

# MEMORANDUM

21 May 2019

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## PROPOSED TOWNSHIP ESTABLISHMENT: WOLMARANSSTAD EXTENSION 20 ON A PORTION OF THE REMAINING EXTENT OF PORTION 2 OF THE FARM WOLMARANSSTAD TOWN AND TOWNLANDS NO. 184-HO

- Spatial Planning
- Development Management
- Economic Development
- Admin & Finance

UNIT 35 CORPUS NOVEM OFFICE PARK  
35 DR. YUSUF DADOO AVENUE  
WILKOPPIES 2571  
P.O. BOX 6848  
FLAMWOOD  
2572  
TEL:(018) 468 6366  
FAX: (018) 468 6378

**MAXIM**  
planning solutions

Accredited Town and Regional Planners  
Reg no. 2002/017393/07  
VAT no. 4740202231

Directors: M.A. Mbakaca (Executive Chairman), D.J. Bos (Dr.) (CEO), C. Grobbelaar, K. Raubenheimer (CFO / Company Secretary), J.G. Benadé, P. Booysen (Mrs.)

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# MEMORANDUM

## PROPOSED TOWNSHIP ESTABLISHMENT: WOLMARANSSTAD EXTENSION 20

ON

### A PORTION OF THE REMAINING EXTENT OF PORTION 2 OF THE FARM WOLMARANSSTAD TOWN AND TOWNLANDS 184, REGISTRATION DIVISION H.O., NORTH WEST PROVINCE

## CHAPTER 1: INTRODUCTION

### 1.1 INTRODUCTION

Maxim Planning Solutions (Pty) Ltd (2002/017393/07) was appointed by the Maquassi Hills Local Municipality on 04 June 2018 to attend to the establishment of the proposed township Wolmaransstad Extension 20 comprising a total of 68 erven. The township establishment process set out to formalize the existing residential area generally referred to as Unit U (“Eenheid U”) comprising the former residential structures occupied by employees of the Department of Public Works and Roads as well as the workshop areas of the fore-mentioned Department. The existing residential and workshop facilities located in Unit U are currently located on a portion of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province and have not been subdivided from the remainder of this property. The Department of Public Works and Roads recently donated these structures to the Maquassi Hills Local Municipality and the fore-mentioned municipality subsequently resolved to alienate the structures to either the current occupiers thereof or to other interested parties. As this area has not been subject to the formal township establishment process, the Maquassi Hills Local Municipality appointed Maxim Planning Solutions (Pty) Ltd to attend to the statutory township establishment process as prescribed in terms of the relevant legislation. This township establishment process will provide security of tenure to the existing inhabitants of the residential structures as same can now be transferred to the respective beneficiaries thereof.

## 1.2 BACKGROUND OF MAQUASSI HILLS LOCAL MUNICIPALITY

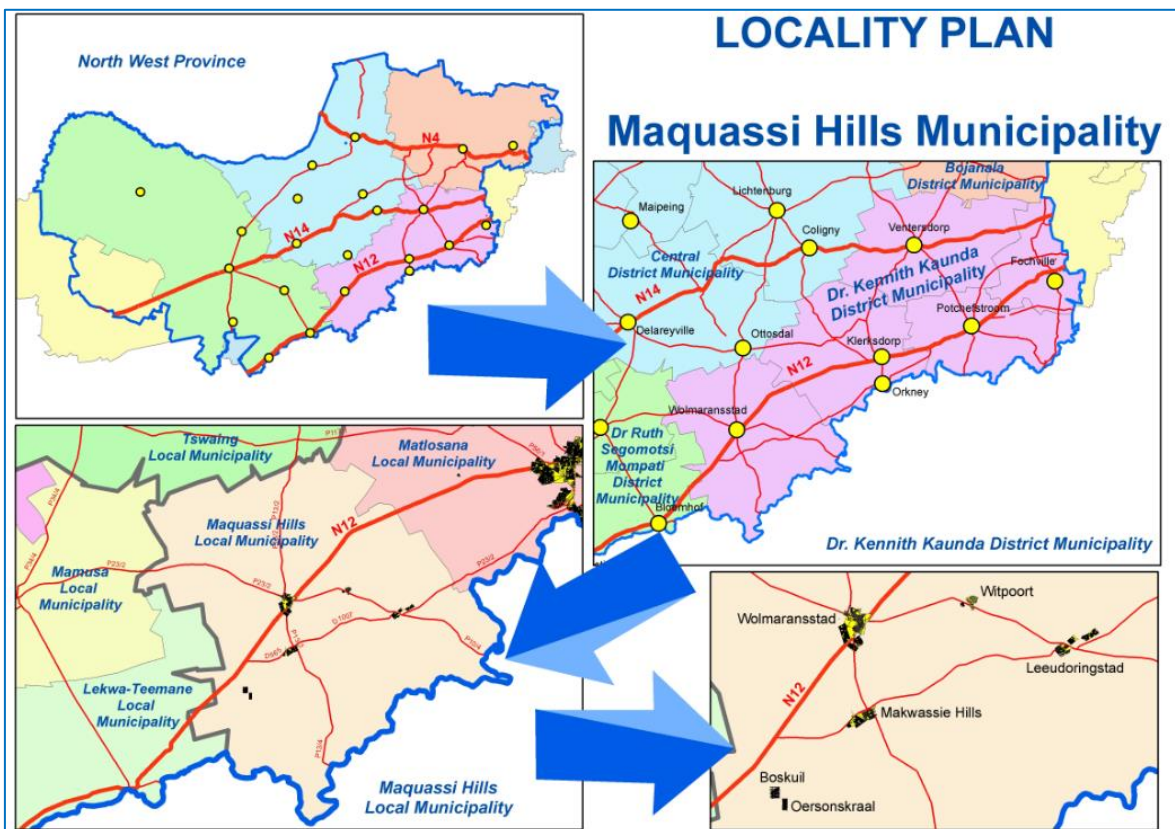
### 1.2.1 REGIONAL LOCALITY

Maquassi Hills Local Municipality is situated in the western part of the Kenneth Kaunda District Municipality and covers an area of 4644km<sup>2</sup>. Maquassi Hills Local Municipality is home to between 70 000 and 90 000 people and consists of the urban areas of Wolmaransstad, Leeudoringstad, Makwassie and Witpoort as well as the rural villages of Boskuil, Oersonskraal and Kareepan. Of the total population 91,6% are urbanised, indicating that most of the people are staying within the urban areas.

According to the North West Spatial Development Framework (NWSDf), Wolmaransstad was identified as a District Development Node and Leeudoringstad, Makwassie and Witpoort as Local Development Nodes. The NWSDf states that the attractiveness of Wolmaransstad should be enhanced through the improvement of basic infrastructure, the attractiveness of the area as well as the service function of the area to fulfil the basic needs of the urban and rural population within the municipal area whilst the local nodes should mainly concentrate on the local needs of the population within these nodes.

Maquassi Hills has the status of a Local Municipality (NW404) in terms of the Municipal Demarcation Act of 1998, and is located in the Dr. Kenneth Kaunda District Municipality (DC40) of the North West Province.

**Map 1: Locality of Maquassi Hills in regional context**



The Municipality forms the western portion of the Dr. Kenneth Kaunda District Municipality and consists of the disestablished municipalities of Wolmaransstad, Leeudoringstad, Makwassie and Witpoort.

The dominated urban form centres on several residential settlements that serve the local population and agricultural and mining sector. Linkages between the settlement nodes and the rural orientated hinterland exist.

## 1.2.2 DEMOGRAPHICS

The demographic profile illustrates the trends in population and household growth as well as average income and the level of employment on a sub-place level within the local municipal area.

### 1.2.2.1 Population & Household

The Maquassi Hills Local Municipality has had positive population growth over the past decade. The 2001 and 2011 census data illustrate that the number of people in the municipal area increased by approximately 8 700 while the number of households increased by 3 200 over this period. This represents an annual population growth rate of 1.2% and a household growth rate of 1.7%. The 2011 population and household figures per sub-place as well as the 2015 and 2020 estimates are provided in the table below.

