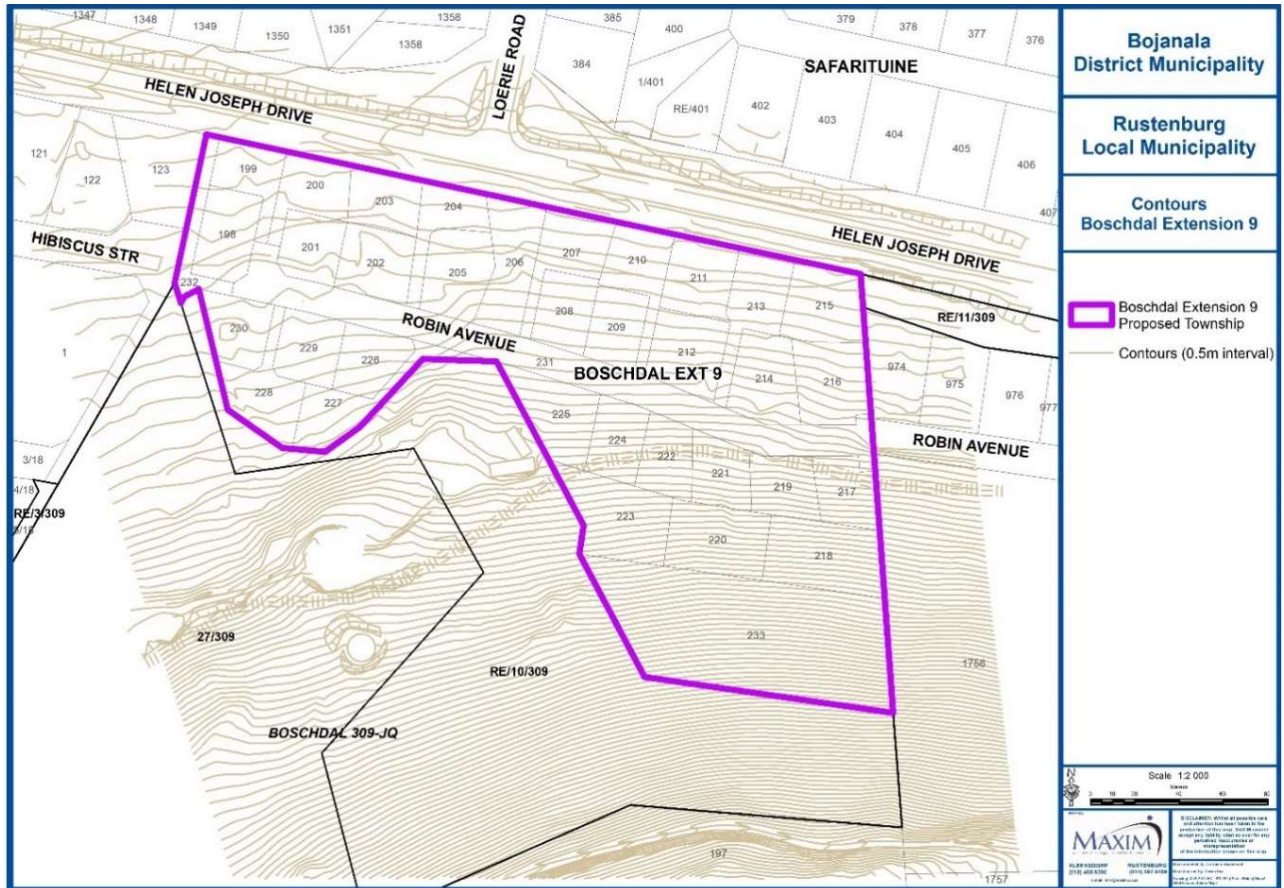
- Fieldwork and ground control points
- Line mapping:
  - Property boundaries – Line Mapping
  - Cadastral information
  - Contour mapping (1m contour intervals)

The parent property is located on a moderate to very steep slope or cliff, generated from the Magalies Mountain towards the Hex River. The site is situated between 1276 and 1345 metres above mean sea level. The aerial photo, contour map and drainage pattern is included below:

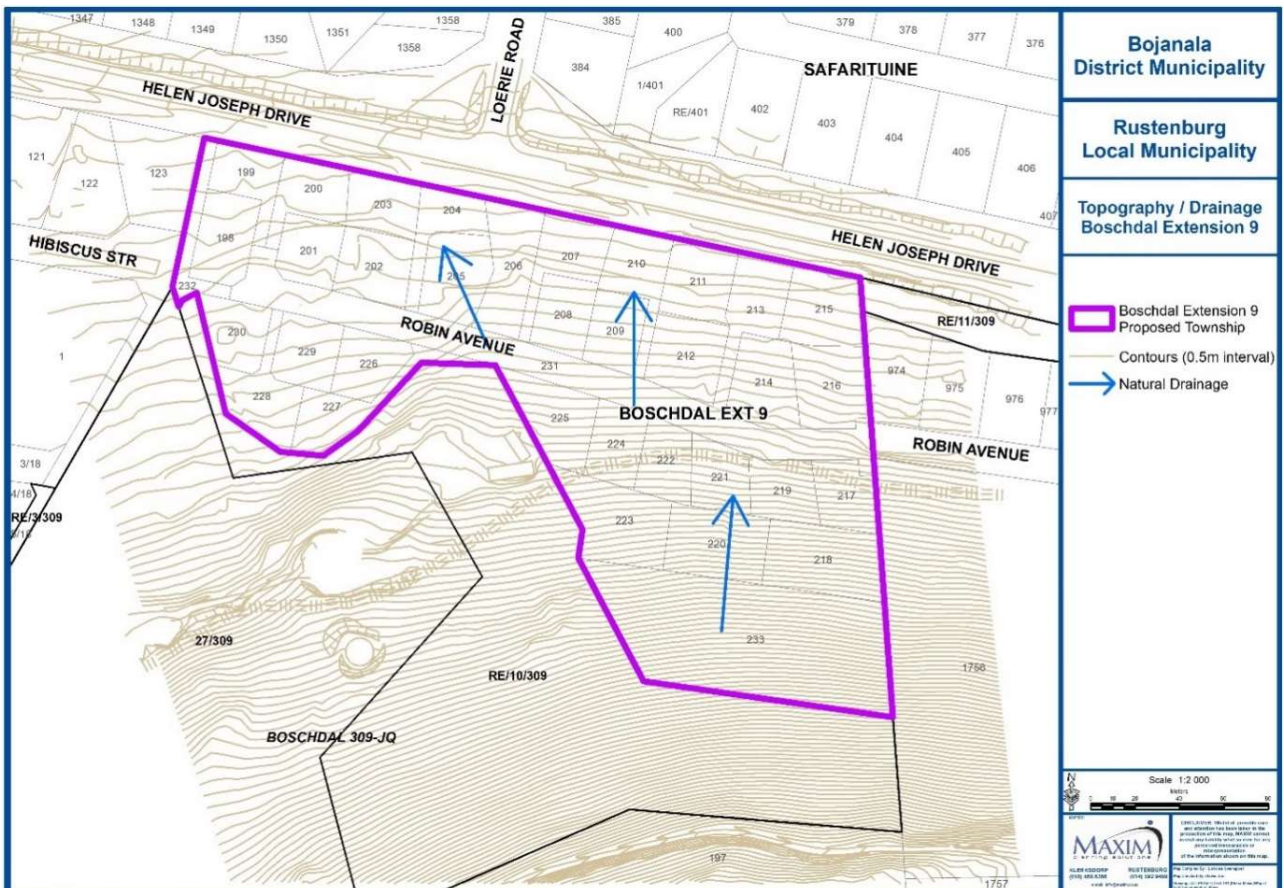
**Map 7: Aerial Photograph**



Map 8: Contour Map



Map 9: Drainage Patterns





### 3.2 CLIMATE

The Rustenburg region is characterised by summer rainfall with thunderstorms, with annual rainfall figures of 685 mm (Rustenburg Agriculture) and 703 mm (Buffelspoort) recorded at the closest weather stations to the site. Winters are dry with frost common. The warmest months are normally December and January and the coldest months are June and July.

An analysis of the data confirms a Weinert’s N-Value in the order of 2.4 for Rustenburg. The chemical decomposition of rocks will therefore be dominant over mechanical disintegration, and deep soil horizons will be expected in areas of poor drainage, underlain by igneous rocks.

Storm water drainage and road pavement design must incorporate the climatic extremes above.

### 3.3 GEOLOGY

(Extract from the geotechnical Investigation Report by Geoset Consulting attached as **Annexure R** to the comprehensive land development application)

The site is underlain by Magaliesberg Formation Quartzite and Shale of the Pretoria Group, Transvaal Supergroup, and Kolobeng Norite of the Rustenburg Layered Suite, Bushveld Complex.

#### **GEOTECHNICAL ZONATION WITH SITE CLASS DESIGNATION**

*Table 4: Geotechnical Zonation*

	<b>Site Class</b>	<b>Description</b>
<b>Special Development</b>	<b>Site Class PR</b>	Quartzite rock outcrop or norite rock sub outcrop as well as a very steep cliff is associated with this zone and restrict the placing of services, and the use of pneumatic tools, a competent TLB or traxcavator or rock pecker, and blasting will be necessary to reach the required depth for the placing of services to enable proper development, with increased cost. It was classified as PR in terms of the NHBRC.
<b>Normal Development</b>	<b>Site Class HCR</b>	Slightly collapsible and slightly expansive soil, underlain by a competent pebble marker layer characterise this zone, with normal foundation techniques to enable proper development. It was classified as HCR in terms of the NHBRC, and normal compaction with a standard strip foundations and drainage provision will be sufficient. The use of pneumatic tools and a competent TLB to reach required depths may increase the development cost to slightly above normal.

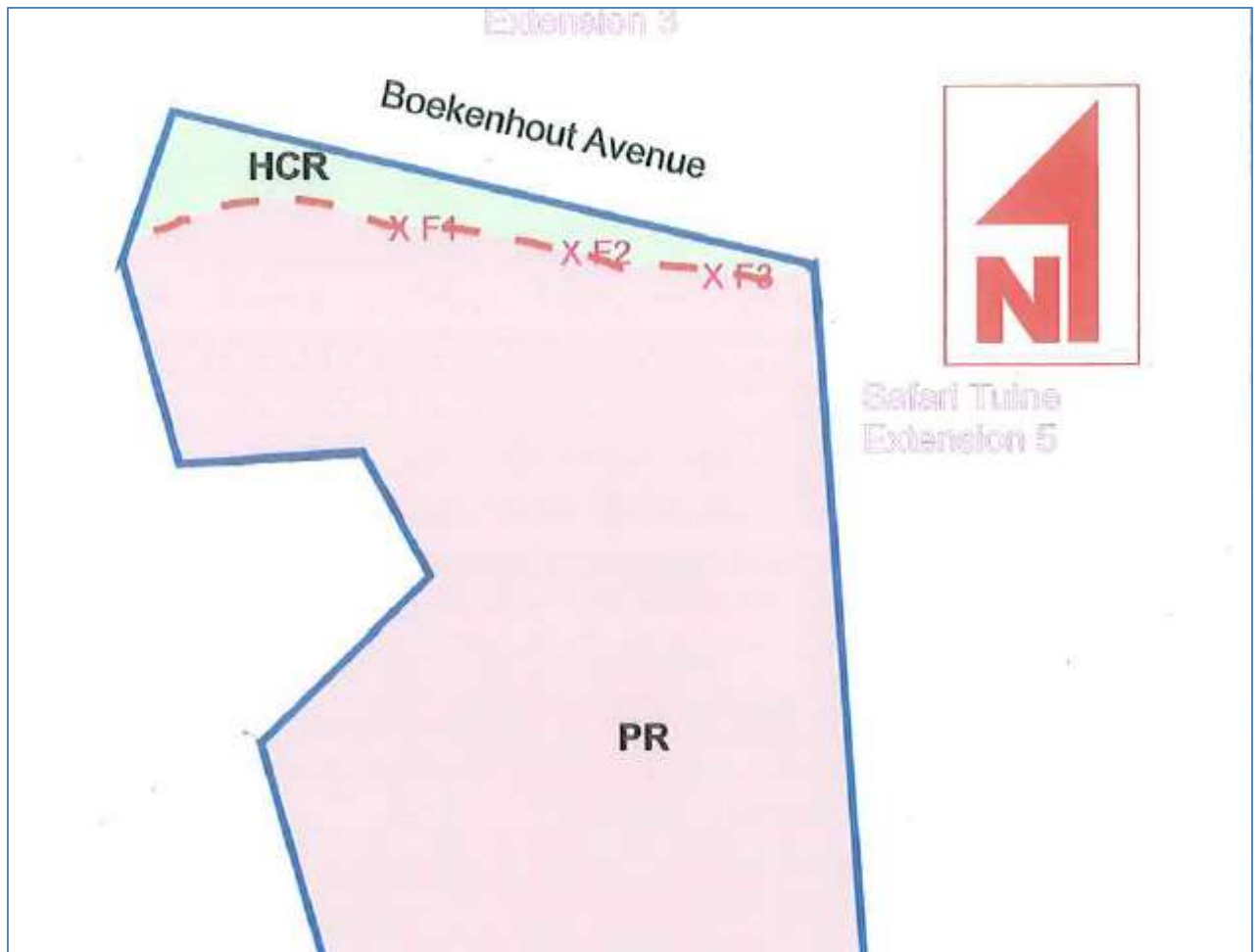


Figure 4: Geotechnical Zonation

## CONCLUSIONS

- The site is classified as HCR where normal construction includes the use of standard compaction techniques, and with the area on the steep cliff of the mountain as PR where shallow quartzite rock outcrop is found, where excavatability will hamper development and pneumatic tools and even blasting may be required to install services.
- **This investigation was done to reveal the geotechnical properties on site with the techniques as described to form our opinion. Although every possible factor during the investigation was dealt with, it is possible to encounter variable local conditions. This will require the inspection of foundations by a competent person to verify expected problems.**

## 3.4 ENVIRONMENTAL IMPACT ASSESSMENT

As mentioned previously, Portion 88 (a portion of Portion 10) of the farm Boschdal 309, Registration Division J.Q., North West was the subject of a township establishment process which at that point in time also included an Environmental Impact Assessment process that ultimately culminated in the issuance of a Record of Decision in respect of the proposed development by the Department Agriculture, Conservation and Environment (DACE) by

virtue of EIA 374/2004NW dated 23 June 2006 (refer **Annexure O** of the comprehensive Land Development Application). In view of the fact that the details of the development has changed from those initially authorised by the Department Agriculture, Conservation and Environment (DACE), the township applicant has appointed an independent Environmental Practitioner i.e. AB Enviro-Consult to attend to the process of amending the initial authorisation that was issued in respect of the Boschdal Extension 6 development to allow for the land uses included in the Boschdal Extension 9 township area.

In considering the impact of the proposed development on the receiving environment, cognisance should be taken of the fact that the new development proposal will not have a greater impact on the environment than that already approved in respect of the subject property as the footprint area of the development has remained exactly the same.

The development of 4,4900 hectares was already previously authorised by the then Department Agriculture, Conservation and Environment (DACE) and it is anticipated that the application in respect of the amendment of the details of the proposed development will similarly be authorised by the Department Economic Development, Environment, Conservation and Tourism (DEDECT).

## CHAPTER 4: PROPOSED DEVELOPMENT

### 4.1 LAND USES

As previously discussed, the initial township of Boschdal Extension 6 made provision for Residential 1 erven. However, the existing land uses (Refer to **Map 6** in Section 2.6.1) on site could not be adequately accommodated in a residential layout. As such, the developer has amended the proposed land uses in order to satisfy the changing market need.

The following table provides the development parameters for the proposed development:

**Table 5 : Proposed Zonings & Land Uses**

PROPOSED ZONING	LAND USE ZONING		
	DEVELOPMENT PARAMETERS	NUMBER OF ERVEN	AREA IN HA
<b>Residential 2</b>	40 units per ha Coverage – 65% FAR – 1,2 Height: 4 storeys	1	2.0296 Ha
<b>Business 1</b>	FAR – 0,5 Height – 3 storeys Coverage: 80%	1	1.8171 Ha
<b>Special (for the purpose of a Private Open Space)</b>	As approved by the Municipality	1	0.6433 Ha

As indicated above, the proposed layout plan for Boschdal Extension 9 makes provision for both business uses and higher density residential uses. Land uses on the proposed properties will be developed in terms of the Rustenburg Land Use Scheme, 2021.