**Table 1: Population & Household Total**

	Population total (2011)	Household total (2011)	Household Size
Boskuil SP	1 199	316	3.8
Kgakala SP	8 335	2 398	3.5
Leeudoringstad SP1	1 278	509	2.5
Leeudoringstad SP2	3 778	1 031	3.7
Lebaleng	12 433	2 887	4.3
Makwassie SP1	919	269	3.4
Bloemhofdam Nature Reserve	-	-	-
Maquassi Hills NU	14 571	4 205	3.5
Wolwespruit Nature Reserve	19	13	1.5
Rulaganyang SP	1 510	473	3.2
Trotsville SP	12 626	3 245	3.9
Tswelelang SP	17 234	4 145	4.2
Witpoort SP1	-	-	-
Witpoort SP2	259	80	3.2
Wolmaransstad SP1	-	-	-
<b>Wolmaransstad SP2</b>	<b>3 630</b>	<b>935</b>	<b>3.9</b>
<b>Total 2011</b>	<b>77 791</b>	<b>20 506</b>	<b>3.8</b>
<b>2015 projection</b>	<b>81 598</b>	<b>21 948</b>	<b>3.7</b>
<b>2020 projection</b>	<b>86 621</b>	<b>23 893</b>	<b>3.6</b>

Source: Own estimates, Stats SA & Quantec, 2015

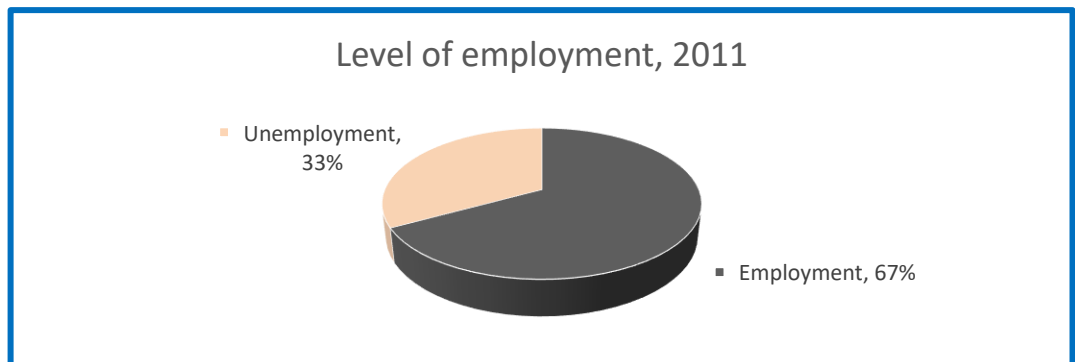
The population total for 2020 is estimated at 86 621 while the households is estimated to total 23 893. This represents an increase over the next 5 years of 5 022 people and 1 945 households.

### 1.2.2.2 Level of Employment

The level of employment is an indication of employment and unemployment on a sub-place level within the municipal area.

The employment level within the municipal area is illustrated in **Figure 1**.

**Figure 1: Level of employment, 2011**



Source: Quantec, 2015

The municipal area has a higher unemployment level when compared to the national average (25%). Furthermore, the segment of economically active people amounts to only 48% of the workforce with 52% being not economically active (students, discouraged work seeker, etc.). **Table 2** shows the level of employment on a sub-place level.

The sub-places where employment levels are high include Witpoort SP1, Leeudoringstad SP1, Wolmaransstad SP1, Maquassi Hills NU and Makwassie SP1 are all above 90%. The sub places with low levels of employment include Tswelalang, Lebaleng, Trotsville SP, Boskuil SP, Leeudoringstad SP2 and Kgakala SP is below 65% employed.



**Table 2: Employment level per sub-place, 2011**

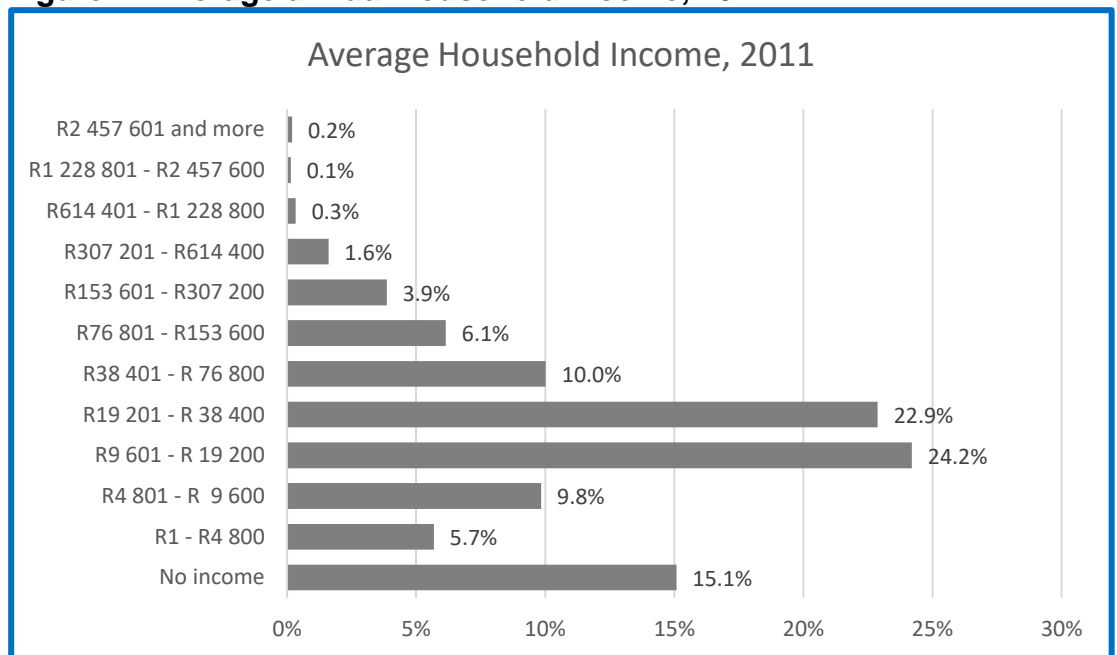
Sub-place	Employed	Unemployed
Boskuil SP	54%	46%
Kgakala SP	62%	38%
Leeudoringstad SP1	93%	7%
Leeudoringstad SP2	60%	40%
Lebaleng	50%	50%
Makwassie SP1	91%	9%
Bloemhofdam Nature Reserve	0%	0%
Maquassi Hills NU	91%	9%
Wolwespruit Nature Reserve	100%	0%
Rulaganyang SP	77%	23%
Trotsville SP	53%	47%
Tswelelang SP	47%	53%
Witpoort SP1	0%	0%
Witpoort SP2	95%	5%
Wolmaransstad SP1	0%	0%
Wolmaransstad SP2	92%	8%
Total	67%	33%

Source: Quantec, 2015

**1.2.2.3 Household Income**

The average annual household income for the municipal area is illustrated in Figure 2. The figure shows that the majority (47%) of households earn between R9 601 and R38 400 per annum.

**Figure 2: Average annual household income, 2011**



Source: Stats SA, Quantec, 2015

A large segment of the market earns no income at all, representing 15.1% of all households. The municipal area can be regarded as a low to middle income earning area with 88% of households earning less than R76 800 per annum or R6 400 per month.

- Average annual household income for the municipal area in **2011 was R52 988 per annum or R4 416 per month**
- Average annual household income for the municipal area in **2015 is R60 041 per annum or R5 003 per month**

**Table 3** shows the average annual household income per sub-place.

**Table 3: Average annual household income per sub-place**

Sub place	Weighted Average Household Income (2011)	Weighted Average Household Income (2015)
Wolmaransstad SP2	R195 137	R221 113
Wolwespruit Nature Reserve	R168 370	R190 783
Makwassie SP1	R136 577	R154 758
Leeudoringstad SP1	R100 253	R113 599
Witpoort SP2	R99 360	R112 587
Maquassi Hills NU	R69 727	R79 009
Tswelelang SP	R43 342	R49 112
Lebaleng	R40 800	R46 231
Kgakala SP	R36 951	R41 870
Trotsville SP	R26 414	R29 930
Leeudoringstad SP2	R26 047	R29 514
Rulaganyang SP	R20 459	R23 182
Boskuil SP	R14 902	R16 885
Bloemhofdam Nature Reserve	n/a	n/a
Witpoort SP1	n/a	n/a
Wolmaransstad SP1	n/a	n/a

Source: Own calculations, Quantec, Stats SA, 2015

#### 1.3.2.4 Summary

The Maquassi Hills Local Municipality area has an estimated population of 81 598 and household total of 21 948 in 2015. The number of people employed (67%) in the local economy is below the national average (75%) while only 48% of the workforce is economically active. This increases dependency on those with employment. The average household income indicates a low to middle income area with an average household income of R5 003 in 2015.

**Table 4** summarises the households that are within the following three income ranges;

- R0 – R3 500
- R3 500 – R7 500

- R7 500 and higher

**Table 4: Number of households per income segment**

Sub places	R0 – R3 500	R3 500 – R7 500	R7 500+
Boskuil SP	294	14	8
Kgakala SP	1 988	265	145
Leeudoringstad SP1	262	82	165
Leeudoringstad SP2	945	63	24
Lebaleng	2 486	268	134
Makwassie SP1	121	58	90
Bloemhofdam Nature Reserve	-	-	-
Maquassi Hills NU	3 294	364	547
Wolwespruit Nature Reserve	1	6	6
Rulaganyang SP	418	40	15
Trotsville SP	2 781	326	138
Tsweleng SP	3 256	500	389
Witpoort SP1	-	-	-
Witpoort SP2	42	16	23
Wolmaransstad SP1	-	-	-
<b>Wolmaransstad SP2</b>	<b>249</b>	<b>163</b>	<b>523</b>
<b>Total</b>	<b>16 136</b>	<b>2 165</b>	<b>2 206</b>

Source: Own calculations, Stat SA, 2015

### 1.3 PRE-PLANNING STUDIES

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

- Aerial- and Contour survey conducted by TMK Professional Land Surveyors;
- Geotechnical investigation of the development area conducted by Geoset CC;
- Phase 1 Heritage Impact Assessment conducted by A Pelser Archaeological Consulting CC;

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

### 1.4 APPLICATION

Maxim Planning Solutions (Pty) Ltd is hereby applying on behalf of the Maquassi Hills Local Municipality for the establishment of the proposed township Wolmaransstad Extension 20 on a portion of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province in terms of the provisions of Section 53(1) of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management and Section 107(1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read together with Sections 41(1) and 42(1)(a) and paragraph (g) of Schedule 1 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

## 1.5 PUBLIC PARTICIPATION

The application in respect of the establishment of the proposed township Wolmaransstad Extension 20 will be advertised in accordance with Section 92(1)(a) of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management and Section 108(1)(a), Regulation 26(1) and Annexure 16 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) in the Beeld and Citizen on 21 and 28 May 2017 as well as in the North West Provincial Gazette on 21 and 28 May 2019 (refer **Annexure Q** of the comprehensive Land Development Application for the draft newspaper notices). Objectors will be afforded a period of 30 days from 21 May 2019 to submit objections or comments in respect of the proposed township area to the Municipal Manager and the authorised agent.

The application will also, in accordance with the prescriptions of Section 93(1)(c) of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management read with Section 108(1)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) be referred to the following external organizations / departments for comments or objections:

- ✘ Department of Public Works and Roads
- ✘ Openserve (Telkom SA Limited)
- ✘ Eskom
- ✘ Dr. Kenneth Kaunda District Municipality (DRKKDM)
- ✘ Department of Minerals Resources (DMR)
- ✘ Department of Agriculture, Forestry & Fisheries (DAFF)
- ✘ Department of Water and Sanitation (DWS)
- ✘ Department of Local Government and Human Settlements (DLGHS)
- ✘ Department of Education
- ✘ Department of Health
- ✘ South African Post Office (SAPO)
- ✘ Transnet Freight Rail
- ✘ South African Heritage Resources Agency (SAHRA)
- ✘ South African National Roads Agency Limited (SANRAL)
- ✘ Sedibeng Water
- ✘ Department Rural, Environment and Agricultural Development (READ)

(Refer **Annexure S** to the comprehensive Land Development Application for notices to external departments / organizations).

The fore-mentioned organizations / departments will be afforded a period of 60 days to comment in this matter in accordance with the prescriptions of Section 108 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with paragraph I of Schedule 1 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

In addition to the fore-mentioned notices, notices will also be served on all adjacent property owners in accordance with the prescriptions of Section 93(1)(c) of the Maquassi Hills Local Municipality Municipal By-law on Spatial Planning and Land Use Management (refer **Annexure R** to the comprehensive Land Development Application for the draft notices to adjacent property owners).

To ensure the greatest extent of public participation, notices will also be posted on the subject property in accordance with the prescriptions of Section 95(1)(a) of the Maquassi Hills Local Municipality Municipal By-law on Spatial Planning and Land Use Management (refer **Annexure T** of the comprehensive Land Development Application for draft site notices).

## **1.6 STUDY AREA DELINEATION**

The proposed development area comprises a portion of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province as described in detail in section 2.1.

## **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 AREAS

## 2.1 LOCALITY

The proposed township Wolmaransstad Extension 20 is located within the western part of the urban area of Wolmaransstad and is located directly adjacent and to the east of Road D185 (Wolmaransstad – Leeuwfontein Road), to the west of Jansen Street, to the west and south of the township area of Wolmaransstad Extension 7 and comprises the former road camp of the Department of Public Works and Roads (generally referred to as Unit U or “Eenheid U”).

**Map 2: Locality of proposed development area**



The proposed township Wolmaransstad Extension 20 is located on a portion of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province.

The proposed township area detailed above is located within the area of jurisdiction of the Maquassi Hills Local Municipality which in turn falls within the area of jurisdiction of the Dr. Kenneth Kaunda District Municipality.

A locality plan of the proposed township area is attached to the comprehensive Land Development Application as **Annexure F**.

## **2.2 SG DIAGRAM**

The Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province is reflected on SG Diagram No. A.301/1907 (attached as **Annexure G** to the comprehensive Land Development Application).

## **2.3 OWNER**

The Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province is currently registered in the name of the Maquassi Hills Local Municipality by virtue of Grant No. 46/1910 (refer **Annexure H** to the comprehensive Land Development Application).

## **2.4 AREA**

The proposed township area of Wolmaransstad Extension 20 will comprise a total area of ±10,1874 hectares.

## **2.5 EXISTING LAND USE AND ZONING**

The proposed development area is currently utilized for the following purposes:

- 60 residential houses together with outbuildings (refer **Plates 1 and 2**)
- Workshops and storage areas of the Department of Public Works and Roads (refer **Plates 3 and 4**)
- Social Hall (refer **Plate 5**);
- Sub-Station site of the Maquassi Hills Local Municipality (refer **Plate 6**)
- Tarred streets (refer **Plate 7**)

Preliminary indications are that the existing residential structures located on the development area pre-dates the 1970's as the township area of Wolmaransstad Extension 7 was established in 1970 and surrounds the Unit U development area on two (2) sides (north and east).



**Plate 1: Existing residential houses**



**Plate 2: Existing outbuildings (garages)**



**Plate 3: Dep Public Works and Roads workshops and storage areas**



**Plate 4: Dep Public Works and Roads workshops and storage areas**



**Plate 5: Wolmaransstad Kommando Hall**



**Plate 6: Existing sub-station infrastructure**





**Plate 7: View of internal streets**



**Plate 8: View of internal streets**

The surrounding area is predominately utilized for the following purposes. The area directly north of the proposed township area comprises the township area of Wolmaransstad Extension 7 which is predominantly utilized for light industrial and commercial purposes. There are also a vacant business building located directly adjacent to the proposed township area (refer **Plates 9 to 11**). The area directly adjacent to the eastern boundary of the proposed township area comprises part of the township area of Wolmaransstad Extension 7 which is currently still vacant. The areas to the west and south of the proposed township area are currently still vacant.



**Plate 9: Vacant business building on Erf 813 Wolmaransstad Extension 7**



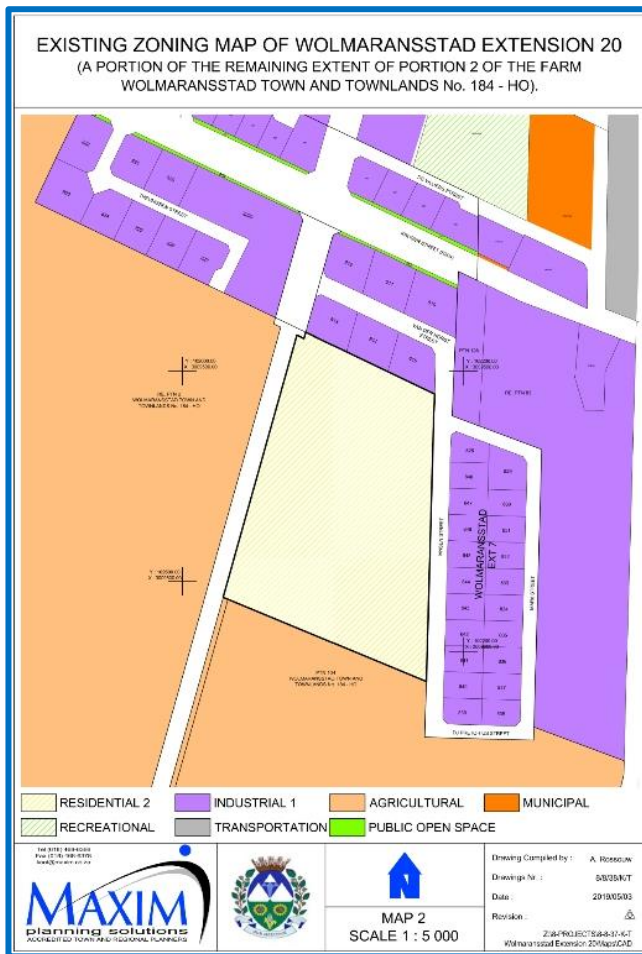
**Plate 10: Existing diesel depot on Erf 814 Wolmaransstad Extension 7**



**Plate 11: Existing commercial/business infrastructure on Erf 815 Wolmaransstad Extension 7**

In terms of the Maquassi Hills Land Use Scheme, 2007 the subject property is currently zoned “Residential 2” (as depicted on the following zoning map extracted from the Maquassi Hills Land Use Scheme, 2007) which allows for the property to be used for multiple residential dwelling units.

**Map 3: Extract from the Maquassi Hills Land Use Management Scheme, 2007**



## 2.6 MINERAL RIGHTS

According to Crown Grant No. 46/1910, the rights to minerals in respect of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184-HO were separated from the property rights and currently vest in the name of the Maquassi Hills Local Municipality by virtue of Certificate of Mineral Rights K3624/1997RM registered on 20 June 1997 (refer **Annexure H** to the comprehensive Land Development Application).