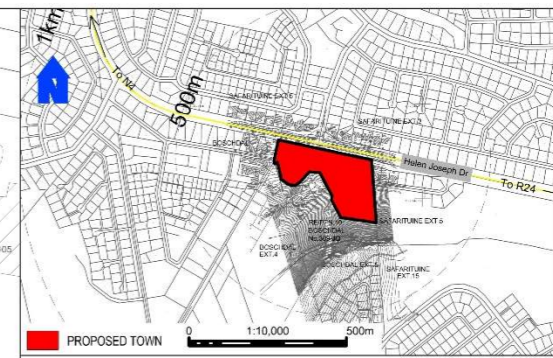
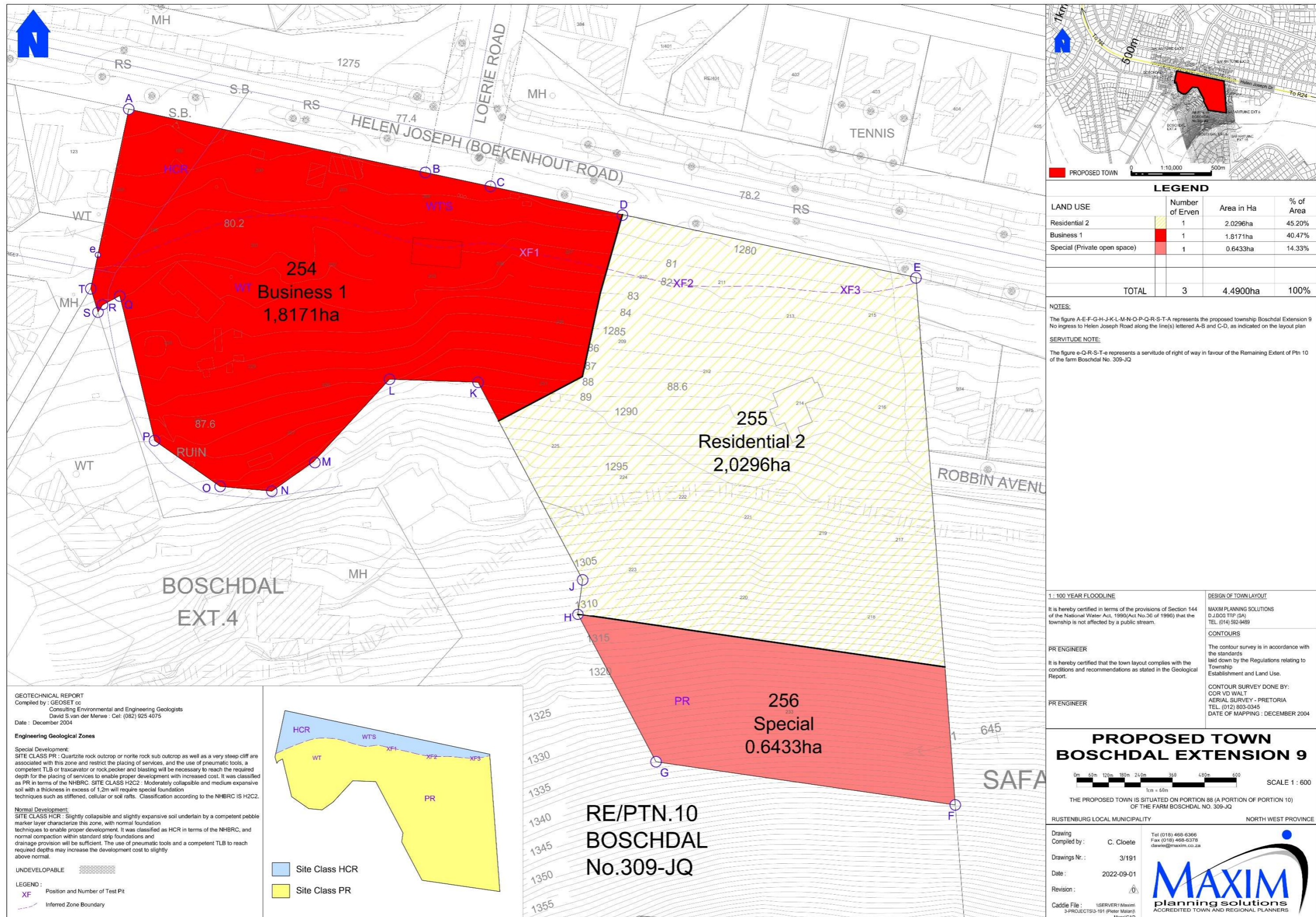
The “Special” erf remains unchanged from the previous layout of Boschdal Extension 6 due to unfavourable development conditions (slope of the terrain). The “Special” erf will be transferred to a non-profit company (established for this purpose) and the owners of all erven in the proposed township (excluding the private open space erf) will be directors of the non-profit company and will be responsible of the upkeep and maintenance of the private open space erf.

## 4.2 FACTORS INFLUENCING THE LAYOUT PLAN

The following features impacted on the final layout of the township:

- The existing cadastral and shape of the relevant farm portion. The steep ridge to the south of the development has been incorporated as a Special erf that will be utilised as a Private Open Space due to construction constraints. This erf coincides with the “Special” (for the purposes of a private park) erf that was included in the layout plan of the proposed township area of Boschdal Extension 6
- The existing land uses and buildings had to be taken into account with the layout of stands. The existing dwelling unit on site will be incorporated into the proposed Residential 2 property, and similarly the existing businesses on site will be incorporated into the proposed Business 1 property.
- The servitude in favour of the Remaining Extent of Portion 10 of the farm Boschdal 309, JQ, as provided for in the layout plan of the proposed township Boschdal Extension 6, was again duplicated on the layout plan of the proposed township Boschdal Extension 9 and will be created on the General Plan of the proposed township area to be framed in the office of the Surveyor-General.
- Provision of a line-of-no-access along Helen Joseph Drive (former Boekenhout Road) except directly opposite the junction of Loerie Road from where the proposed township area will be accessed.

Map 10: Layout Plan, Proposed Boschdal Extension 9



**LEGEND**

LAND USE	Number of Erven	Area in Ha	% of Area
Residential 2	1	2.0296ha	45.20%
Business 1	1	1.8171ha	40.47%
Special (Private open space)	1	0.6433ha	14.33%
<b>TOTAL</b>	<b>3</b>	<b>4.4900ha</b>	<b>100%</b>

**NOTES:**  
 The figure A-E-F-G-H-J-K-L-M-N-O-P-Q-R-S-T-A represents the proposed township Boschdal Extension 9 No ingress to Helen Joseph Road along the line(s) lettered A-B and C-D, as indicated on the layout plan  
**SERVITUDE NOTE:**  
 The figure e-Q-R-S-T-e represents a servitude of right of way in favour of the Remaining Extent of Ptn 10 of the farm Boschdal No. 309-JQ

**1: 100 YEAR FLOODLINE**  
 It is hereby certified in terms of the provisions of Section 144 of the National Water Act, 1990 (Act No.36 of 1990) that the township is not affected by a public stream.

**DESIGN OF TOWN LAYOUT**  
 MAXIM PLANNING SOLUTIONS  
 D.J.DOG TRP (SA)  
 TEL: (014) 582-9499

**CONTOURS**  
 The contour survey is in accordance with the standards laid down by the Regulations relating to Township Establishment and Land Use.

**CONTOUR SURVEY DONE BY:**  
 COR V D WALT  
 AERIAL SURVEY - PRETORIA  
 TEL: (012) 803-0345  
 DATE OF MAPPING: DECEMBER 2004

**PROPOSED TOWN BOSCHDAL EXTENSION 9**

0m 50m 100m 150m 200m 250m 300m 350m 400m 450m 500m  
 SCALE 1 : 600

THE PROPOSED TOWN IS SITUATED ON PORTION 88 (A PORTION OF PORTION 10) OF THE FARM BOSCHDAL NO. 309-JQ

RUSTENBURG LOCAL MUNICIPALITY NORTH WEST PROVINCE

Drawing Compiled by: C. Cloete  
 Drawings Nr.: 3/191  
 Date: 2022-09-01  
 Revision: 1  
 Caddie File: \\SERVER1\Maxim\3-PROJECTS\3-191 (Pieter Malan)\Map\CAD

Tel (018) 468-6366  
 Fax (018) 468-6378  
 dawee@maxim.co.za

**MAXIM**  
 planning solutions  
 ACCREDITED TOWN AND REGIONAL PLANNERS

**GEOTECHNICAL REPORT**  
 Compiled by: GEOSSET cc  
 Consulting Environmental and Engineering Geologists  
 David S. van der Merwe - Cel: (082) 925-4075  
 Date: December 2004

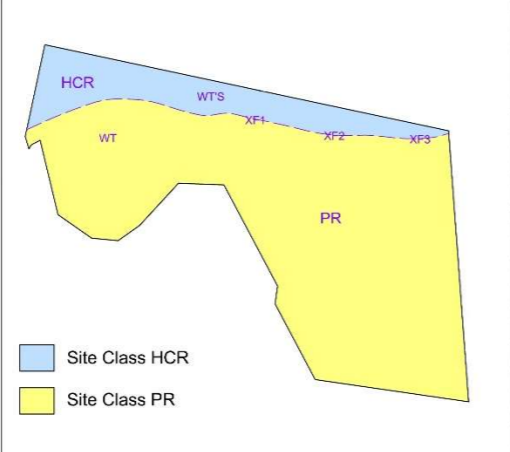
**Engineering Geological Zones**

**Special Development:**  
 SITE CLASS PR: Quartzite rock outcrop or norite rock sub outcrop as well as a very steep cliff are associated with this zone and restrict the placing of services, and the use of pneumatic tools, a competent TLB or excavator or rock pecker and blasting will be necessary to reach the required depth for the placing of services to enable proper development with increased cost. It was classified as PR in terms of the NHBR. SITE CLASS H2C2: Moderately collapsible and medium expansive soil with a thickness in excess of 1,2m will require special foundation techniques such as stiffened, cellular or soil rafts. Classification according to the NHBR IS H2C2.

**Normal Development:**  
 SITE CLASS HCR: Slightly collapsible and slightly expansive soil underlain by a competent pebble marker layer characterize this zone, with normal foundation techniques to enable proper development. It was classified as HCR in terms of the NHBR, and normal compaction within standard strip foundations and drainage provision will be sufficient. The use of pneumatic tools and a competent TLB to reach required depths may increase the development cost to slightly above normal.

**UNDEVELOPABLE**

**LEGEND:**  
 XF Position and Number of Test Pit  
 Inferred Zone Boundary



### **4.3 ROADS & ACCESS**

The impact of the proposed development on the traffic on the road network has been investigated according to the standards of the TMH documents and it has been determined that from a traffic engineering point of view the development can be accommodated.

Please note that a line of no access will be registered in two places along the northern boundary of the application site, making provision for a single access point to the development. Refer to the draft amendment scheme maps attached in **Annexure T** of the Comprehensive Land Development Application for more details in this regard.

### **4.4 TRAFFIC IMPACT ASSESSMENT**

#### **4.4.1 INTRODUCTION**

EPS Consulting Engineers was appointed by Maxim Planning Solutions (Pty) Ltd to perform a Traffic Impact Assessment on the proposed township Boschdal Extension 9. EPS Consulting Engineers certified that this Traffic Impact Assessment has been prepared according to the requirements of the South African Traffic Impact and Site Traffic Assessment Manuals. In this Traffic Impact Assessment, all traffic related items were considered to determine the effect of the change in land use on the public road network. The upgrades (and estimated costs) required to accommodate the expected traffic was determined.

The following key aspects have been included in the study:

- Trip generation
- Capacity analysis
- Required improvements
- Configurations and design aspects
- Traffic management
- Pedestrian and public transport facilities
- Parking
- Improvement costs and contributions

The application has been analyzed according to the standards of the relevant TMH (16,17 and 26) documents. It has been determined that, should the developer comply with the recommendations made in this report, the application can be supported from a traffic engineering point of view.

#### **4.4.2 PRIMARY STUDY AREA**

The following figure illustrates the road names, intersections and access points that were used in the study. The property currently obtains access from intersection 1 and Access B. Intersection 1 is currently in the form of an all way stop controlled T-junction with an informal access to the property under consideration. Robbin Avenue ends on the proposed township

in the form of a cul-de-sac at Access A, in order to gain access to the business property at Access A, Robbin Avenue must be connected to Hibiscus Avenue. Intersection 2 is currently a priority-controlled T-junction with a stop on Robbin Avenue but not on Helen Joseph Drive.



Figure 5: Study Area - TIA

The figure also indicates the road names intersection numbers and access letters that were used for the Traffic Impact Study.

#### 4.4.3 EXISTING ROADS

A description of each of the roads which fall within the study area has been listed in the table below.

Table 6: Existing Roads

Road	Class	Speed Limit	Description
<b>Helen Joseph</b>	3-Minor Arterial	60km/h	Helen Joseph is a mobility route which also provides access to commercial properties. It is a single carriageway asphalt road with unpaved shoulders. The road reserve is approximately 35 meters wide.
<b>Loerie Avenue</b>	4a-Major Collector	60 km/h	Loerie Avenue is defined as a class 4a road however it is less than 500 meters long and provides access to residential properties. Loerie Avenue is a single carriageway asphalt road with unpaved road shoulders.

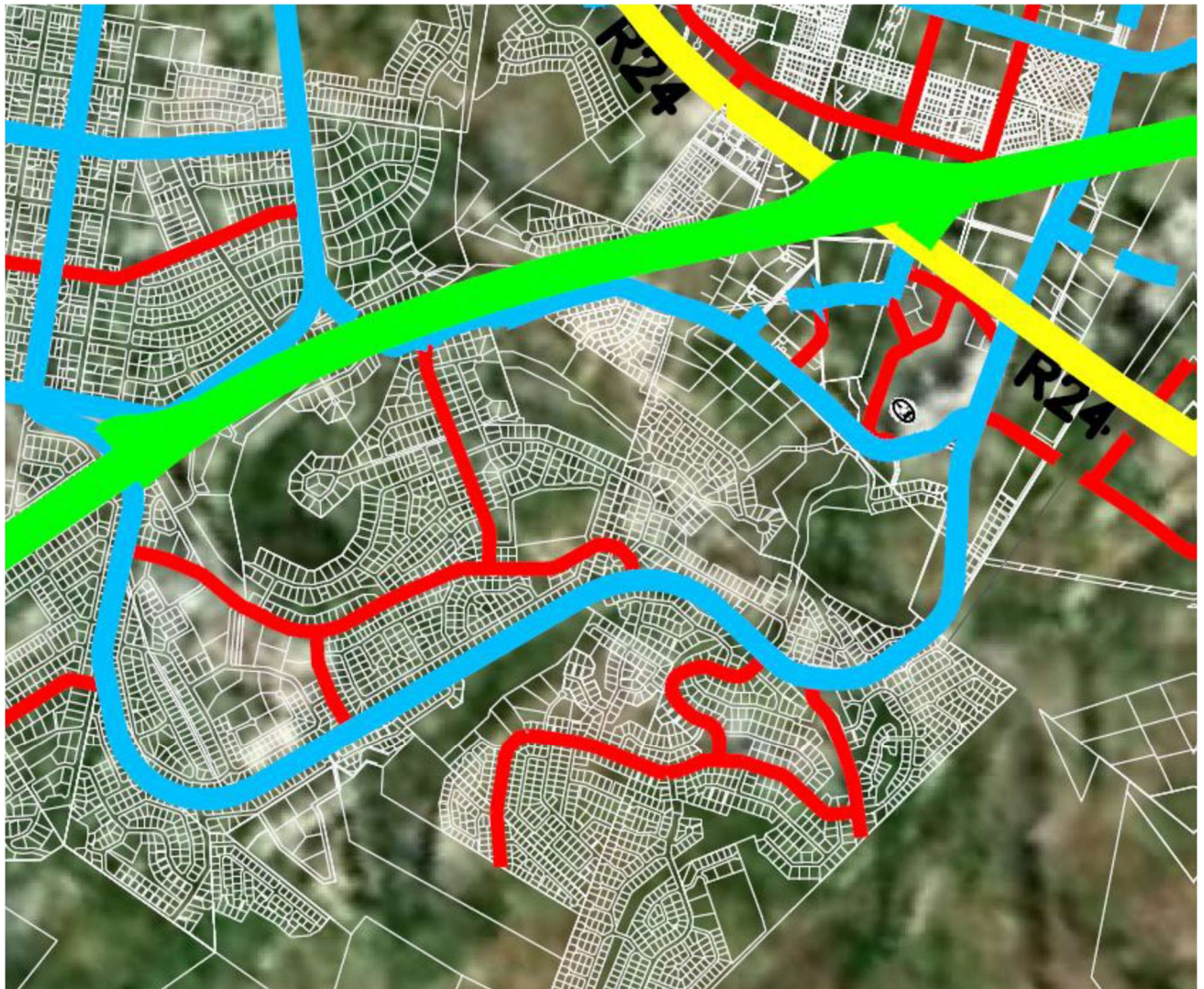


<b>Robin Avenue</b>	5b-Local Street	60 km/h	Robin Avenue is a single carriageway street with an interlocking paver surface and unpaved shoulders. It provides access to residential properties
---------------------	-----------------	---------	--

#### 4.4.4 NEW EXTERNAL ROADS

The most applicable master planning available for the study area is the Rustenburg roads Master Plan. The master plan only considers class 1 to class 4a roads and does not include the lower order access road network. A portion of the master plan has been extracted and can be seen in **Figure 5**. The plan’s colour coding works as follows:

- Green- Class 1
- Yellow-Class 2
- Blue-Class 3
- Red- Class 4a



**Figure 6: Roads Master Plan**



According to the Master Plan, no new external roads will need to be constructed in order for the development to proceed.