The above-mentioned reservation of rights to minerals is however 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 application for township establishment will subsequently also be referred to the Department of Minerals and Energy for its consent in respect of the proposed township.

## 2.7 RESTRICTIVE TITLE CONDITIONS

According to Grant No. 46/1910, the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province is subject to the following title conditions, which will be dealt with as indicated:

- (a) ***“THIS GRANT SHALL BE SUBJECT to all conditions and stipulations contained in the Town Lands Ordinance 1904, and in any amendment thereof and shall also be subject to all rights and servitudes which now affect or at any time hereafter may be found to affect the title to the land hereby transferred or to be binding on the Government in respect of the said Land as at the date thereof.”***

*This condition has since lapsed through repeal by virtue of the Pre-Union Statute Law Revision Act, 1967 (Act 36 of 1967) and should not be brought forward to the Certificate of Registered Title to be registered in respect of the proposed township area*

- (b) ***“The said Council of the Municipality of Wolmaransstad as the registered owner of the within property shall have the right to make a dam and construct a water furrow to and in favour of the town of Wolmaransstad on that portion known as Port-Allen of the quitrent farm Vlakfontein No. 131, Wolmaransstad in extent Three thousand two hundred and seventy five (3,275) morgen Three hundred and ninety three (393) square roods, held by Johan Christian Bornman under Deed of Transfer No. 308/1882, as more fully described in Deed of Permission (Acte van Vergunning) No. 584 of 1896, dated 13<sup>th</sup> April 1895 – and registered in the Deeds Office on the 29<sup>th</sup> July 1896, Book C., Folio 1045”.***

*This right should not be passed on to the erven in the township*

- (c) ***“THIS GRANT is made on the conditions that all roads already made over this land by lawful authority shall remain free and unobstructed, that the land shall be subject to grazing for the cattle of travellers, that the said land shall be further subject to such stipulations as have been established or may hereafter be established by the Legislature and finally that the owners shall be liable to***

***the prompt payment of an annual tax as provided in Law No. 4 of 1899 in any amendment thereof.***

*This condition should not be passed on to the erven in the township*

**(d) “AND WHEREAS certain portions of the farm known as THE WOLMARANSSTAD TOWN AND TOWNLANDS, NO. 173, situate in the District of Wolmaransstad, Ward “Lower”, and shown on the diagram hereunto annexed (marked S.G. No. A301/07) framed in the Surveyor-General’s Office, Pretoria, from surveys made by Surveyor Franz. Visser in December 1905, have been reserved under Section three of the Town Lands Ordinance, 1904, by the Government of the Transvaal for public purposes, measuring respectively:-**

**(a) TEN (10) MORGEN.**

**(b) FOUR (4) MORGEN.**

**(c) SEVEN (7) MORGEN, FOUR HUNDRED AND FORTY- NINE (449) SQUARE ROODS.**

**(d) TWO (2) MORGEN, FIVE HUNDRED AND SEVENTY-EIGHT (578) SQUARE ROODS.**

**(e) NINETY-THREE (93) MORGEN, THREE HUNDRED AND FORTY-TWO (342) SQUARE ROODS.”**

*This condition has since lapsed through repeal by virtue of Act 36 of 1976 and should not be brought forward to the Certificate of Registered Title to be registered in respect of the proposed township area*

**(e) “By Notarial Deed K2187/85S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram and which servitude’s route was described by Notarial Deed K221/1990S”.**

*The servitude in favour of Eskom does not affect the proposed township area due to the location hereof in relation to the proposed township area*

**(f) “By Notarial Deed K2188/85S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram”.**

*The servitude in favour of Eskom does not affect the proposed township area due to the location hereof in relation to the proposed township area*

**(g) “Kragtens Notariële Akte No. K3917/88S gedateer 24-10-88 is die hierinvermelde eiendom onderhewig aan ‘n ewigdurende serwituit van**

**waterleiding t.g.v. OVS-Goudvelde-Waterraad soos meer volledig sal blyk uit gemelde Notariële Akte waarvan 'n afskrif hieraan geheg is."**

*The locality of the water pipeline in favour of OVS-Goudvelde-Waterraad (now Sedibeng Water) is known and does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

- (h) "The within mentioned servitude of a dam and waterfurrow over certain portions of the farm Vlakfontein No. 131 District Wolmaransstad has been more clearly defined by Notarial Deed No. 107/1915S."**

*This servitude in respect of a dam and water furrow does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

- (i) "By Notarial Deed no. 335/1962S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram, grosse whereof is hereunto annexed."**

*This servitude in favour of Eskom does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

- (j) "By Notarial Deed No. 118/1969S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram, gross whereof is hereunto annexed"**

*This servitude in favour of Eskom does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

- (k) "Kragtens Notariële Akte No. K2249/98S gedateer 24-03-98 is die hierinvermelde eiendom onderhewig aan 'n ewigdurende serwituut oor die gebied gemerk ABCDEF soos aangedui op kaart LG No. 8147/97 ten gunste van Goudveld Water soos meer volledig sal blyk uit gemelde Notariële Akte waarvan 'n afskruf hieraan geheg is".**

*This servitude in favour of Goudveld Water (now Sedibeng Water) does not affect the proposed township area due to the location hereof in relation to the proposed township area.*

- (l) "BY VIRTUE OF THE UNDERMENTIONED NOTARIAL DEED THE ROUTE OF THE WITHIN-MENTIONED POWERLINE SERVITUDE HAS BEEN DETERMINED. K221/1990S."**

*This servitude constitutes the route determination of Notarial Deed of Servitude K2187/1985S and does not affect he proposed township area due to the location thereof.*

- (m) "By Notarial Deed No. 501/1963S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary**

***rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram, grosse whereof is hereunto annexed”.***

*This servitude in favour of Eskom does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

- (n) ***“By Notarial Deed K2189/85S, the right has been granted to ESKOM to convey electricity over the property hereby conveyed together with ancillary rights, and subject to conditions, as will more fully appear on reference to said Notarial Deed and diagram, grosse whereof is hereunto annexed.”***

*This servitude in favour of Eskom does not affect the proposed township area due to the location thereof in relation to the proposed township area.*

The applicability of the existing title conditions was also confirmed via a Conveyancer Certificate issued by Mr. Wilhelm Steyn of the company Coetzer & Steyn Attorneys (Pretoria) who has attended to the opening of township registers in respect of various Wolmaransstad township areas and who is proficient with the existing title conditions (refer **Annexure V** of the comprehensive Land Development Application for the Conveyancer Certificate).

## **2.8 SERVITUDES**

As alluded to in Section 2.7 supra, the portion of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province to which this application applies, is not subject to any servitudes affecting the development area directly. In the case of servitudes including ancillary rights, applications will be submitted to the respective servitude holders for their consent in respect of the transfer of the erven in the proposed township area free from the concerned servitude.

It is however pertinent to note that the western boundary of the proposed township area aligns with an existing road proclamation as indicated on diagram SG No. A.2419/1965 (refer **Annexure L** to the comprehensive Land Development Application).

## **2.9 LAND CLAIMS**

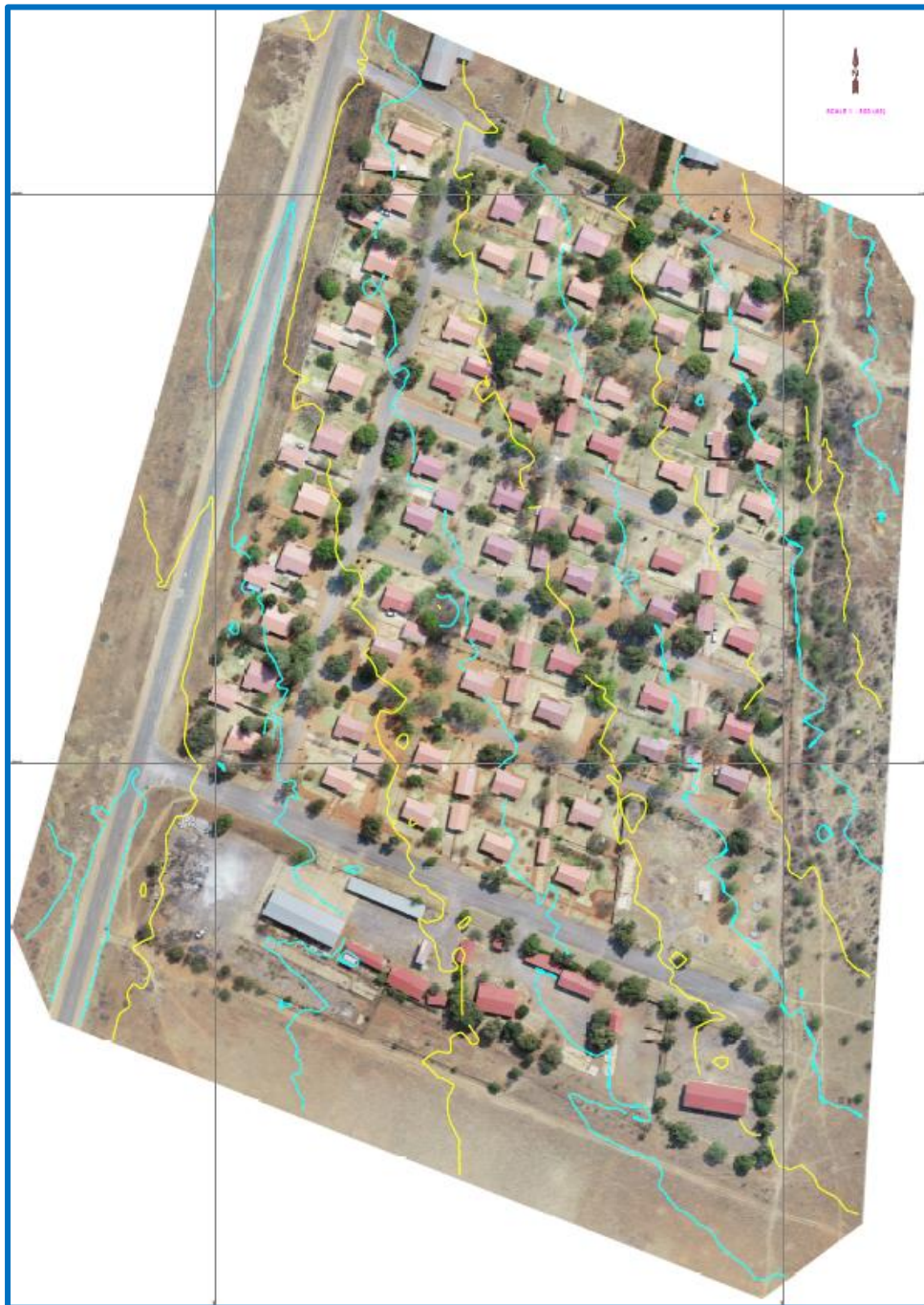
In order to ascertain whether a land claim has been registered in respect of the Remaining Extent of Portion 2 of the farm Wolmaransstad Town and Townlands No. 184, Registration Division H.O., North West Province, a request was submitted to the Commission on Restitution of Land Rights on 12 April 2019 (refer **Annexure J** to the comprehensive Land Development Application). At present we have not received any feedback from the Commission on Restitution of Land Rights and any feedback received from the fore-mentioned Commission will be forwarded to the Maquassi Hills Local Municipality in due course.

## CHAPTER 3: PHYSICAL ASPECTS

### 3.1 TOPOGRAPHY

As part of the pre-planning studies that were conducted in respect of the development area, an aerial survey was conducted of the development area by TMK Professional Land Surveyors who also attended to the generation of contour map in respect of the study area. (refer **Map 4**).

**Map 4: Results of contour survey of development area**



The proposed development area is located on a very shallow slope towards the south-west and is situated at between 1371.5 and 1375.5 metres above mean sea level. No other topographical features are found on site that will impact negatively on the proposed township area or that need to be incorporated in the layout plan of the proposed township area.

### **3.2 CLIMATE**

The region is characterized by summer rainfall with thunderstorms, with annual rainfall figures of 625 mm (Potchefstroom - Agriculture) recorded at the closest weather station 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 Wolmaransstad. 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 FRESHWATER SYSTEM / DRAINAGE**

The proposed development area is located within the Middle Vaal Water Management Area. Plate flow is the dominant drainage pattern on site and no drainage channel intersects the site. Drainage occurs in a southerly direction towards the Makwassie River, a tributary to the Vaal River.

The proposed township area is not subject to the 1:100 year floodline of any river or stream.

Stormwater diversion measures such as ponding pools are recommended to control peak flows during thunderstorms. All embankments must be adequately compacted and planted with grass to stop any excessive erosion and scouring of the landscape.

### **3.4 WETLANDS AND PANS**

As detailed in section 3.3 supra, the development area is not affected by the 1:100 year floodline of any river or stream and no wetlands or pans are present on site.

### **3.5 VEGETATION**

The area is typically characterized by Bankenveld False grassveld *veld type* (Acocks, 1988). The site itself is covered by some indigenous trees within the fully developed site. In terms of this specific development area, cognisance should be taken of the fact that the area has previously already developed into fenced residential stands with dwelling houses



erected on each fenced stand. The development area is therefore characterized by vegetation generally associated with urban residential stands (e.g. kikuyu grass, flowering plants, shrubs and trees)



**Plate 12: View of typical vegetation on each of the residential erven**

### **3.6 GROUNDWATER**

A slightly ferruginised profile indicates that some perennial water level fluctuations occur.

Although no ground water even in the form of seepage was intersected in any test pit during the geotechnical investigation, some minor problems are foreseen and normal water tightening techniques such as damp course on foundation levels are required due to the presence of the slightly ferruginised or moist profile.

### **3.7 GEOLOGY** (Extract from Geotechnical Report compiled by Geoset attached as **Annexure N** to the comprehensive Land Development Application)

The site is underlain by amygdaloidal lava, agglomerate and tuff of the Rietgat Formation, Platberg Group of the Ventersdorp Supergroup.

Deposits of quaternary age consist of soil cover as colluvium and alluvium covering the lithology.

No dolomite occurs in the area and no stability investigation is required.

### **3.7.1 SITE EVALUATION**

Although no seepage or the presence of perennial fluctuations of ground water were encountered on site, the presence of ferruginised soil indicates that a seasonal perched water table may exist.

Special care must be taken to ensure adequate surface drainage to prevent the accumulation of water next to structures.

The site contains slightly to moderately compressible soil, and modified normal to special foundations will be required.

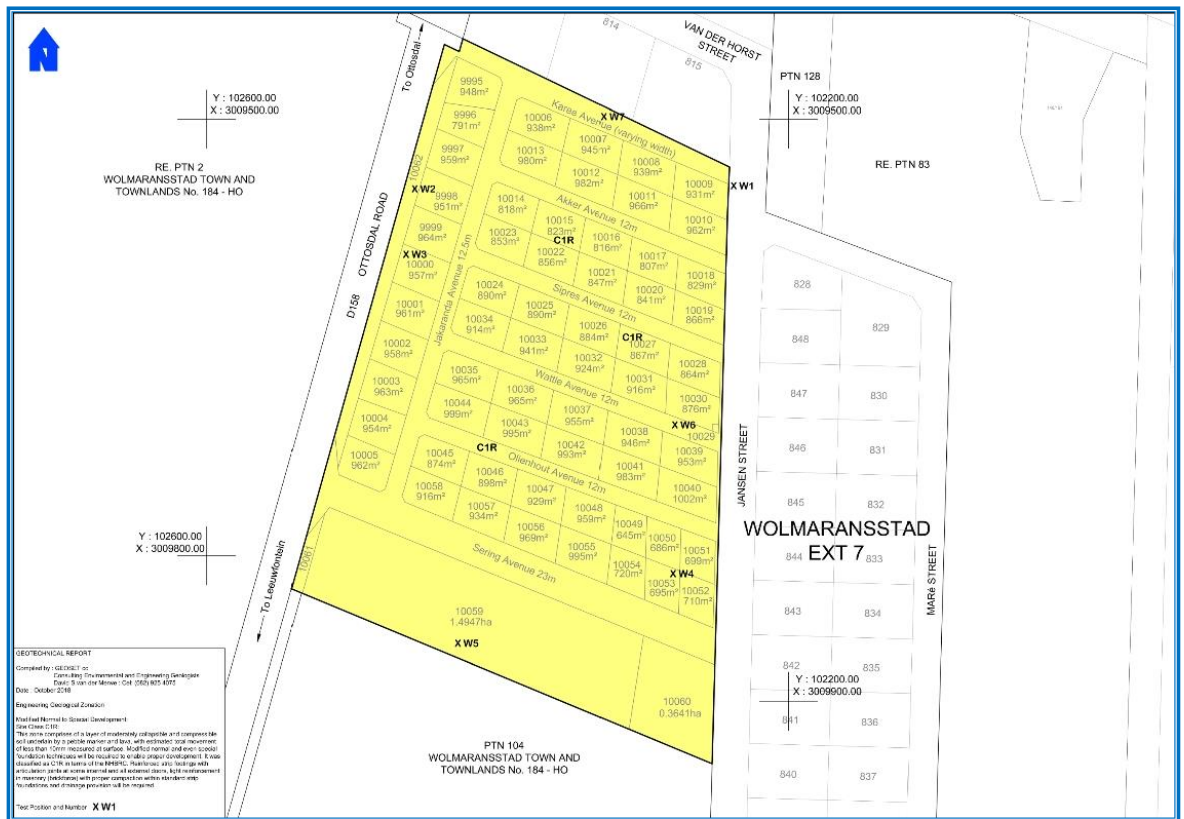
Some problems regarding excavatability can be expected on the site.

Retaining walls as well as slope stabilization measures are recommended on all constructed embankments exceeding 1,5m.

Storm water diversion measures such as ponding pools are recommended to control peak flows during thunderstorms. All embankments must be adequately compacted and planted with grass to stop any excessive erosion and scouring of the landscape.