#### **4.4.5 PUBLIC TRANSPORT AND PEDESTRIAN FACILITIES**

The main form of public transport in the area is the minibus taxi. There is one layby within the study area and is located on Helen Joseph approximately 700 meters from the site. There are no formal pedestrian facilities in the primary study area.

#### **4.4.6 SENSITIVE AREAS**

Helen Joseph Drive is a class 3 mobility route that provides access to commercial properties. This cannot be viewed as a sensitive area.

#### **4.4.7 LATENT RIGHTS**

Latent rights refer to land uses in the area which have been approved but are not yet in use. There are no latent rights that EPS is aware of in the vicinity.

#### **4.4.8 SITE INVESTIGATION**

A site investigation was done on Monday the 8th of June 2020 by Simeon du Preez. The investigation was done to ensure that all transport facilities that are currently available could be assessed. Furthermore, the investigation was used to assess whether it would be practically possible to implement the plans submitted. Photos taken during the investigation can be seen in Appendix A of the Traffic Impact Assessment (attached as **Annexure Q** to the comprehensive Land Development Application)..

#### **4.4.9 TRAFFIC COUNTS**

Peak hour traffic counts were performed by a sub consultant on the 8th of June 2020. The counts were performed at intersection 1.

The traffic counts were done during level 3 of the national lockdown due to Covid-19 and consequently an adjustment has been made to account for the deficit in normal traffic volumes. Traffic counts performed across the country have indicated that during lockdown level 1 traffic volumes decreased by approximately 80% while during lockdown level 2 the traffic volumes decreased by 65%. Lockdown level 3 saw most sectors reopening with most workers expected to return to work. A conservative estimate of 40% reduction in traffic was therefore estimated. All the traffic counts were therefore increased by 40% in order to account for the deficit in traffic.

According to Ester Schmidt of the Johannesburg Roads Agency an annual growth rate of 2.5% could be expected on Gauteng's roads. Due to the current economic conditions across the entire country, similar growth figures can be expected in Rustenburg. The design horizon

year (2023) volumes were therefore escalated by 2.5% per annum for 5 years to determine the planning horizon year's (2028) background traffic.

For details on the peak hour traffic movements counted refer to Appendix B of the Traffic Impact Assessment (attached as **Annexure Q** to the comprehensive Land Development Application).

#### 4.4.10 TRIP GENERATION

The expected peak hour trips generated by the development have been determined using the South African Trip Data Manual (TMH 17).

The trips generated have been calculated according to the trip rates in the TMH 17 document(4) and have been based on the worst-case scenario if the developer were to exercise all the rights being applied for. The weekend peak period was determined as the most critical period and was therefore used during the capacity analysis.

#### 4.4.11 TRIP DISTRIBUTION

The trips have been distributed using engineering judgment and is based on the observed existing distributions. The business property will gain exclusive access from Helen Joseph Street at intersection 1 while the residential property will gain exclusive access from Robin Avenue at Access A.

The following figure indicates the peak hour trip distributions that were used.

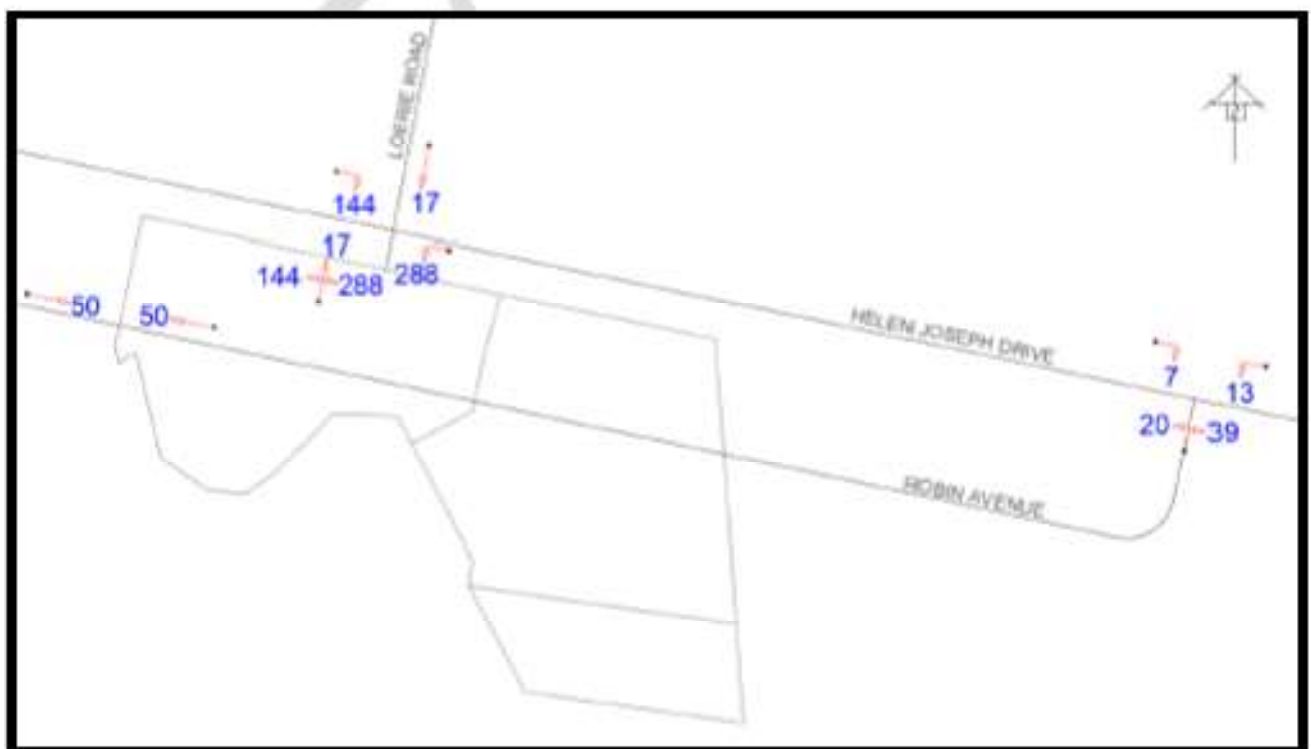


Figure 7: Trip Distribution

#### 4.4.12 DEMAND SIDE MITIGATION

The development consists of business and residential properties, this means that residents can access the business property using Non-Motorised Transport (NMT). Furthermore, the proposed township is located within an existing residential area which will further improve the possibility for NMT users.

#### 4.4.13 PROPOSED IMPROVEMENTS

The proposed improvements mentioned in this section, are improvements that have already been proposed, and are expected to be done within the study area regardless of the improvements that might be required for this development. The improvements required in terms of this study will be determined during the capacity analysis.

There are no proposed improvements that are considered in this study.

#### 4.4.14 TRAFFIC IMPACT ASSESSMENT – METHOD

The assessment scenarios described in this section are based on the scenarios defined under clause 2.12.1 of the TMH 16 document(3). The capacity analysis is used to determine the required mitigation measures and is based on the design horizon year (2022). The design horizon assessment is determined based on the design and land use rights which will be implemented at the current stage. The planning horizon year assessment is based on the total available land use rights which could be exercised on the property 5 years after the completion of the development (2027) and includes any latent rights known of in the area. The purpose of the planning horizon year assessment is to determine whether it is physically possible to accommodate the proposed land use rights. The mitigation measures implementable by the applicant are based on the design horizon year and NOT the planning horizon year. The scenarios analysed in this study are as follows:

- **Scenario 1** is performed for the design year including the traffic generated by the development; excluding any mitigation measures proposed by the study.
- **Scenario 2** is performed for the design year including traffic generated by the development; including any mitigation measures proposed by the study.
- **Scenario 3** is performed for the planning year including traffic generated by the development as well as any latent rights; including mitigation measures proposed by the study.

The peak hour traffic flows on the external road network have been determined for each of the above-mentioned scenarios for the weekend peak period. A 15% reduction to the background traffic entering and exiting the business property has been applied to account for pass-by trips which would have been on Helen Joseph despite the new development. The following trips have been calculated:

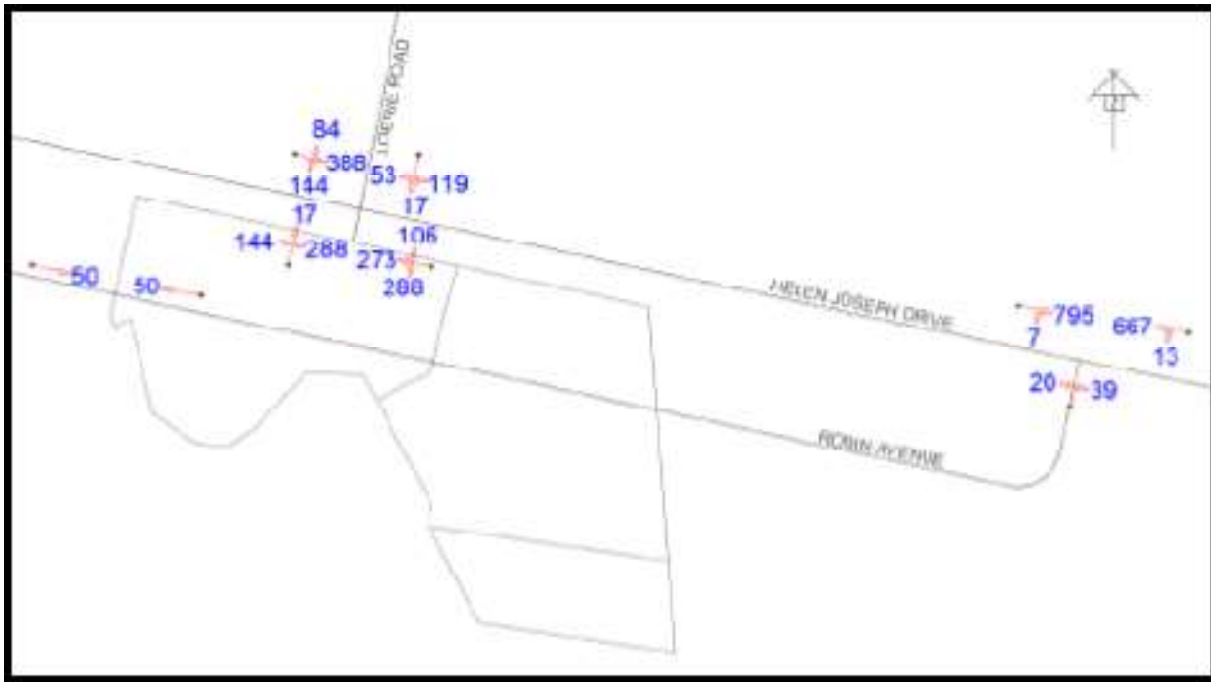


Figure 8: Scenario 1 & 2 Traffic Volumes

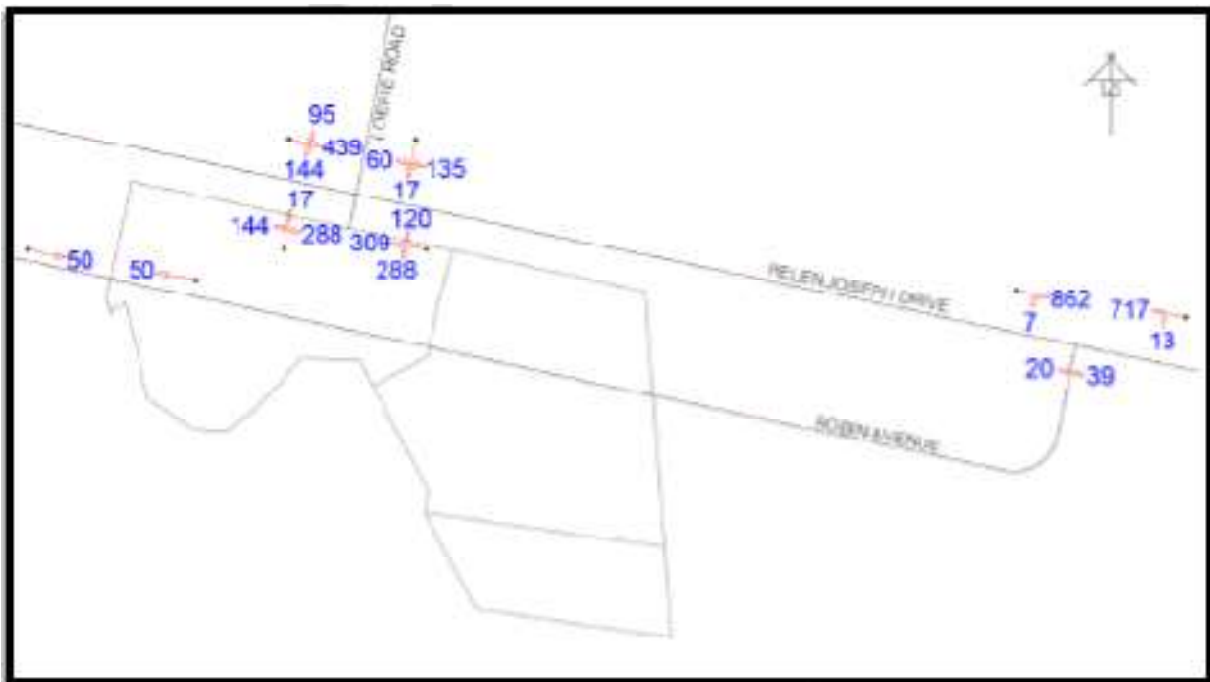


Figure 9: Scenario 3 Traffic Volumes

#### 4.4.15 TRAFFIC IMPACT ASSESSMENT – CAPACITY ANALYSIS

A capacity analysis of the network was done using SIDRA 9.0 intersection and network evaluation software. The following Level of Service (LOS) results were obtained for scenarios 1-3 during the peak period. For detailed output results please refer to Appendix C of the Traffic Impact Assessment (attached as **Annexure Q** to the comprehensive Land Development Application).