### **3.7.2 SITE ZONATION**

In terms of the results of the geotechnical investigation, the development area was divided into the following geotechnical zone which is described in detail in this section and also reflected on **Map 5**:



**Map 5: Geotechnical Site Zonation**

**Modified Normal to Special Development:**  
**Site Class C1R:**

This zone comprises of a layer of moderately collapsible and compressible soil underlain by a pebble marker and lava, with estimated total movement of less than 10mm measured at surface. Modified normal and even special foundation techniques will be required to enable proper development. It was classified as C1R in terms of the NHBRC. Reinforced strip footings with articulation joints at some internal and all external doors, light reinforcement in masonry (brickforce) with proper compaction within standard strip foundations and drainage provision will be required.

The geotechnical problems encountered will require modified normal foundation techniques and construction. It includes the use of steel reinforced strip footing foundations and proper standard compaction techniques, soil rafts and drainage provision.

The comprehensive Geotechnical Report is attached as **Annexure N** to the comprehensive Land Development Application.

### **3.7.3 FOUNDATION RECOMMENDATIONS AND SOLUTIONS**

#### ***Consolidation or collapse settlement***

##### **Site Class C (Estimated total Settlement of less than 5mm):**

###### Normal Construction:

Minor collapse settlement requires normal construction (strip footing and slab on the ground) with compaction in foundation trenches and good site drainage.

##### **Site Class C1 (Estimated total Settlement of between 5 and 10mm):**

###### Modified normal construction:

Reinforced strip footing and slab on the ground.

Articulation joints at some internal and all external doors and openings.

Light reinforcement in masonry.

Site drainage and service/plumbing precautions recommended.

Foundation pressure not to exceed 50 kPa (single storey buildings).

###### Compaction of in situ soils below individual footings:

Remove in situ material below foundations to a depth and width of 1,5 times the foundation width or to a competent horizon and replace with material compacted to 93% MOD AASHTO density at -1% to +2% of optimum moisture content.

Normal construction with light reinforcement in strip foundation and masonry.

###### Deep strip foundations

Normal construction with drainage precaution.

Founding on a competent horizon below problem horizon.

###### Soil Raft

Remove in situ material to 1,0m beyond perimeter of building to a depth and width of 1,5 times the widest foundation or to a competent horizon and replace with material compacted to 93% MOD AASHTO density at -1% to +2% of optimum moisture content.

Normal construction with lightly reinforced strip footings and masonry.

#### ***Expansive soil***

##### **Site Class H (Estimated total heave of less than 7.5mm):**

Soil tested as medium expansive with a clay layer thickness of up to 0,45m from surface

###### Normal construction:

Minor heave requires normal construction (strip footing and slab on the ground) with site drainage and service/plumbing precautions recommended.

### **3.7.4 EXCAVATION CLASSIFICATION WITH RESPECT TO SERVICES**

The excavation characteristics of the different soil horizons encountered have been evaluated according to the South African Bureau of Standards standardised excavation classification for earthworks (SABS – 1200D) and earthworks (small works – SABS 1200DA). In terms of this classification and the in-situ soil/rock consistencies as profiled, the relationships given below are generally applicable.

1. “soft excavation” - very loose/very soft through to dense or stiff.
2. “intermediate excavation” - very dense/very stiff through to very soft rock.
3. “hard excavation” - soft rock or better

Problems regarding excavatability can be expected on the site, with possible sub outcrop areas classified as hard rock excavation.

The site was classified regarding excavation properties as more difficult when dry, and it was classified as soft to intermediate in restricted and non-restricted excavation (SANS 1200 D). Restricted access during wet summer months due to slippery conditions will also restrict development.

Areas comprising shallow rock, core stones and scattered lava rock outcrop classified as intermediate to hard rock excavation where the necessity of a competent TLB, pneumatic tools or even blasting is required.

To ensure the stability of excavations, it will need standard sidewall protection in excavations exceeding 1,5m.

### **3.7.5 CONCLUSION**

- The site is underlain by amygdaloidal lava, agglomerate and tuff of the Rietgat Formation, Platberg Group of the Ventersdorp Supergroup.
- Some problems are foreseen regarding the excavatability to 1,5m depth on site of shallow rock and core stones and during the dry season
- Zoning of the site revealed zones with constraints regarding the **collapse potential and compressibility of the soil and rock**
- Modified Normal to Special construction techniques will be required to enable proper development. This includes the use of steel reinforced foundations or soil rafts with compaction techniques and site drainage as described.

- **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.**

### **3.8 ENVIRONMENTAL IMPACT ASSESSMENT**

Due to the fact that this development was already established pre-1970 and only entails the statutory process of township establishment to allow for the alienation of the existing housing structures on a full title bass to the respective occupants thereof or to prospective buyers as well as the fact that all engineering services have already been installed for this development, the establishment of the proposed township area of Wolmaransstad Extension 20 does not comprise a listed activity as set in the National Environmental Management Act, 1998 (Act No. 107 of 1998), as amended and the Environmental Impact Assessment Regulations, 2014.

### **3.9 CULTURAL HERITAGE AREAS**

A Pelsers Archaeological Consulting was commissioned to conduct a Cultural Heritage Resources Impact Assessment in respect of the proposed development areas. The fore-mentioned assessment contained the following results:

As part of the assessment of the area, a desktop study was undertaken to put the farm and the general geographical area in a historical and archaeological context.

A number of known cultural heritage sites (archaeological and/or historical) exist in the larger geographical area within which the study area falls. There are no known sites on the specific land parcel.

No cultural heritage (archaeological and/or historical) sites, features or material were identified or recorded in the study area during the field assessment. The existing recent Department of Public Works residential area and related workshops and other structures would have extensively disturbed or destroyed any if had existed here in the past.

The residential structures, workshops and other related features are also younger than 60 years of age and of no cultural heritage significance. Furthermore, the demolition of these existing structures is not being planned, with the Wolmaransstad Extension 20 Township development comprising only the formalization of the existing Public Works residential area and workshops in Wolmaransstad generally referred to as "Unit U".

The Phase 1 Heritage Resources Impact Assessment concluded that ***"from a Cultural Heritage point of view it is therefore recommended that the development can continue. However, the subterranean presence of archaeological or historical sites,***

***features or objects is always a possibility. This could include previously unknown graves and/or unmarked burial pits. Should any be uncovered during the development process a heritage specialist should be called in to investigate and recommend on the best way forward.”.***

The South African Heritage Resources Agency (SAHRA) will in terms of normal practice be approached as part of the statutory township establishment process to submit their comments in respect of the proposed township area.

## CHAPTER 4: PROPOSED DEVELOPMENT

### 4.1 LAND USES

The residential and light industrial development generally referred to as Unit U (“Eenheid U”) was in all probably developed in the period pre-1970’s and provided housing to employees of the Department of Public Works and Roads whilst also providing workshop and storage facilities to the fore-mentioned Department. The land on which the residential structures and workshop infrastructure was developed however remained registered in the name of the Maquassi Hills Local Municipality and was leased to the Department of Public Works and Roads. The fore-mentioned Department recently donated the residential houses and workshop infrastructure to the Maquassi Hills Local Municipality. The fore-mentioned Municipality subsequently resolved to subject the concerned portion of land to a statutory township establishment process to allow for the existing residential structures to be alienated on a full title basis to either the current occupants thereof or to prospective buyers.