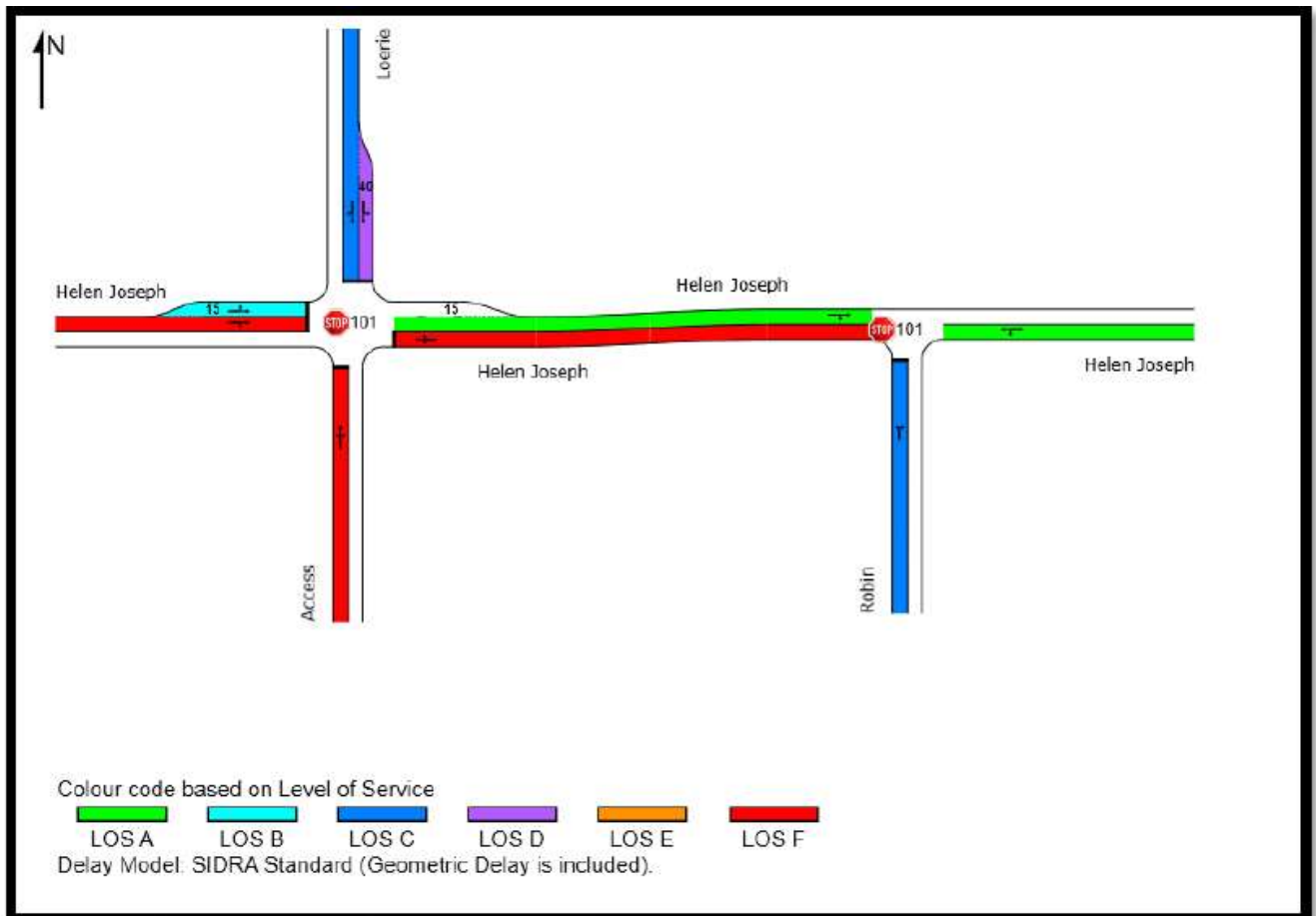
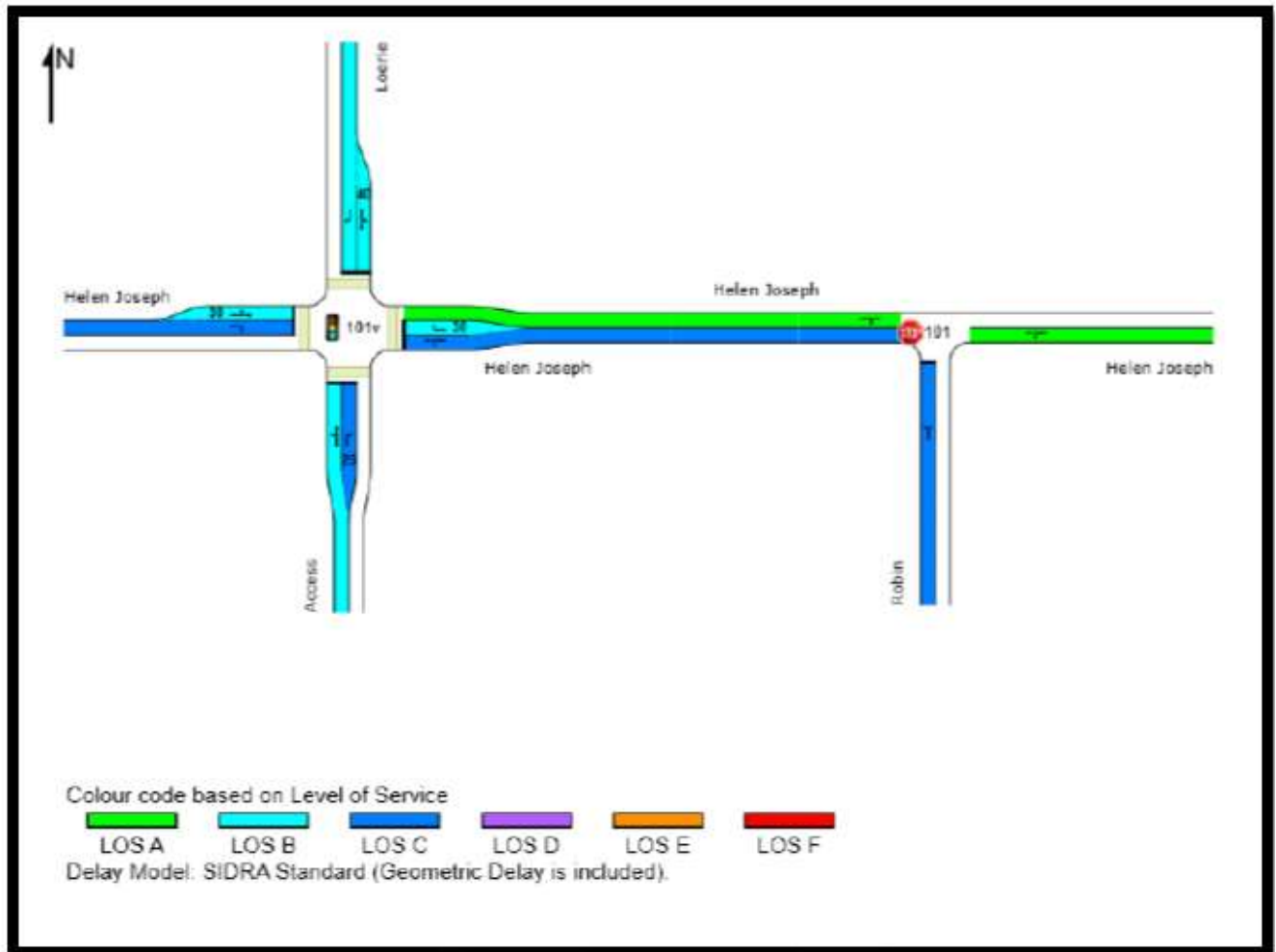


Figure 10: Scenario 1 LOS

The capacity analysis of scenario 1 indicates that the existing external roads will not all be able to accommodate the expected traffic volumes. Both Helen Joseph and the access leg on Intersection 1 operate at a LOS F. The improvements required to accommodate the expected traffic volumes were determined during the analysis of scenario 2. The analysis of scenario 1 does however show that the current configuration of Intersection 2 is sufficient (LOS A on Helen Joseph and LOS C on Robin) to accommodate the expected traffic volumes.

The LOS results from scenario 2 can be seen in the following figure:



**Figure 11: Scenario 2 LOS**

As seen from the capacity analysis of scenario 2, a traffic signal improves the LOS on Helen Joseph and the access leg of Intersection 1 from LOS F to LOS C (acceptable). The LOS on Loerie Drive also improves to LOS B. The required improvements required to accommodate the traffic signal will be discussed further in the study. A traffic circle was considered however due to the geometry of Intersection 1 it was decided that a traffic signal would be more suitable.

The LOS results from scenario 3 can be seen in the following figure:



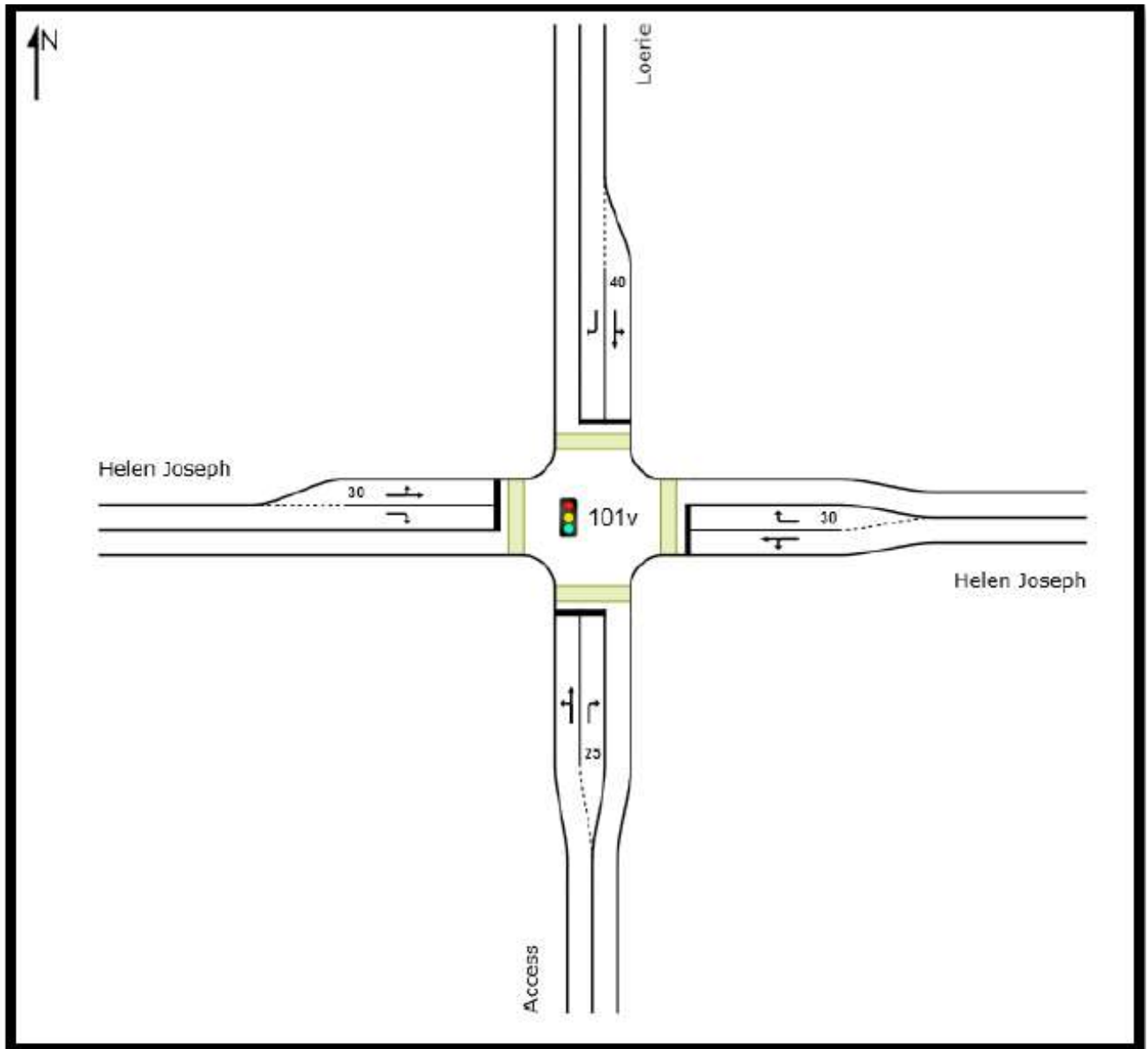
Figure 12: Scenario 3 LOS

As seen from the capacity analysis of scenario 3, the proposed traffic signal will be able to accommodate the expected traffic volumes of the planning horizon year. No additional improvements are required to achieve an acceptable LOS.

#### 4.4.16 REQUIRED IMPROVEMENTS AND CONFIGURATION

As seen from the capacity analysis of scenario 1 the existing configuration of Intersection 1 is insufficient to accommodate the expected traffic volumes. The analysis of scenario 2 and 3 indicated that a traffic signal at intersection 1 would be required. In order to accommodate the traffic signal each of the 4 approaches will require at least 1 through and left lane and one dedicated right turn lane. The length of the dedicated right turn lanes should be no shorter than 30 meters. The proposed layout of Intersection 1 can be seen in the following figure:





**Figure 13: Intersection 1 proposed configuration**

In order to provide access to the business property from Robin Avenue, the cul-de-sac will need to be removed and the two sections of Robin Avenue should be linked. No improvements to Intersection 2 are required to accommodate the expected traffic volumes.

#### 4.4.17 ROAD ACCESS AND SPACING

The spacing between intersections and access points will remain unchanged. The intersection spacing between Flamboyant Street and Loerie Avenue is 675 meters. The intersection spacing between intersection 1 (signalised) and 2 (priority controlled) is 420 meters. The minimum intersection spacing along class 3 roads for the proposed intersections is 600 (+/-20%) meters. It is recommended that the existing intersection spacing be left as is.

#### **4.4.18 TRAFFIC MANAGEMENT**

Traffic management in the form of access control boom gates will be designed during the SDP and STA. No further traffic management techniques are required in the study area.

#### **4.4.19 PEDESTRIAN FACILITIES**

If the development charges permit, pedestrian walkways should be constructed within the site boundary and should be 1.8 meters wide where possible. The external roads currently have unpaved road shoulders which pedestrians use to walk on. It is therefore recommended that walkways be constructed on the southern side of Helen Joseph Drive for the entire length of the development. Walkways can also be constructed further to the nearest public transport layby.

#### **4.4.20 PUBLIC TRANSPORT FACILITIES**

The existing layby along Helen Joseph drive will be sufficient. However, during the development of the SDP consideration should be given to on site public transport accommodation in the form of drop off facilities.

#### **4.4.21 PARKING**

Parking provision and design should meet the standards set in chapter 15 of the TMH 16 document as well as the parking requirements of the Rustenburg Land Use Scheme 2021.

#### **4.4.22 CONCLUSIONS AND RECOMMENDATIONS**

The proposed establishment of Boschdal 9 will result in 33 residential 1 properties being rezoned for Residential 2 and Business 1 rights. EPS Consulting Engineers was appointed by the client to perform a Traffic Impact Assessment (TIA) for the township establishment. During this TIA, all traffic related items were considered to determine the effect of the change in land use on the public road network. The upgrades (and estimated costs) required to accommodate the expected traffic were determined.

The applicant will be required to upgrade Intersection 1 and install a traffic signal. The applicant will also be required to construct a walkway along the boundary of the development.

The township establishment has been analysed according to the standards of the relevant TMH (16,17 and 26) documents. It has been determined that, should the developer comply with the recommendations made in this report, the application can be supported from a traffic engineering point of view.

## CHAPTER 5: PROVISION OF ENGINEERING SERVICES

### 5.1 **CIVIL ENGINEERING SERVICES**

(Extract from the civil engineering services report compiled by EPS (attached as Annexure P1 to the comprehensive Land Development Application)

#### 5.1.1 INTRODUCTION

EPS Consulting Engineers (Pty) Ltd was appointed for the compilation of the technical services report for the establishment of the proposed township Boschdal Extension 9. This report was compiled to provide technical information regarding the external and internal civil engineering services required for the proposed development.

#### 5.1.2 LEVEL OF SERVICE AND OWNERSHIP

The design of the water and sewerage reticulation will be in accordance with the “Guidelines for Human Settlement Planning and Design”, (Red Book), compiled under the patronage of the Department of Housing by the CSIR, 2000.

---

### *WATER SERVICES*

---

#### 5.1.3 BULK WATER SUPPLY

There is an existing 110mm uPVC water pipe along Hibiscus Street. New connections will be made directly to the existing pipe for the residential and business stand.

#### 5.1.4 WATER DEMAND

The water demand for the proposed development will be based on Table 9.11 and Table 9.14 of the “Guidelines for Human Settlement Planning and Design” – Red Book. Provision is made for full-flush sanitation and irrigation.

The table overleaf reflects the estimated water consumption from Table 9.11 and Table 9.14 to be applied once the development is approved:

**Table 7: Estimated Water Consumption**

Land Use	Units / m <sup>2</sup>	Annual Average Daily Demand (AADD)	Water Demand (kℓ/d)
Residential 2	121 Units	800ℓ/day/unit	96.8
Business 1	9 086 m <sup>2</sup>	400ℓ/day/100m <sup>2</sup>	36.3
Private Park (undeveloped)	6 435 m <sup>2</sup>	-	-
<b>Total</b>			<b>133.1</b>

### 5.1.5 INTERNAL WATER LAYOUT

The internal layout of the water reticulation system will be designed to accommodate peak demands in terms of the “Guidelines for Human Settlement Planning and Design”. Fire protection to be determined by a specialist consultant.

### 5.1.6 DESIGN CRITERIA AND MATERIALS

- Annual average daily demand l/day (AADD)
  - Residential and other - refer to Section 5.1.4 above
  - Instantaneous Peak - 4 (AADD)
  - Daily Peak - 2.4 (AADD)
  - Losses - 10%
- Fire protection
  - Fire Protection should be designed by a Professional Fire Safety Consultant.

---

## SEWER RETICULATION

---

### 5.1.7 BULK SEWER

There is existing sewerage infrastructure in the area that the residential and business stand can connect to.

### 5.1.8 SEWERAGE RUN-OFF

The sewer flow for the proposed development will be estimated at 80% of the average daily water demand. Provision is made for full-flush sanitation.

The table overleaf reflects the estimated sewer flow determined as indicated above.

**Table 8: Estimated Sewer Flow**

Land Use	Units	Annual Average Daily Flow (AADF)	Sewerage Outflow (kℓ/d)
Residential 2	121 Units	640ℓ/day/unit	77.4
Business 1	9 086 m <sup>2</sup>	320ℓ/day/100m <sup>2</sup>	29.1
Private Park (undeveloped)	6 435 m <sup>2</sup>	-	-
<b>Total</b>			<b>106.5</b>

### 5.1.9 INTERNAL SEWER LAYOUT

The internal sewerage system will be designed to accommodate the average annual daily flow (AADF) and to service every unit and development structure within the development. The topography found at the proposed development is of such a nature that all wastewater will be adequately transported via a gravity line. This means that no additional pump stations will be required to remove waste from the development.

### 5.1.10 DESIGN CRITERIA AND MATERIALS

uPVC Class34 Free-flow pipe material as well as pre-cast concrete manholes to SABS standards will be used in the construction of the sewer network with the following minimum requirements:

- Annual average daily flow l/day (AADF)
  - Commercial and other - refer to Section 3.2 above
  - Peak Factor - 2.5
  - Infiltration Allowance - 15%

---

## ROADS

---

### 5.1.11 LAYOUT AND ACCESS

Access to the property is addressed in a separate Traffic Impact Assessment (attached as **Annexure Q** to the comprehensive Land Development Application).

### 5.1.12 INTERNAL ROADS

Access to areas within the development will be obtained from an internal road system. The road system will be constructed by the developer.

The internal road layout will be submitted to the Local Municipality for approval. The roads will be constructed in varying widths depending on the layout of the development. All geometry will be designed according to applicable standards.

---

## STORM WATER MANAGEMENT

---

### 5.1.13 BULK STORM WATER

The storm water runoff captured in the internal storm water network as well as the surface flow from the development will be directed towards the existing storm water channels directly to the north, along Helen Joseph Road.

### 5.1.14 INTERNAL LAYOUT

The natural drainage pattern of the terrain is towards the north. The area drains via sheet flow.

The storm water design will be done in accordance with the “Guidelines for Human Settlement Planning and Design” compiled under the patronage of the Department of Housing by the CSIR, DWAF and design specifications of the Local Authority.

Run-off and peak flow rates will be calculated according to selected return periods and outflow points. The 1:50-year recurrence interval will be used for the major system design and the 1:5-year recurrence interval will be used for storm water design of the subsurface system. A formal drainage system of pipes or canals will be provided to convey storm water and to discharge this water into natural water courses or similar systems connecting to natural water courses near the proposed development.

Erosion protection will either be in the form of open drains and shallow side drains, or they could consist of standard municipal type kerbs or mountable kerbs. Energy dissipaters will be provided at the lower end of each watercourse and at sites where the drainage is diverted away from roads.

The drainage system will be designed to minimize the impact of the development on the storm water characteristics of the property and adjacent properties by utilizing:

- Surface drainage where possible.
- Sub-surface (underground) pipe systems to convey storm water from higher laying areas.
- Erosion protection, stabilisation of erodible materials, and sediment control.
- Retention where applicable.

### 5.1.15 DESIGN CRITERIA AND MATERIALS

The storm water design will be done in accordance with the “Guidelines for Human Settlement Planning and Design” compiled under the patronage of the Department of Housing by the CSIR. The rational design method will be applied to smaller drainage areas to calculate storm flows.

### 5.1.16 FLOOD LINE

The proposed development is not affected by a flood line.

---

### SOLID WASTE

---

### 5.1.17 SOLID WASTE

The solid waste that will be generated by the proposed development will be in the region of 550kg of solid waste per week. The Rustenburg Local Municipality can collect the waste on a weekly basis, alternatively the property owner can make private arrangements to transport the waste to a landfill site as required.

A screened off area should be provided to store the waste on site until removal, the area should not negatively impact on the public or adjacent properties.

---

### PROPOSED CONSTRUCTION METHODS

---

### 5.1.18 PROPOSED CONSTRUCTION METHODS

- Site Establishment.
- Delivering of materials (e.g. pipes, concrete materials) to a controlled materials storage area.
- Setting out pipe line routes.
- Demarcation of working area and site clearance.
- Location, survey and protection of existing services and their relocation if required.
- Transportation of material from the controlled materials storage area and commercial sources to the respective pipeline routes and internal roads and bridges.
- Control traffic on site and on public road along trenches.
- Excavation of a 1m wide and 1 to 2,5m deep sewer line trench with a medium weight digger-loader or by hand and temporarily stockpiling of excavated material within a 5m corridor (2,5 m on either side of the centre line of the sewer line trenches).
- Pipe laying, trench back filling and compaction.
- Excavation of a 1m wide and 1,3m deep pipeline trench for water reticulation with a light weight digger-loader or by hand and temporarily stockpiling of excavated material within a 5m corridor (2,5 m on either side of the centre line of the pipeline trench).
- Pipe laying, trench back filling and compaction.
- Construction of road bases by methods of ripping, watering, compaction of in situ or commercial materials.
- Final trimming of road levels and surfacing of roads.
- Construction of footings, columns and bridge deck.
- Final trimming and finishing of concrete work.

- Disposal of excess unusable excavated material off site.
- Site reinstatement including removal of all construction materials, litter, reinstatement of property, vegetation and services etc.

Part of the adjudication process for the successful contractor to undertake the civil works will be the use of casual and unskilled labour to stimulate local job creation using labour intensive construction methods where possible. Specific tasks have been identified as being suited to labour intensive construction (e.g. excavation of sewer trenches, laying and back filling of pipes, steel fixing, construction of storm water trenches, re-instate vegetation programs etc.). Approved training will be provided to the contractor's staff where needed.

During the construction, all pollution control measurements will be in place. Diesel and oil spills of the road construction vehicles will be dealt with in an appropriate way.

---

## *BULK SERVICES CONTRIBUTIONS*

---

### **5.1.19 BULK SERVICES CONTRIBUTIONS**

The amount of Bulk Services Contributions for civil services payable to the Rustenburg Local Municipality will be determined during compilation of the service agreement.

## **5.2 ELECTRICAL ENGINEERING SERVICES**

**(Extract from the electrical engineering services report compiled by Ampcon (attached as Annexure P2 to the comprehensive Land Development Application))**

### **5.2.1 INTRODUCTION**

Ampcon Consulting Electrical Engineers (Pty) Ltd was appointed for the compilation of a background report related to the bulk and internal electrical infrastructure for the proposed development. The report addresses the background related to bulk electrical services. The final bulk requirements will be addressed in the services agreement to be entered into with the Rustenburg Local Municipality once the township has been approved.

The area earmarked for the Development falls within the Rustenburg Local Municipality electrical license distribution area. The Rustenburg Local Municipality is further responsible for the operation and maintenance to the current electrical networks surrounding the proposed development.

### **5.2.2 AFTER DIVERSITY MAXIMUM DEMAND**

The after diversity maximum demand of the development - based on the guidelines of the SANS 507-1, the latest Rustenburg Local Municipality Electrical Engineering Contribution Policy and our load estimates - is as follows:



**Table 9: Estimated Demand (kVA)**

Size	Zoning	Floor area relation / Number of units	ADMD (kVA)
1.8172 Ha	Business 1	FAR = 0.5 – 9,086m <sup>2</sup> GLA	726.9
2.0296 Ha	Residential 2	60 units / Ha – 122 Units	360
TOTAL ESTIMATED DEMAND (kVA)			1,086.9

### 5.2.3 BULK ELECTRICITY SUPPLY AND LINK SERVICES

The area surrounding the proposed development is supplied by the Safarituine 11kV Distribution Substation which is supplied from the Boschdal 33/11kV 2 x 20MVA Substation.

Boschdal Substation currently has a recorded maximum demand of just over 20MVA which will reduce by between 40 and 50% with the development of the area surrounding the Waterfall Mall. (Loads currently supplied from Boschdal Substation will be supplied from a future 33/11kV substation)

The bulk services contributions payable with the development of Boschdal Extension 6 will be utilized to:

1. Install a new 11kV link service from Boschdal Substation to the Development.
2. Construct a new 11kV distribution substation on the site.
3. Link the new infrastructure to the existing 11kV reticulation system.

The above works will be undertaken by the Developer on behalf of the Rustenburg Local Municipality.

### 5.2.4 INTERNAL ELECTRICAL INFRASTRUCTURE

Medium voltage reticulation will be by means of underground 11kV supplies linked to the existing 11kV distribution substation constructed under phase 1. The new 11kV network will be installed in servitudes or in the street reserves. Medium voltage cable will be of type 6.35/11kV XLPE Type B Al.

The network will be supplied with miniature substations with 11kV protective devices. The 11kV protection device will be the compact SF6 ring main units of approved manufacture. The supply to the two sites can alternatively be via 11kV metering and distribution substations which depend on the site development plans for the sites.

Metering will be done either on the low voltage side of the miniature substation or on the 11kV breakers pending final agreement. The low voltage infrastructure system will in all probability be supplied, installed operated and maintained by the Developer / Owner of each stand.

It should be noted that the complete electrical infrastructure system up to the metering points will comply with the requirements of Rustenburg Local Municipality. The system will further

be handed over to the Rustenburg Local Municipality after the completion for the maintenance of the complex.

Provision will further be made for a street lighting system that will be designed and installed to be in accordance with the SANS 048. Street lighting to public roads are handed over to the local authority for the operation and maintenance thereof.

## CHAPTER 6: MOTIVATION

### 6.1 INTRODUCTION

The need and desirability in respect of the application for the establishment of Boschdal Extension 9 will, in addition to the motivational statements already discussed in Sections 1 to 5 above, be motivated based on the following criteria:

- National Development Plan: Vision for 2030
- Constitution of the Republic of South Africa (Act 108 of 1996)
- National Housing Code, 2006
- A Comprehensive Plan for the Development of Sustainable Human Settlement (BNG)
- Urban (UDF) and Rural Development (RDF) Frameworks, 1997
- White Paper on Local Government, 1998
- National Housing Act, 1997 (Act 107 of 1997)
- Rental Housing Act, 1999
- White Paper on Wise Land Use, 2001
- National Spatial Development Perspective, 2006
- Rustenburg Integrated Development Plan, 2022 - 2027
- Rustenburg Spatial Development Framework, 2010
- Distressed Mining Towns
- Spatial Planning and Land Use Management Act Development Principles

In terms of section 9(1) of the National Housing Act (107 of 1997), every municipality must, as part of the municipality's process of integrated development planning (IDP) take all reasonable and necessary steps to ensure that the inhabitants within its area of jurisdiction have access to adequate housing on a progressive basis by setting housing delivery goals, identifying suitable land for housing development and planning, facilitating, initiating and co-ordinating housing development in its area of jurisdiction.

Housing comprises a series of complex interrelationships between people, their needs and values and resources within a political and legal environment. This complexity requires a focused approach to efforts aimed at providing housing. National Government has started to respond by putting the necessary policy and legislative environment in place.

This framework outlines the roles and responsibilities of different spheres of government in relation to housing, as well as dealing with aspects relating to the design and content of housing policy and legislation. In the context of this framework the Rustenburg Local Municipality is required to take all reasonable steps to ensure the provision of adequate housing to its residents.

The core legislation and policies guiding housing planning and development are set out below.

## **6.2 NATIONAL DEVELOPMENT PLAN: VISION 2030**

The National Development Plan was compiled by the National Planning Commission in 2011. The vision of the plan is that South Africa will write a new story where the nation's energies are focused both on attacking poverty and expanding a robust, entrepreneurial and innovative economy. Over the next two decades and beyond, communities will need the resources and capabilities to become their own engines of development and government must support this. Government has to ensure that poor people have the environment, services and skills to improve their lives. At the same time, government must create the conditions and environment for higher levels of public and private investment to create jobs and ensure rising incomes.

The NDP proposes bolder measures to make sustainable human settlements. In order to fundamentally reshape human settlements by 2050 (with significant progress by 2030), South Africa needs:

- To address inequities in the land market that makes it difficult for the poor to access the benefits of life in towns and cities.
- Stronger measures to reconfigure towns and cities towards more efficient and equitable urban form.
- Housing land policies that accommodate diverse household types and circumstances.
- Municipality that put economic development and jobs at the heart of what they do and how they function.

Most state investment goes into household services. Over time, the state should shift its role from a direct housing provider to a housing facilitator, developing public goods through investment in public transport, other economic and social infrastructure, quality public spaces and jobs.

In the first five-year period (2012 – 2017), the NDP propose inter alia the following:

- Strengthen the link between public transportation and land use management with the introduction of incentives and regulations to support compact mixed-use development within walking distance of transit stops and prioritize higher density housing along transit routes.
- Incentivize new private housing developments to include a proportion of affordable housing.
- Support the growth of housing in the gap market by addressing obstacles in supply (lack of serviced land and delays in regulatory approval) and demand (provision of affordable loans by financial institutions).

- Require all new development to be consistent with a set of sustainability criteria (to be developed urgently and collaboratively across the spheres of government).
- Require all local spatial development frameworks to incorporate a growth management approach that would align areas of population and economic growth with investment in bulk infrastructure. Introduce a proactive element into land use management systems by allowing municipalities to proactively rezone land to achieve specific objectives such as densification along transit routes.
- Work towards increased household mobility and greater spatial flexibility by reviewing the restrictions on the sale of government provided houses and giving consideration to alternatives to fixed location subsidies such as housing vouchers or grants for purchasing building materials.

**The opinion is being held that the proposed development will not be in conflict with the principles contained within the fore-mentioned National Development Plan, 2030 and will assist in moving closer to a ....**

*“South Africa that is more inclusive, more dynamic and in which the fruits of growth are shared equitably. In 2030, the economy should be close to full employment, equip people with the skills they need, ensure that ownership of production is more diverse and able to grow rapidly, and provide the resources to pay for investment in human and physical capital.”*

### **6.3 CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (ACT 108 OF 1996)**

The Constitution of the Republic of South Africa (Act 108 of 1996) is the supreme law of the country. The sections/schedules of the Constitution that are relevant with respect of the delivery of housing are the following:

- Sections 26, 27 and 29 of Chapter 2 – Bill of Rights states that everyone has the right to access to adequate housing, health care services, social security and education.
- Schedules 4 and 5, states that the Province has legislative competence in regard to (inter alia): Environment; Urban and Rural Development; Welfare; Housing; Health Services; Regional planning and development; (concurrent competence with national) and Provincial Planning and Provincial Roads and Traffic (exclusive competence)

In terms of the provisions (Schedule 4) of the Constitution, housing is a functional area of concurrent national and provincial competence. This provision of legislative and administrative powers necessitates alignment between all spheres of government in terms of the IDP process and especially the preparation of the SDF and thus the Housing Chapter.