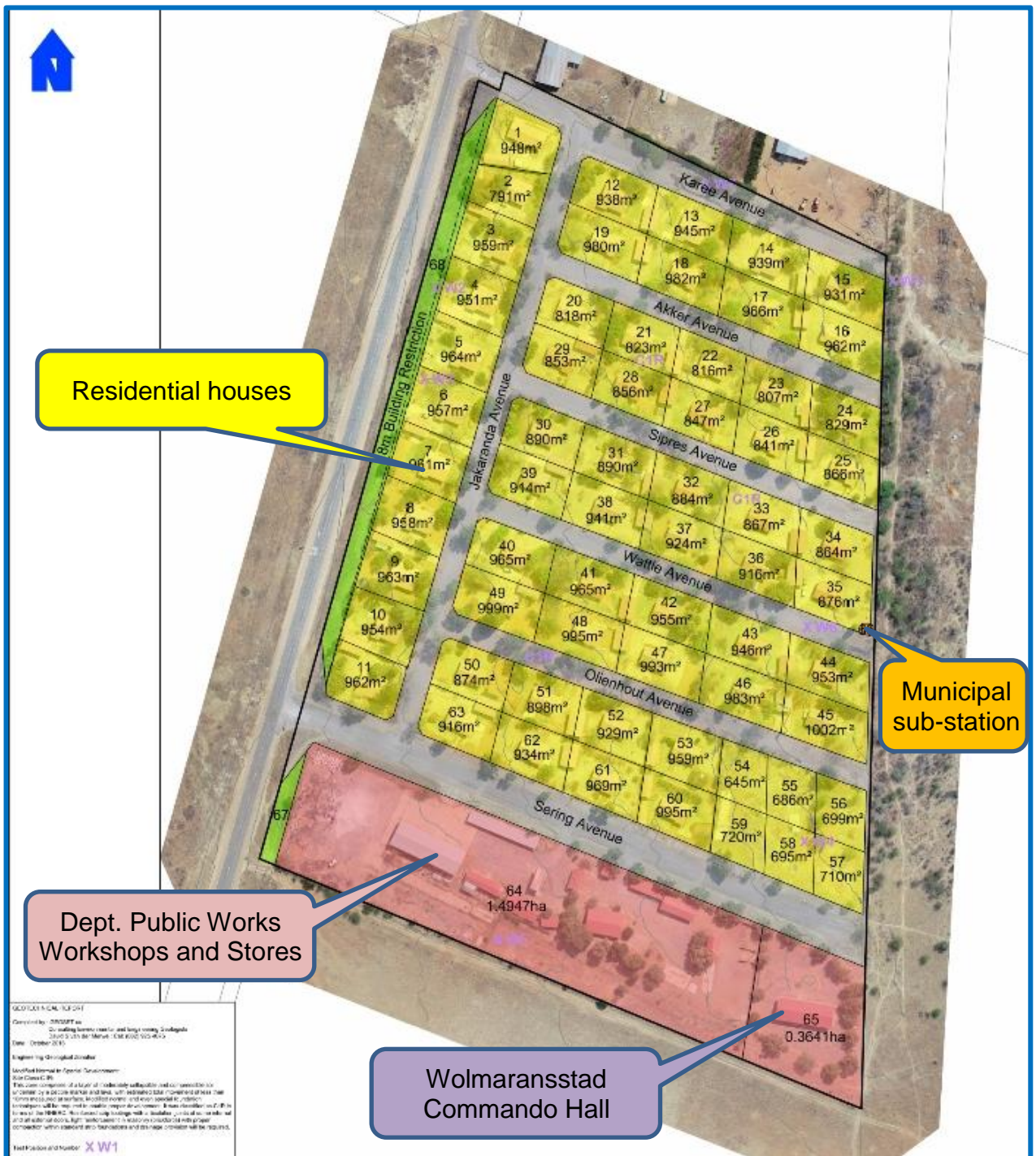
During the site inspection that was conducted prior to the finalization of the layout plan, it was noted that a few structures were demolished within the south-eastern part of the development area. At the instructions of the Maquassi Hills Local Municipality, this area was included in the layout plan and will make provision for three (3) additional residential erven that can be alienated to prospective buyers that wish to erected their own houses within this residential development. The Maquassi Hills Local Municipality has indicated that they are inundated with enquiries from residents wishing to acquire a residential stand for middle income housing purposes.

As mentioned in the preceding sections, the existing structures on the respective erven also include an outbuilding that houses two (2) garages. These garages will be located across a communal erf boundary and were surveyed in detail by the appointed land surveyor to allow each garage to be located on the erf served by such garage and to avoid encroachment of building structures onto adjacent properties from occurring once the township area is proclaimed.



**Plate 13: View of communal boundary dividing garage structure into two sections**





**Map 6: View of layout plan superimposed over existing residential and commercial structures**

The layout plan of the proposed township Wolmaransstad Extension 20 was to a large extent dictated by the location of existing building structures already located on the development area and set out to create individual erven to accommodate the individual land uses.

The layout plan of the proposed township Wolmaransstad Extension 20 makes provision for the following land uses:

**Table 5: Proposed zoning and land uses**

Use Zone	Proposed Land Use	Number of erven	Area in hectares	% of area
Residential 1	Dwelling house (average stand size 901m <sup>2</sup> )	63	5,6742	55,7%
Special	Commercial Use, Government Purposes, Municipal Purposes, Service Enterprise and Vehicle Workshop	1	1,4947	14,6%
Special	Commercial Use, Government Purposes, Municipal Purposes, Service Enterprise, Social Hall and Vehicle Workshop	1	0,3641	3,6%
Municipal	Electrical sub-station	1	0,0023	0,1%
Public Open Space	Parks	2	0,3022	2,9%
Existing public roads	Streets		2,3499	23,1%
<b>Total</b>		<b>68</b>	<b>10,1874</b>	<b>100%</b>

The following should be noted in respect of the land uses mentioned above:

- **Residential 1**

The layout plan makes provision for 63 residential erven with an average stand size of 901m<sup>2</sup>. These erven will be alienated on a full title basis. Sixty (60) of the fore-mentioned residential erven are already occupied by existing housing structures whereas three (3) additional vacant residential erven were created in an area where structures, previous utilized by the Department of Public Works and Roads, were recently demolished.

With regard to the residential structures erected on the various proposed erven, it is imperative to note that these structures together with the outbuildings were erected with asbestos siding and asbestos roof sheeting. Based on a general view of the existing residential structures and outbuildings, the asbestos siding and roof sheeting still seems to be of a good outwardly appearance. It is however of critical importance to note that asbestos was banned in South Africa in 2009 and can therefore no longer be used to erect new building structures. According to an article published on the website [www.homeinspection.co.za](http://www.homeinspection.co.za) on 09 May 2017 titled "Do I have asbestos in my home and need an inspection" it was indicated that products like undamaged ceiling tiles, floor tiles, cabinet tops, shingles, roof tiles, fire doors etc. will not release asbestos fibres unless disturbed, broken, impaired, spoilt or 'injured' in some way. For example, if an asbestos ceiling panel is drilled or broken it may release fibres but if left undisturbed, it will not – the integrity of the product

will remain intact. Sprayed on asbestos insulation is highly friable, ceiling or wall panels and floor tiles are not.

The Maquassi Hills Local Municipality is well aware of the potential health risks associated with the use of asbestos in the building materials of the houses currently erected in Unit U.

As asbestos has a limited lifespan, it is inevitable that the potential home owners of the residential erven in the township area of Wolmaransstad Extension 20 will in future have to replace the asbestos roof sheeting or wall siding panels or even demolish the structure to replace same with a structure built from more conventional building materials. During discussions with senior officials from the Maquassi Hills Local Municipality it was resolved to notify all potential purchasers of the extensive use of asbestos as building material in respect of the existing residential structures whilst similarly exempting the Maquassi Hills Local Municipality from claims arising from the use of asbestos as building material. Potential home owners will also be made aware of the need to employ a duly qualified and certified asbestos contractor when effecting repairs or removal of the existing structures.

For this purpose, we have proposed including the following condition in the title conditions of each erf in the township area:

- *“The owner with the full knowledge of the potential environmental and health risks associated with the use of Asbestos as construction material for the existing structures on the erf, waives any claim that it may have against the Maquassi Hills Local Municipality, its assigns and/or successors in title and indemnifies and holds Maquassi Hills Local Municipality and its assigns and/or successors in title harmless from any and all loss, actual expense, claims, harm or damage of whatsoever nature that the Owner may suffer howsoever arising from the use of Asbestos as construction material for the existing structures on the erf which waiver and indemnity Maquassi Hills Local Municipality hereby accepts”.*
- *“All alterations or additions to, modifications, maintenance or removal of any existing building structures on the erf constructed of Asbestos shall only be undertaken under the strict supervision of and by a contractor duly qualified and certified to undertake work of this nature and to the satisfaction of the Maquassi Hills Local Municipality”.*

The fore-mentioned conditions have been included in the draft Condition of Establishment compiled in respect of the proposed township area (refer **Annexure U** to the comprehensive Land Development Application).

- **Special**

The layout plan incorporates two (2) erven to be zoned as “Special” for the following purposes:

- Erf 10059: Commercial Use, Government Purposes, Municipal Purposes, Service Enterprise and Vehicle Workshop
- Erf 10060: Commercial Use, Government Purposes, Municipal Purposes, Service Enterprise, Social Hall and Vehicle Workshop

The land use rights detailed above is aimed at permitting the existing land uses already conducted from the concerned erven whilst also providing for the potential use of the existing building infrastructure by potential entrepreneurs wishing to lease a property for commercial purposes. Preliminary indications are also that the Department of Public Works and Roads intends to continue with the use of the existing non-residential infrastructure and same will be leased to the fore-mentioned Department by the Maquassi Hills Local Municipality.

The two (2) erven zoned “Special” will be subject to the following development parameters:

- Coverage: 70%
- Height: 2 storeys

- **Municipal**

The layout plan incorporates one (1) “Municipal” erf and same will accommodate an existing sub-station of the Maquassi Hills Local Municipality.

- **Public Open Space**

The 2 public open space erven provided as part of this development will primarily accommodate the building restriction applicable along Road D158 (Wolmaransstad-Leeuwfontein Road). In terms of normal practice, a building restriction of 16m would apply to the erven bordering onto a provincial and district road. Based on the location of existing building infrastructure on the erven bordering onto District Road D158, it was only possible to provide an 8m building restriction area. This matter was referred to the Department of Public Works and Roads who indicated that “in principle there is no objection to the layout of the plan.

In addition to the building restriction area that will apply to the concerned public open space erven, same will also be subject to a line-of-no-access along the boundary thereof abutting on District Road D158. The fore-mentioned building restriction and line-of-no-access were accommodated in the draft Conditions of Establishment of the proposed township area.