## **6.4 NATIONAL HOUSING CODE (2006)**

The National Housing Code (2006) identified the primary role of the municipality as taking all reasonable and necessary steps, within the framework of national and provincial legislation and policy, to ensure that the inhabitants within its area of jurisdiction have access to adequate housing. This entails the following:

- Initiating, planning, facilitating and coordinating appropriate housing development.
- Promoting private sector development and playing the role of developer.
- Preparing a housing delivery strategy and setting up housing development goals.
- Setting aside, planning and managing land for housing.
- Creating a financially and socially viable environment for housing delivery.
- Facilitating the resolution of conflicts arising from housing delivery initiatives.
- Facilitating the provision of bulk services.
- Administrating national programmes.
- Exploring land for housing development.

The project under discussion specifically aims at providing access to housing for the inhabitants of the Rustenburg Local Municipality. Through the provision of various types of housing, the development will provide opportunities also for inhabitants requiring other forms of tenure e.g. rental flats or rental housing as well as those aspiring to building their own house. Presently there are a shortage of housing stock in Rustenburg.

One of the objectives of the National Housing Code is for national and provincial legislation and policy to initiate, plan, facilitate and coordinate appropriate housing development.

## **6.5 A COMPREHESIVE PLAN FOR THE DEVELOPMENT OF SUSTAINABLE HUMAN SETTLEMENT (BNG STRATEGY)**

The new "Human Settlements Plan" promotes the achievement of a non-racial, integrated society through the development of sustainable human settlements and quality housing. Housing is to be utilized for the development of sustainable human settlements in support of spatial restructuring.

The aim is to move beyond the provision of basic shelter towards achieving the broader vision of sustainable human settlements and more efficient towns, cities and regions. The following factors will be taken into consideration in order to achieve this vision:

- Progressive Informal Settlement Eradication: These settlements must be integrated into the broader urban setup so as to overcome spatial, social and economic exclusion. The plan encourages the eradication of informal settlements through in-situ upgrading in desired locations coupled with the relocation of households where development is not possible or desirable.

- Promoting Densification and Integration: The aim is to integrate previously excluded groups into the city so as to enable them to enjoy the benefits it offers and to create more integrated, functional and environmentally sustainable human settlements, towns and cities.
- Enhancing Spatial Planning: Greater co-ordination and alignment of various planning instruments and economic policies lies at the heart of sustainable human settlements. This requires more than mere co-ordination between departments but there needs to be a single overarching planning authority and/or instrument to provide macro-level guidance to support the development of sustainable human settlements.
- Enhancing the location of New Housing Projects: The location of past housing projects was said to reinforce apartheid spatial settlement patterns. Spatial restructuring aims to achieve a more decisive intervention in land markets. The following interventions are envisaged viz. accessing well located state-owned and parastatal land: acquisition of well-located private land for housing development, funding for land acquisition and fiscal incentives.
- Supporting Urban Renewal and Inner City Regeneration: Urban renewal and inner city regeneration often result in the current inhabitants being excluded as a result of the construction of dwelling units they cannot afford. Some municipalities are trying to avoid this by promoting affordable inner city housing. The "Human Settlements Plan" will support this by encouraging social housing.
- Developing Social and Economic Infrastructure: The need to move away from a housing-only approach towards a more holistic development of human settlements which includes the provision of social and economic infrastructure is emphasized.
- Enhancing the Housing Product: The aim is to develop more appropriate settlement layouts and housing products and to ensure appropriate housing quality.

## **6.6 URBAN (UDF) AND RURAL DEVELOPMENT (RDF) FRAMEWORKS (1997)**

The UDF aims to promote a consistent urban development policy approach for effective urban reconstruction and development, to guide development policies, strategies and actions of all stakeholders in the urban development process and to steer them towards the achievement of a common vision. The UDF is engaged in four key programmes, namely integrating the city, improving housing and infrastructure, building habitable and safe communities and promoting urban economic development.

The RDF co-ordinates integration of government programmes in rural areas and is aimed at: **poverty alleviation through institutional development; investment in basic infrastructure and social service; improving income and employment opportunities; restoration of basic economic rights to marginalized rural areas; and finally justice, equity and security.**

## **6.7 WHITE PAPER ON LOCAL GOVERNMENT (1998)**

The White Paper on Local Government adopts development policy guidelines and principles and advocates the developmental role of local government.

The guidelines and principles can be summarized as follows:

- Orientation towards people's needs;
- Poverty alleviation with special consideration of marginalized and disadvantaged groups and gender equity;
- Environmentally sustainable development and a safe and healthy environment;
- Economic growth with creation of income and employment opportunities;
- Involvement of residents, communities and stakeholders;
- Sustainability of services, municipalities and settlements.

## **6.8 NATIONAL HOUSING ACT, 1997 (ACT 107 OF 1997)**

The National Housing Act (NHA) sets out three general principles, namely: giving priority to the needs of the poor in respect of housing development; consultation with individuals and communities affected by housing development; and ensuring that housing development is economically, fiscally, socially and financially affordable and sustainable.

The NHA lays down general principles applicable to housing development in all spheres of government, defines the functions of national, provincial and local governments in respect of housing development, and promotes the role of the state as a facilitator of housing development.

National government must establish and facilitate a sustainable national housing development process, provincial government must do everything in its power to promote and facilitate the provision of adequate housing in its province within the framework of national housing policy, while municipalities must take reasonable and necessary steps within the framework of national and provincial housing legislation and policy to ensure that the right of access to adequate housing is realised on a progressive basis.

In accordance with the National Housing Act it will be ensured that the housing development is economically, fiscally, socially and financially affordable and sustainable.

## **6.9 RENTAL HOUSING ACT, 1999**

The stated purpose of the RHA reveals that government regards rental housing as an available alternative to homeownership, especially for poor people and historically disadvantaged people.



The layout plan of the proposed township area makes provision for residential erven that are suitably located within the existing urban area and in close proximity to transport, social and commercial facilities to be developed for affordable / rental housing.

## **6.10 WHITE PAPER ON WISE LAND USE (2001)**

This White Paper intends to show practical ways in which South Africa may move to this approach. The system should satisfy the following specific needs:

- The development of policies which will result in the best use and sustainable management of land.
- Improvement and strengthening planning, management, monitoring and evaluation.
- Strengthening institutions and coordinating mechanisms.
- Creation of mechanisms to facilitate satisfaction of the needs and objectives of communities and people at local level

Integrated planning for sustainable management of land resources should thus ensure:

- That development and developmental programmes are holistic and comprehensive so that all factors in relation to land resources and environmental conservation are addressed and included.
- In considering competing needs for land, and in selecting the "best" use for a given area of land, all possible land-use options must be considered.
- That all activities and inputs are integrated and coordinated with each other, combining the inputs of all disciplines and groups.
- That all actions are based on a clear understanding of the natural and legitimate objectives and needs of individual land users to obtain maximum consensus.
- That institutional structures are put in place to develop, debate and carry out proposals.

Of core importance in the planning and development of housing is the normative planning principles identified in the White Paper:

The basis of the system will be principles and norms aimed at achieving sustainability, equality, efficiency, fairness and good governance in spatial planning and land use management. The decisions of planning authorities, whether related to the formulation of plans such as IDPs or the consideration of land development applications such as rezoning, must all be consistent with these principles and norms. A failure by an authority to affect this enables the Minister to intervene in the decision, either to require that it is reconsidered or in extreme cases to take the decision him or herself.

## **6.11 NATIONAL SPATIAL DEVELOPMENT PERSPECTIVE (2006)**

The NSDP consists of a set of five normative principles for development:

- Principle 1: Rapid economic growth that is sustained and inclusive is a pre-requisite for the achievement of other policy objectives, among which poverty alleviation is key.
- Principle 2: Government has a constitutional obligation to provide basic services to all citizens wherever they reside.
- Principle 3: Government spending on fixed investment should be focused on localities of economic growth and/or economic activities and to create long-term employment opportunities.
- Principle 4: Efforts to address past and current social inequalities should focus on people, not places. In localities where there are both high levels of poverty and demonstrated economic potential, this could include fixed capital investment beyond basic services to exploit the potential of those localities. In localities with low demonstrated economic potential, government should beyond the provision of basic services, concentrate primarily on human development.
- Principle 5: In order to overcome the spatial distortions of apartheid, future settlement and economic development opportunities should be channelled into activity corridors and nodes that are adjacent to or that link the main growth centres. Infrastructure investment should primarily support localities that will become major growth nodes in South Africa and the SADC region to create regional gateways to the global economy.

## **6.12 NATIONAL SPATIAL DEVELOPMENT FRAMEWORK - 2018**

**VISION:** “All Our People Living in Shared and Transformed Places in an Integrated, Inclusive, Sustainable and Competitive National Space Economy”.

**MISSION:** “Making our common desired spatial future together through better planning, investment, delivery and monitoring”.

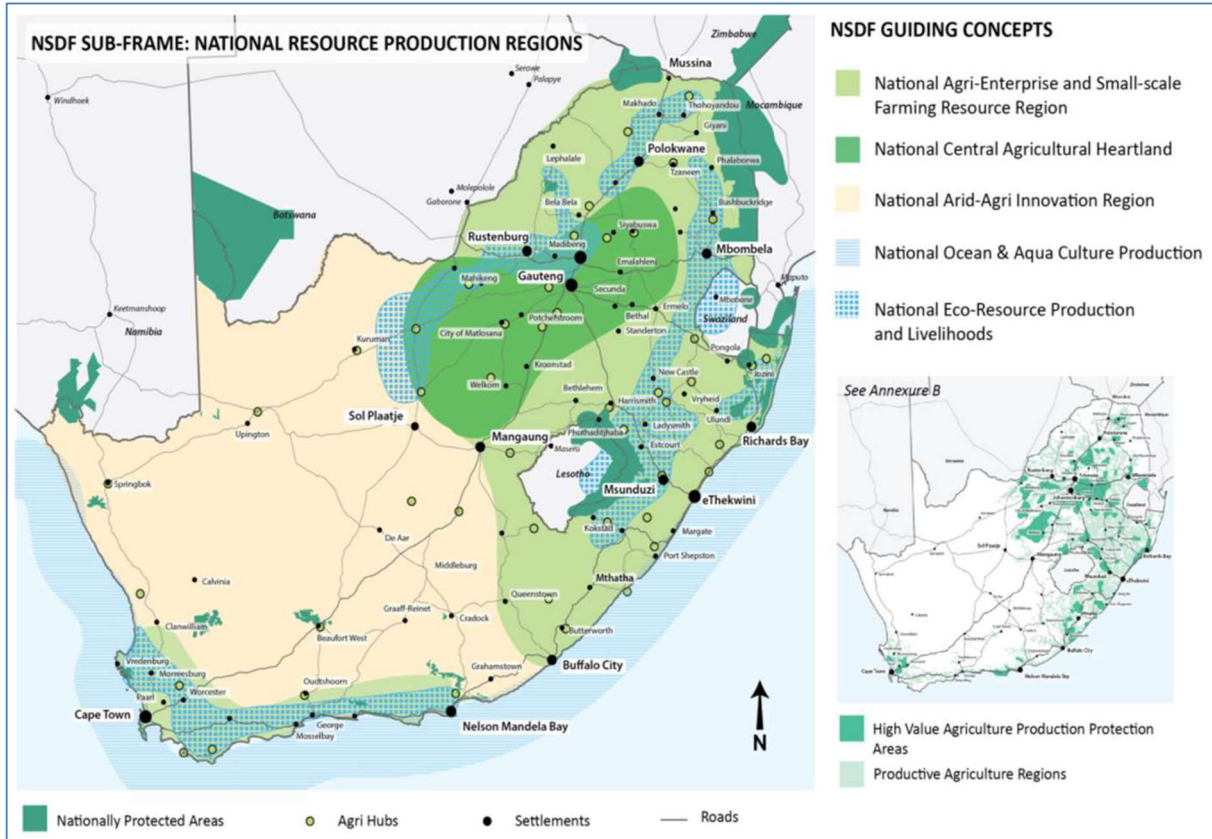
### **NATIONAL RESOURCE PRODUCTION REGIONS**

According to the National Spatial Development Framework, Rustenburg is situated in the National Eco Resource Production and Livelywood zone.

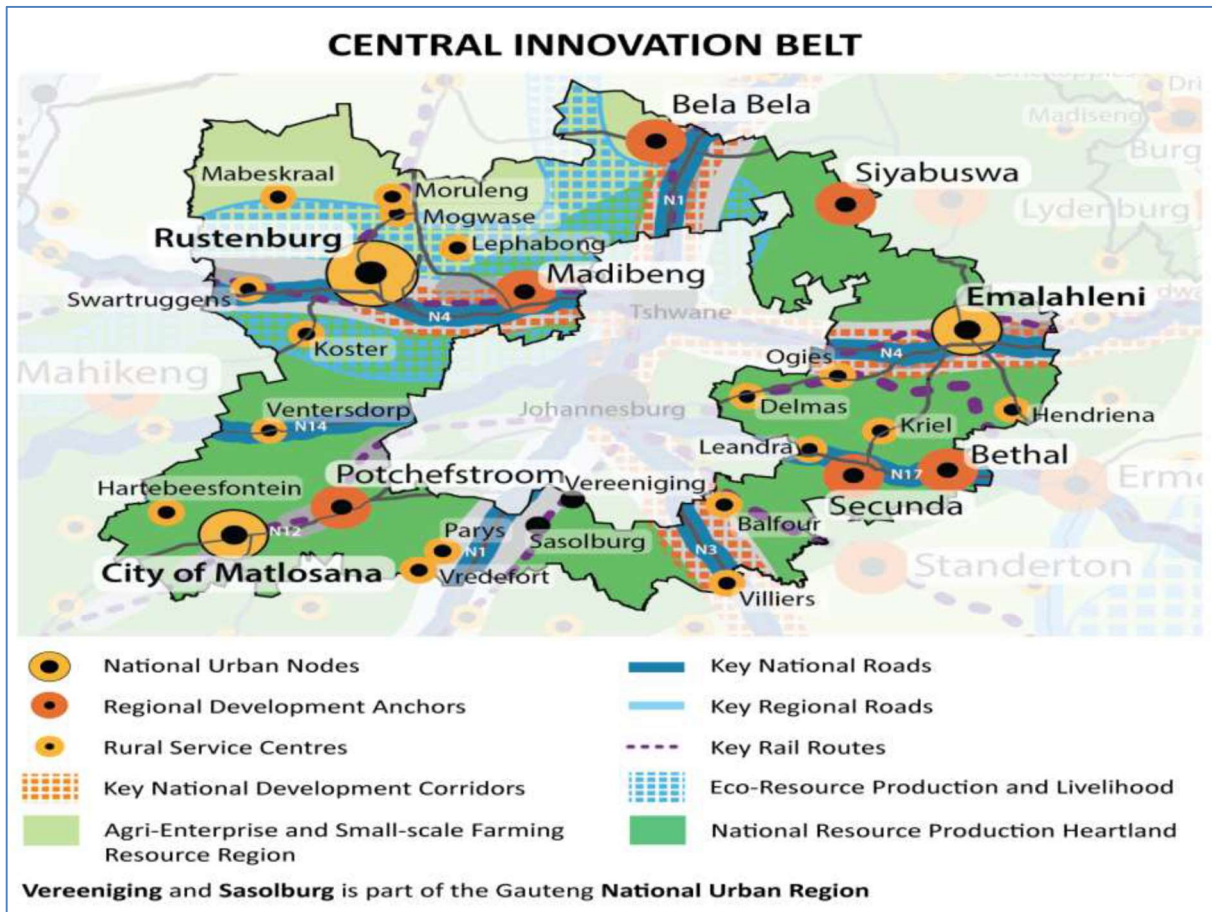
### **CONNECTING AND MOVEMENT INFRASTRUCTURE**

In terms of the national Connecting and Movement Infrastructure, Rustenburg is situated in the Central Innovation Belt and is earmarked as a National Urban Node. Rustenburg is linked with a key national development corridor namely the N4 Platinum Highway.

Map 11: NSDF National Resource Production Regions



Map 12: National Spatial Action Areas



The strategy for this area includes:

- Support large-scale regional economic and employment change through innovation, diversification, adaptation and repurposing of existing industrial land and infrastructure
- Expedite urban and rural land reform
- Consolidate existing small-and-medium-scale agriculture support programmes
- Protect and optimize high-value agricultural land and optimize job-intensive agro-processing
- Introduce a special collaborative programme in government, involving universities, research councils, the private sector and communities, to ensure (1) innovation and economic diversification, and (2) quality human settlement development and job-creation at scale

**According to the NSDF Rustenburg is identified as a National Urban Node within the innovation belt. Priority should be given to these areas in terms of infrastructure provision, job creation and housing provision.**

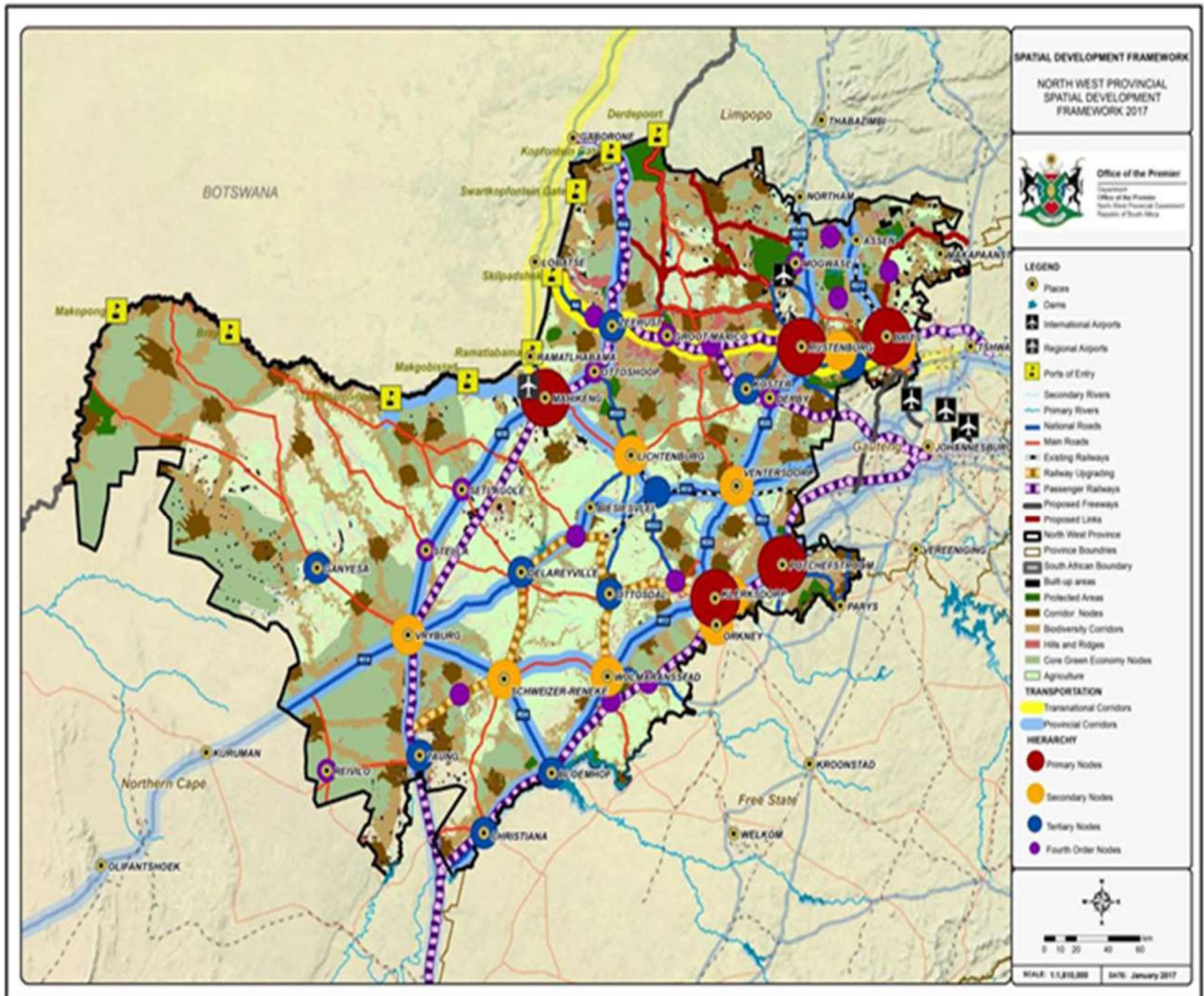
### **6.13 NORTH WEST SDF 2017**

The North West Provincial Development Framework (PSDF) was compiled in accordance with the provisions of the Spatial and Land Use Management Act 2013. The PSDF provide a spatial representation of the land development policies, strategies and objectives of the province which includes the province's growth and development strategy. All provincial development plans, projects and programmes must be consistent with the PSDF.

#### **Objectives:**

- ☞ Achieve effective rural development
- ☞ Adopting a flexible approach to enables sustainable development
- ☞ Creating world class infrastructure, services and amenities to attract investment
- ☞ Integrated infrastructure development planning
- ☞ Pro-active planning which integrates aspiring economic activities
- ☞ Safeguarding existing resources / opportunities for renewable energy
- ☞ Prioritise areas in the province to develop
- ☞ Connecting the SDF to NW implementation Plan
- ☞ Creating opportunities for increased connectivity
- ☞ Improved quality of life formalisation/provision of planned amenities.
- ☞ Gearing up of spatial planning capacity/skills/systems.

Map 13: North West Spatial Development Framework



**Rustenburg** is by far the largest and most important node in the municipal area relating to economic growth and availability of services. The other nodes mostly function as residences for the mine workers and have limited retail and business services. The Revival Strategy proposed for the local municipality hinges on focusing development on the town of Rustenburg. There is, however, scope in areas such as Boitekong and Phokeng to ensure better living conditions for the people living there. Rustenburg Local Municipality is considered as a distressed mining municipality and the focus need to be on the transformation of settlements.

Development should take note of the **spatial expansion requirements** of the Greater Rustenburg Local Municipality with opportunity for better alignment to address historically miss-aligned and isolated development practices.

## DEVELOPMENT GUIDELINES

- ☞ **Capital investment** in the municipality must focus on existing infrastructure, rather than the creation of new infrastructure in remote areas.
- ☞ **Formalisation** of trade.
- ☞ **Residential densification** in the larger nodes.
- ☞ Formalisation and upgrading of informal settlements.
- ☞ Providing **access to basic services**.
- ☞ Accommodate **SMMEs** within the economic nodes of Rustenburg, Boitekong and Phokeng.
- ☞ **Minimise urban sprawl**.
- ☞ **Intensify development** around the N4 Development Corridor.
- ☞ Ensure **adequate housing** in Rustenburg for the people migrating from the rural areas.
- ☞ Focus on **skills development** in the mining, trade and business sectors to diversify the economy.
- ☞ Increase **efficiency of transport network** and enhance connectivity
- ☞ Focus on **infrastructure development** that will help to attract private sector investment in the core Rustenburg area.
- ☞ Create a **favourable business environment** to promote the establishment of new industries.
- ☞ Create **economic hubs** in Phokeng and Boitekong.
- ☞ Develop **agro-industries** to enhance local beneficiation and to create a multiplier effect supporting the provision of an Agrihub and Agricultural Co-operative within Rustenburg.
- ☞ Intensify development in areas with high development potential or economic growth.
- ☞ Promote **infill development**.
- ☞ Protect high value agriculture land.
- ☞ **Kick start development** in Boitekong and Phokeng to establish new potential growth nodes – multiyear public sector investment framework focused on municipal infrastructure, public amenities and social housing to serve as catalyst to kick start private sector investment.
- ☞ Create employment opportunities closer to where people are living.
- ☞ Identify and develop **priority biodiversity areas**.
- ☞ Develop and **promote the tourism areas** of Vaalkop Nature Reserve, the Kgaswane Nature Reserve, the Magaliesburg Protected Environment, and other critical biodiversity areas.
- ☞ Develop the **eco-tourism** sector.

## **6.14 RUSTENBURG INTEGRATED DEVELOPMENT PLAN, (2022-2027)**

The Integrated Development Plan consists mainly of broad strategies and projects guiding and integrating capital investment, focussed development in the areas of inter alia planning, environmental programmes, economic development, transport, waste management, and services, etc. The purpose of an Integrated Development Plan is to increase the municipal performance in terms of the pre-determined vision.

The Rustenburg Integrated Development Plan (2022 – 2027) sets the stage for sectoral planning within various administrative units. The main purpose of the Rustenburg Integrated Development Plan is to enable the Rustenburg Local Municipality to become more competitive, understand regional strengths and weaknesses and to propose arrangements for better corporate governance. It attempts to integrate job creation, physical development and environmental concerns and to strengthen Local Economic Development, as well as land uses that comply with the requirements for sustained Local Economic Development.

### **IDP VALUES**

Customer First, Integrity and Transparency, Integrity and Transparency & Speedy execution

### **STRATEGIC PRIORITIES**

1. Ensure a sustainable municipal financial viability and management
2. Efficient Provision of quality Basic Services and Infrastructure within a well-planned Spatial Structure
3. Drive a diversified economic growth, vibrant rural development, and job creation
4. Maintain, a green, safe, healthy Environment and social cohesion
5. Uphold good governance and public participation principles
6. Drive optimal municipal institutional development, transformation and capacity building

### **MUNICIPAL GOALS**

Goal 1: An accessible and Connected City

Goal 2: An Active Healthy City

Goal 3: A well designed, habitable, clean and green city

Goal 4: Friendly Safer City

Goal 5: A new Post Mining World City

Goal 6: A Smart Prosperous City

Goal 7: A vibrant, Creative and Innovative City

Goal 8: An Efficient, Effective and Well Governed City

Goal 9: Sustainable Livelihoods and Resilient Infrastructure

Goal 10: City of sustainable and efficient Resource Management

## LOCAL GOVERNMENT KEY PERFORMANCE AREAS

KPA 1: Municipal Transformation and Institutional Development.

KPA 2: Municipal Financial Viability and Management

KPA 3: Spatial Rationale and Municipal Planning Alignment

KPA 4: Local Economic Development and Job Creation

KPA 5: Basic Service Delivery

KPA 6: Good Governance and Public Participation

**Rustenburg's Housing Sector Plan** forms a chapter of the IDP. According to the Housing Sector Plan (2012), housing alone does not provide an integrated solution for longer term sustainability and it is Government policy to transform the country's residential areas and build communities with closer access to work and social amenities, including sports and recreational facilities. There have been fundamental shifts in the approach to housing in South Africa in the past 20 years. A redirection of policy was brought about through the **Comprehensive Plan for the Development of Sustainable Human Settlements** in 2004 – commonly known as “**Breaking New Ground**” (BNG).

The key objectives of this BNG are promotion of **densification** and the provision of **social and community services** in combination with residential developments. The entire residential property market is promoted through this plan, including the development of low-cost housing, medium-density accommodation, rental housing, stronger partnerships with the private sector and social infrastructure and amenities. The plan aims to **change spatial settlement patterns** by building spatially, economically and socially sustainable communities. The RLM's Housing Strategy will therefore comply with Government direction and will promote a human settlement policy which will become a series of **Sustainable Integrated Human Settlement initiatives**, of which **densification** is a central attribute.

The overall housing vision is defined as:

***“To facilitate accelerated housing development and promote integrated human settlement through spatial restructuring and integrated land-use management with special emphasis on curbing urban sprawl and promotion of densification”***

The above vision resulted in the identification of five (5) primary components that the RLM need to focus on in moving towards the implementation of their vision and are as follows:

- Eradicate housing backlog and provide a range of housing types;
- Promote a greater mix of housing typologies by supporting the development of alternative housing typologies;
- Locate new housing development within a rational urban structure and urban development boundary to ensure sustainable development;
- Housing developments must include the full range of community facilities to ensure viable and sustainable living environments;
- identify sufficient land for future housing development; and



- Promote transparency, accountability and fair administration.

The RLM should according to the Housing Sector Plan achieve the following key strategic objectives when implementing their housing strategy. They are as follows:

### **Strategic Objective 1. The constitutional imperative**

South Africa has a constitutional imperative that obliges government to ensure that all its citizens are provided with shelter and housing in accordance with the Bill of Rights. RLM therefore strives to deliver 13 000 housing units towards eradicating the current backlog of 37 855 housing units.

### **Strategic Objective 2. Partnerships**

RLM strives to foster the broadest range of partnerships with the private and non-profit sectors in the provision of housing by designing new programs and structuring incentives to attract the involvement of businesses and communities in the funding and implementation of its integrated housing strategy. Participation requires time and resources, and allowance should be made for these. Full participation from job creation, sweat equity and skills development must be built into execution plans emanating from this strategy.

### **Strategic Objective 3. Integration and Intelligent Spatial Restructuring**

RLM strives to proactively promote the establishment of socially mixed integrated sustainable neighbourhoods. This necessitates a holistic understanding of development needs, and making sufficient resources available to provide a wide range of social and economic programs, together with the delivery of housing, infrastructure and facilities, in order to address these needs in a sustainable and integrated way, and enable equitable access regardless of ethnic identity and/or income category.

### **Strategic Objective 4. Sustainable living**

RLM strives to design and build sustainable neighbourhoods that provide an affordable quality of life for all in ways that ensure sustainable use of resources and the environment for the benefit of both current and future generations. This would include neighbourhood development that is energy efficient in design and make use of renewable energy, productive re-use of all sewage, highly efficient use of water, recycling of solid waste, sustainable building materials, high densities, open green spaces (in particular for children) and that promotes easy access to public transport. To meet this objective it is important to establish and adopt a strong policy position within RLM so that its citizens can effectively participate and use natural resources in an efficient and responsible manner.

### **Strategic Objective 5. Facilitating intra-community economic growth:**

RLM strives to select and establish new sustainable neighbourhoods that stimulate the creation of opportunities for economic growth, employment, access to basic facilities, amenities (such as schools and clinics), green spaces and play areas for children and prevent urban sprawl.

**Strategic Objective 6. Preserving a “sense of place”**

RLM strives to ensure that development is done in a way that promotes densification by offering a greater mix of housing typologies and tenure options. By increasing population thresholds and so providing adequate numbers of consumers, promoting pedestrian activity and producing a stronger sense of ‘place’, densification offers all the right elements for the spontaneous and sustainable occurrence of profitable economic activity.

Various housing programs are in place that can assist in addressing the housing need and the delivery of housing units.

**6.15 RUSTENBURG SPATIAL DEVELOPMENT FRAMEWORK, 2010 REVIEW**

The Rustenburg Spatial Development Framework (2010 Review) (hereafter referred to as the Spatial Development Framework) also forms part of the Integrated Development Plan for Rustenburg. The compilation of Spatial Development Frameworks to form part of the IDP is mandatory in terms of the Municipal Systems Act (Act 32 of 2000) and SPLUMA (2013).

The Spatial Development Priority and Objectives, as contained in Chapter 8 of the Spatial Development Framework, are as follows:

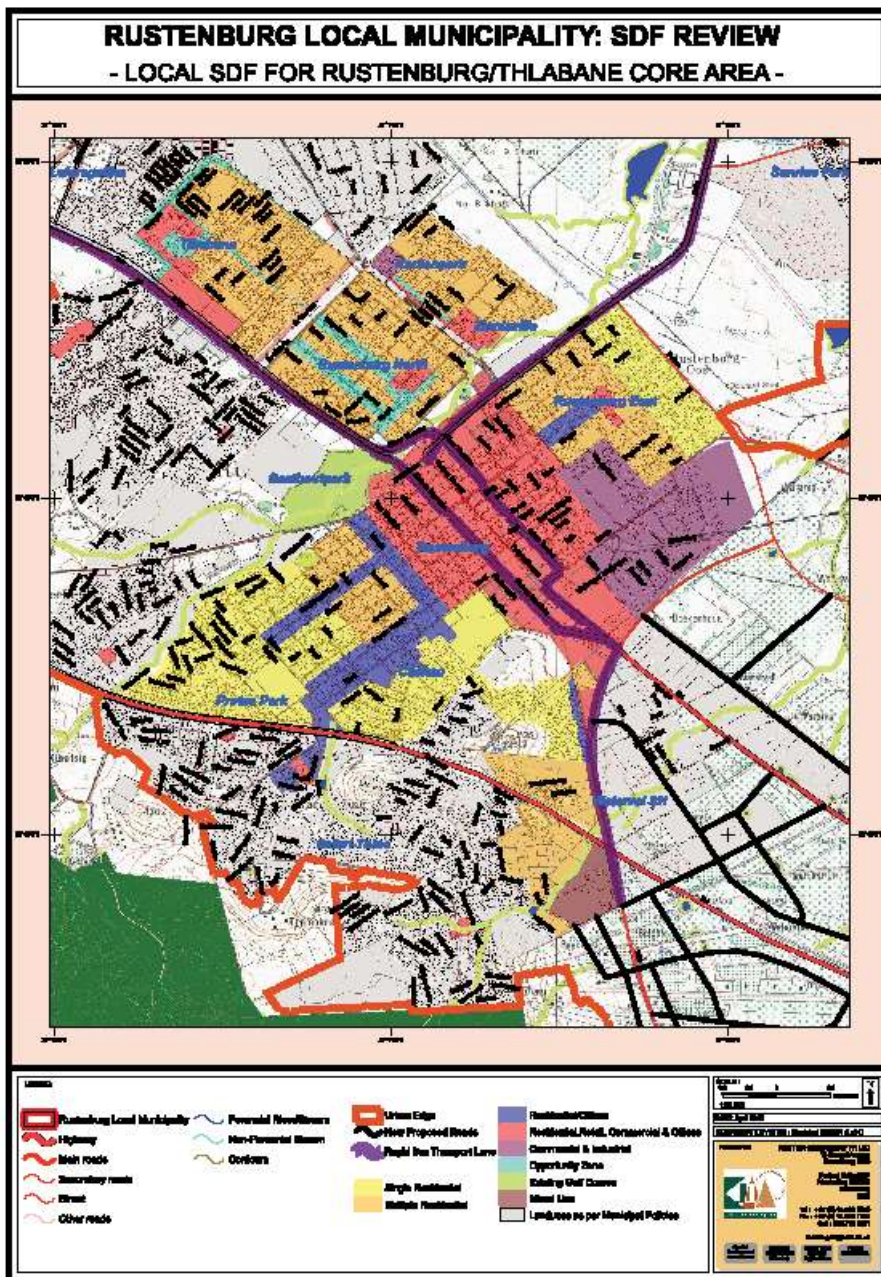
*Table 10: Spatial Development Priority and Objectives*

<b>PRIORITY 1</b>	<b>OBJECTIVE</b>
<b>INTEGRATED SPATIAL DEVELOPMENT SUPPORTED BY THE REQUIRED BULK INFRASTRUCTURE DEVELOPMENT</b>	Promote a compact urban structure through infill and densification, specifically within the individual settlement clusters. Improve integration between social amenities, economic opportunities and places of residence.
<b>PRIORITY 4</b>	<b>OBJECTIVES</b>
<b>INTEGRATION OF LAND USE AND TRANSPORT DEVELOPMENT</b>	Focus urban development along major public transportation routes to establish transport corridors.
<b>PRIORITY 5</b>	<b>OBJECTIVES</b>
<b>CREATION OF SUSTAINABLE SETTLEMENTS THROUGH ACCESS TO APPROPRIATE HOUSING AND SOCIAL FACILITIES</b>	<ul style="list-style-type: none"> <li>Eradicate housing backlog and provide a range of housing types</li> <li>Promote a greater mix of housing typologies by supporting the development of alternative housing typologies</li> <li>Locate new housing development within a rational urban structure and urban development boundary to ensure sustainable development</li> </ul>

- Housing development must include the full range of community facilities to ensure viable and sustainable living environments
- Identify sufficient land for future housing development

It is envisaged that the proposed township development will advance the priorities set out in the Rustenburg Spatial Development Framework. It will also be in line to enhance a compact city as the proposed development falls within the urban edge as mentioned.

Map 14: SDF Map



The proposed development area is not earmarked for any specific land uses but falls within the urban edge of Rustenburg and are surrounded by existing township developments. Cognisance should further be taken of the fact that the subject property was previously already the subject matter of a successful township establishment process and in this regard the Rustenburg Local Municipality has already applied its mind in respect of the utilization of the subject land for urban development purposes

## **6.16 DISTRESSED MINING TOWNS**

Fifteen mining areas were initially identified for fast-tracked human settlements development, using housing projects to stimulate local economies and create job opportunities for local residents. The interventions were conceptualised in 2012, when the former President Jacob Zuma formed an Inter-ministerial Committee for the Revitalisation of Distressed Mining Communities. The Framework Agreement for a Sustainable Mining Industry was signed in 2013, committing government and the mining industry to accelerate efforts to upgrade human settlements in mining towns, and improve the living and working conditions of mineworkers. In line with this, the National Department of Human Settlements is driving the revitalisation of distressed mining towns through a number of projects.

At the core of the plan is a new approach to co-ordinating the work of local and provincial government, local business, mining companies and other economic interest groups, with the active participation of communities and mineworkers.

Proposed interventions include:

- 🌀 Upgrading informal settlements (providing interim services, upgrading, relocation)
- 🌀 Basic service backlog connections
- 🌀 Home ownership through support provided to households to purchase a site and build, or buy on the secondary market
- 🌀 The provision of rental accommodation for migrant miners

The downturn in the mining sector has seen the number of distressed mining areas proclaimed by government climb to 19 located in six provinces.

The towns on the list receive special cross departmental support, either through technical support or grant transfer that is meant to diversify the local economy by developing other economic opportunities during and beyond the life of mines.

The 19 prioritised mining towns in the programme are Fetakgomo, Tubatse, Elias Motsoaledi in Sekhukhune district and Lephalale in Waterberg district in Limpopo; Westonaria, Randfontein, Mogale City and Merafong in Gauteng's West Rand; **Rustenburg**, Moses Kotane, Madibeng in Bojanala district in North West, as well as Matlosana in the same province; Mpumalanga's Nkangala district's Emalahleni and Steve Tshwete municipalities; the Free State's Matjhabeng municipality; and Ga-segonyana, Gamagara, Kgatelopele and Tsantsabane municipalities in the Northern Cape.

The municipalities chosen and prioritised experience different forms of distress. The old gold mining municipalities are experiencing a continuous decline in economic activity as gold reserves are diminishing and so are employment opportunities. These municipalities are therefore experiencing a sharp economic decline. At the same time, the newly growing mining municipalities that are predominantly concerned with the extraction of platinum group metals, coal and other mineral commodities are experiencing an influx of migrant workers searching for employment at the mines and other related industries. These municipalities are experiencing a different kind of distress, which is associated with the inadequate provision of decent housing and living conditions, bulk and reticulation infrastructure. The available amenities do not meet the demands of an ever-increasing population in these localities

## **6.17 SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA) DEVELOPMENT PRINCIPLES**

The act applies to spatial planning, land development and land use management. The following five (5) primary development principles referred to in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA) and explained in SPLUMA: A Practical Guide compiled by Nic Laubscher, Lizette Hoffman, Ernst Drewes and Jan Nysschen, 2016, need to be taken into consideration:

### **“7. (a) the principle of spatial justice, whereby-**

#### **(i) past spatial and other development imbalances must be redressed through improved access to and use of land;**

The focus of the principle would be on integration or development of rural and/or traditional settlements and urban integration strategies. This development will provide all residents access to affordable land and the use of such land to better their living conditions whilst similarly providing the necessary security of tenure.

This project aims at providing a higher density residential erf with a complementary business erf. The higher density residential erf can be developed in different permutations including inter alia the creation of subdivided stands, rental housing or a sectional title development

#### **(ii) spatial development frameworks 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;**

The development area falls within an area that was previously approved by the Local Government for medium density residential development and does not include any informal settlements or homeland areas. The name of the approved township was Boschdal Extension 6.

- (iii) **spatial planning mechanisms, including land use scheme, must incorporate provisions that enable redress in access to land by disadvantage communities and persons;**

The local municipality identified portions of land within the local municipal area, through the Spatial Development Framework, that will redress access to land by previously disadvantaged people

- (iv) **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;**

Land uses within the Rustenburg Local municipal area are governed by a functional land use management system that was updated in 2021. The proposed land uses in the proposed township areas will be regulated by the Scheme Regulations. The opinion is held that the provisions of this scheme that will relate to this development will be totally appropriate for the management of the land uses to be provided within this development.

- (v) **land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas;**

The township establishment process aims to create a residential and a business erf that can, after proclamation of the township area, be alienated to the beneficiaries thereof. This new township development will afford the community of Rustenburg the opportunity to access land and secure tenure thereof.

- (vi) **A Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on ground that the value of land or property is affected by the outcome of the application;**

The proposed development will positively affect not only the value of this property but also that of the surrounding areas.

7. (b) **the principle of spatial sustainability, whereby spatial planning and land use management systems must –**

The principle of spatial sustainability should allow for flexibility in dealing with applications and proposals, which may not have been anticipated.

- (i) **promote land development that is within the fiscal, institutional and administrative means of the Republic;**

In terms of the sub-principle, the opinion is held that Rustenburg Local Municipality has sufficient fiscal, institutional and administrative capacity and resources to administer the development. The Local Municipality will ensure

that the development complies with the requirements contained in the Scheme Regulations.

**(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;**

The area where the concerned properties are situated is not regarded as prime or unique agricultural land.

**(iii) uphold consistency of land use measures in accordance with environmental management instruments;**

Environmental sustainability refers to the relationship between the development and the natural landscape.

The development is planned with a full level of infrastructure elements including sewer, water, electricity, access and refuse removal services, thereby reducing the effect that the development will have on the natural surrounding area. For an area to be environmentally sustainable, it should protect the unique amenity and character of the surrounding environment and also prevent degradation.

In considering the environmental management instruments applicable to the proposed development, it is pertinent to note that the activity does indeed constitute a listed activity in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014.

The township applicant appointed a qualified independent Environmental Practitioner to conduct the necessary Environmental Impact Assessment and public participation process as prescribed in terms of the fore-mentioned Act. IN this regard it is pertinent to note that an Environmental Authorisation (in the form of a Record of Decision) was already issued in respect of the development of the subject property by the Department Agriculture, Conservation and Environment and the process that will be followed in respect of the re-authorisation of this project will include an application for the amendment of the initial Record of Decision to include the new land use rights applied for.

The development of this township area as well as the activities conducted from the erven in the township area during the operational phase will be subject to the conditions imposed by the Department Economic Development, Environment, Conservation and Tourism (DEDECT) as set out in the relevant Environmental Authorisation (to be issued).

**(iv) promote and stimulate the effective and equitable functioning of land markets;**

The local municipality is in favour of on-going dialogue with private investors and relevant government departments, to promote integrated economic growth.

Principle 7 (b)(iv) recognizes the need for land development to be based on competition and the principle of a competitive economy. The development will contribute to the economic growth of the municipal area. The development represents a private sector initiative, planned and applied for in the context of open market competition.

**(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;**

The local municipality needs to comply with the guidelines for the provision of emergency-, social-, education- and engineering services, in terms of the provision of infrastructure and social services.

The provision of services to the proposed development has been addressed in detail in Section 5 supra and it was indicated that the development can be provided with the necessary services subject to the bulk infrastructure upgrades proposed.

**(vi) promote land development in locations that are sustainable and limit urban sprawl; and**

The proposed development is sustainable and will limit further urban sprawl.

This development intends to promote a more compact city and to prevent the expansive provision of social and engineering services. The local municipality is aware of the need to integrate urban settlements, with a view to reduce travel distances to the areas of employment opportunities.

The planning practices of the past have resulted in sprawling urban areas that are un-economical. Today, planning policies transformed to mainly focus on infill development on vacant land within the urban edge, in order to combat urban sprawl. The principle also calls for a balance in land development processes. The development will also ensure maximum utilization of the concerned property.

**(vii) result in communities that are viable;**

For any development to be sustainable and viable to the community, land development and planning should ensure that communities are located close to job opportunities, social facilities and basic services. This development aims specifically at providing residential development opportunities that are



closer to the economic activities such as the Waterval Mall and is situated on a BRT route that will make public transport in future more viable.

**7. (c) the principle of efficiency, whereby -**

**(i) land development optimizes the use of existing resources and infrastructure;**

The granting of development permissions should be coupled with the provision of adequate infrastructure. The efficient usage of existing resources can promote high density growth, alleviate urban sprawl and optimise the use of land.

The development will ensure the optimum utilization of one of the most valuable resources being land, if used to its full potential, and it was indicated in Section 5 that the development can be supplied with the full spectrum of infrastructure elements such as water, sewer, refuse removal, and access roads; thus reducing the effect of the development on the natural surrounding area.

**(ii) decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts;**

The opinion is held that the development will not have a negative financial, social, economic or environmental impact on the surrounding properties, as this development will be of a formal and non-noxious nature fitting in with the land uses surrounding the proposed development area.

**(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;**

This land development application will be processed in accordance with the prescriptions of the Rustenburg Municipal Bylaws and Land Use Scheme 2021. The processes prescribed in terms of these legislation make provision for the necessary community involvement through a public participation process.

**7. (d) 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; and -**

Standards for the protection of natural resources, agricultural land, open spaces and ecosystems have been compiled on a national and regional level. The local municipality compiled a Spatial Development Framework to increase resilience of all future human settlements. The Spatial Development Framework needs to be flexible to adapt to social, economic and technological trends.

**7. (e) principle of good administration, whereby-;**

**(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;**

The Rustenburg Local Municipality has a Spatial Development Framework and uses the application of scheme Regulations as part of their land use management system.

As previously indicated, the proposed development is in line with the Spatial Development Framework as the SDF do not made specific recommendations for this area. The Scheme Regulations will effectively regulate the land uses to be established within the township as well as the extent of development.

**(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;**

Integration between the different levels of government assists to create complimentary and mutually reinforcing policies, while integration between the different sectors will result in positive benefits. Government departments have been consulted during the compilation of the Spatial Development Framework of the local municipality. In addition to the fore-mentioned consultation, it should be noted that this application for township establishment will also be referred to the following government and non-government departments as integral part of the public participation process:

- Department of Co-operative Governance and Traditional Affairs (COGTA)
- Department of Agriculture, Land Reform and Rural Development (DALRRD)
- North West Education Department
- Department of Health
- Department of Roads and Public Works
- Department: Water and Sanitation (DWS)
- Eskom
- Bojanala Platinum District Municipality
- Openserve (Telkom SA Limited)
- South African Heritage Resources Agency (SAHRA)
- South African National Roads Agency Limited (SANRAL)
- South African Post Office Limited
- Magalies Water
- Transnet Freight Rail
- Department of Mineral Resources & Energy
- Rand Water
- Olifantsnek Irrigation Board
- North West Department of Economic Development, Environment, Conservation and Tourism (DEDECT)

**(iii) the requirements of any law relating to land development and land use are met timeously;**

The Minister of Rural Development and Land Reform has prescribed timeframes to which land development applicants and decision makers must adhere to.

**(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and;**

Effective procedures for public participation are in place in terms of the Planning Regulations of the Local Municipality, to afford the residents and other parties the opportunity to provide inputs on development applications and other matters affecting them.

**(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public;**

The procedures set out in the Rustenburg By-law on Municipal Land Use Planning, afford members of the public the opportunity to not only participate in this process but also to scrutinize the documentation relating to the application. Members of the public will be afforded a period of 28 days to comment or object against this development.

**In view of the locality, nature and extent of the township that has already been approved in respect of this concerned property, the opinion is being held that the proposed development will not be in conflict with the principles contained within SPLUMA 2013.**

## **6.18 GENERAL**

From a land use and town planning point of view the proposed development area is ideally suited for residential and business purposes due to the following:

- The purpose of this land development application is to provide for the establishment of a mixed use township that will not only address the short-term need for residential erven to address the immediate housing backlog, but to also provide an erf for the development of business activities to stimulate the local economy.
- The proposed township areas will also be linked to the economic activities offered within the Rustenburg urban area.

- The layout plan that was compiled in respect of the township area comprehensively addresses the issues identified during the pre-planning studies relating inter alia to the following:
  - Accommodating the location of existing land uses and structures on site;
  - Incorporating the road network with that of the adjacent township areas;
  - Engineering services can be provided to the proposed township area.
  - Traffic generated by the development can be accommodated within the existing road network subject to the necessary road and intersections upgrades proposed in terms of the Traffic Impact Study.

In view of the fore-mentioned, we trust that this application will be considered favorably.

**Dawid Jacobus Bos**  
**(Pr. PIn A/384/1985)**