**Annexure W** to the comprehensive Land Development Application contains a list of the erven in the proposed township area and the areas of each erf as contemplated in terms

of paragraph 3(i) of Schedule 6 of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management.

## 4.2 **FACTORS INFLUENCING THE LAYOUT PLAN**

The layout plan of the proposed township area of Wolmaransstad Extension 20 was influenced by the following factors:

- ✦ Accommodating the existing residential structures and commercial facilities already located on site on erven in the proposed township area;
- ✦ Aligning the communal boundaries between erven occupied by outbuilding (garages) to avoid possible future encroachments;
- ✦ Accommodating the existing street network already in use to access the residential structures and commercial facilities;
- ✦ Accommodating the existing sub-station on an erf in the proposed township area;
- ✦ Providing the necessary road splays at the entrances to the proposed township area from District Road D158;
- ✦ Accommodating the existing entrances to and exists from the township area on the layout plan of the proposed township;
- ✦ The separation distance between the two accesses to the township area was also referred to the Department of Public Works and Roads as the two accesses have already been constructed;
- ✦ Providing for a line-of-no-access along the boundary of the township area bordering onto District Road D158;
- ✦ Providing a 55- and 61 metre line of no access along Sering Avenue and Karee Avenue respectively to allow for the stacking of vehicles wishing to join District Road D158 and to enhance the safety of vehicles entering the erven bordering onto these two streets;
- ✦ Aligning the western boundary of the proposed township area with Road Proclamation Diagram SG No. A.2419/1965; and
- ✦ Accommodating three (3) existing passages located along the eastern boundary of the proposed township area within the street network of the proposed township area.

## 4.3 **ACCESS**

Access to the proposed township area of Wolmaransstad Extension 20 will primarily be provided from District Road D158 located along the western boundary of the proposed township area (refer **Plates 14 and 15**). Two (2) streets within the existing development i.e. Sering Avenue and Karee Avenue link onto District Road D158 (refer **Plates 16 and 17**). The street network in the proposed township area all comprises tarred surfaces with reserve widths ranging between 12 and 23 metres (refer **Plates 18 and 19**).



**Plate 14: View of District Road D158 (direction south)**



**Plate 15: View of District Road D158 (direction north)**



**Plate 16: View of Sering Avenue intersection with District Road D158**



**Plate 17: View of Karee Avenue intersection with District Road D158**



**Plate 18: View of internal street**



**Plate 19: View of internal street**

The street network adopted for the proposed township area comprises a network of 12m, 12,5m and 23m streets and were designed to ensure proper surface stormwater drainage.

The following street names were previously assigned to the streets within the existing development and these street names are also reflected on the attached layout plan:

- Sering Avenue
- Olienhout Avenue
- Wattle Avenue
- Slpres Avenue
- Akker Avenue
- Karee Avenue
- Jakaranda Avenue

## CHAPTER 5: PROVISION OF ENGINEERING SERVICES

### 5.1 INTRODUCTION

Due to the fact that the proposed township area has already been fully serviced, no additional engineering services investigations were commissioned. The information contained in the following sections is based on visual observations as well as information provided by the Maquassi Hills Local Municipality

### 5.2 WATER SUPPLY

All erven within the proposed township area have already been connected to the water network of the Maquassi Hills Local Municipality. Preliminary indications are that the water consumption is currently not metered and metered connections will have to be provided by the Maquassi Hills Local Municipality to ensure that the occupants of the various erven are properly billed in respect of water consumption. No augmentation to the existing water network is proposed.

As mentioned in the preceding sections, the layout plan makes provision for three (3) additional residential erven. These erven will have to be provided with a metered water connection prior to the sale thereof to prospective purchasers.

### 5.3 SANITATION

All sewerage generated in Wolmaransstad is from a full waterborne system. The existing residential structures in the proposed township area of Wolmaransstad Extension 20 have all been connected to the sewer network of the Maquassi Hills Local Municipality with individual house connections already installed. No augmentation or amendments to the sewer network is proposed.

As mentioned in the preceding sections, the layout plan makes provision for three (3) additional residential erven. These erven will have to be provided with a connection to the existing sewer network prior to the sale thereof to prospective purchasers.

### 5.4 ROADS AND STORMWATER

The proposed town is located to the east of District Road D158 that provides direct access to the proposed township area through two (2) access roads (i.e. Sering Avenue and Karee Avenue). Primary access to the proposed erven within the development will be provided via the existing road network already in place in this concerned development. All roads within the development area comprise of a tarred road surface with concrete curbs.



Stormwater from this development is handled on surface and drains in an easterly direction towards the undeveloped portion of the township area of Wolmaransstad Extension 7.

## **5.5 SOLID WASTE**

Solid waste removal is a function of the Maquassi Hills Local Municipality.

## **5.6 ELECTRICITY**

All residential and commercial structures within the existing development have already been provided with electricity through a pre-paid metering system.

The proposed development has also already been provided with street lighting.

## CHAPTER 6: MOTIVATION

### 6.1 INTRODUCTION

This need and desirability in respect of the application for township establishment will 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)
- White Paper on Local Government, 1998
- Municipal Demarcation Act, 1998 (Act 27 of 1998)
- National Housing Act, 1997 (Act 107 of 1997)
- Millennium Development Goals (MDG)
- National Spatial Development Perspective, 2006
- North West Provincial Spatial Development Framework, 2017
- Maquassi Hills Spatial Development Framework, 2017
- Housing Needs
- Spatial Planning and Land Use Management Act Development Principles
- General

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-coordinating 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 Maquassi Hills 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 in Sections 6.2 to 6.14 below.

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

The National Planning Commission (NPC) (2011) published the NDP: Vision for 2030. Its contents will impact directly and indirectly on the provision of housing within the national spatial system.

Its core focuses include:

- The active efforts and participation of all South Africans in their own development
- Redressing the injustices of the past effectively
- Faster economic growth and higher investment and employment
- Rising standards of education, a healthy population and effective social protection
- Strengthening the links between economic and social strategies
- An effective and capable government
- Collaboration between the private and public sectors
- Leadership from all sectors in society.

## **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.

## 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.

In this instance it is imperative to note that this development is situated on well-located land in relation to access to other supportive social, educational and commercial facilities and comprises the utilization of infrastructure that has reached its useful end of life at the Department of Public Works and Roads but which can be re-utilized by the Maquassi Hills Local Municipality for housing purposes without just becoming obsolete and falling into disrepair.

## **6.6 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.

This development will provide an opportunity for the inhabitants of Wolmaransstad to enhance their living conditions by acquiring one of the existing residential structures and in future replacing same with a more durable building once the previously employed building materials reach its end of life. This development can definitely be classified as sustainable as services have already been provided to the existing residential structures and commercial facilities and this development will therefore have no impact on the services networks of the Maquassi Hills Local Municipality or the operational capacity of any of the bulk services infrastructure.

## **6.7 MUNICIPAL DEMARCATIION ACT, 1998 (ACT 27 OF 1998)**

Demarcation objectives: The Demarcation Board determines a Municipal boundary with the objective that it must be able to enable the municipality for that area to fulfil its constitutional obligations in line with the provision of a democratic and accountable government for communities within a specific geographic area inclusive of:

- The provision of services to the communities in an equitable and sustainable manner.
- The promotion of social and economic development.
- The promotion of a safe and healthy environment.
- Enable effective local governance.
- Enable integrated development.
- Have a tax base as inclusive as possible for the user of municipal services in the municipality.

## **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. Even though the development under consideration is small in nature, same will still provide housing to

at least 63 households that would otherwise have been deprived of the opportunity to live within a well located and aesthetically pleasing residential area.

## 6.9 MILLENNIUM DEVELOPMENT GOALS (MDG)

The MDG include the following: The eradication of informal settlements by 2014 as one of the policy imperatives of government (Goal 7, Target 11) implies that government and the private sector would have to implement the Social Contract (Social Contract for Rapid Housing Delivery, 2005) commitments to aid the removal of slums in South Africa.

The targets included in the Social Contract consist of:

- The removal or improvement of all slums in South Africa as rapidly as possible, but not later than 2014.
- **The fast tracking of the provision of formal housing within human settlements for the poorest of the poor and those who are able to afford rent and/or mortgages.**
- The creation of rental stock for a rapidly growing, mobile (migrant) and urban population within inner city and other locations close to employment opportunities.
- To remove administrative blockages that prevent speedy developments and to strive to reduce the time to grant various permissions relating to the built environment to 50% of the current time;
- To ensure consumer education and understanding in all housing development projects.

## 6.10 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.**

In terms of the fore-mentioned principles, it should be noted that Wolmaransstad lies along one of the identified development corridors i.e. the N12 Treasure Route where economic development opportunities should be channelled with the accompanying extension of housing opportunities to accommodate the influx of people to these economic development nodes.

The **N12 Treasure Corridor** (Class 1 road) is the main link between Gauteng and Cape Provinces, which is supported by the main railway between Johannesburg and Cape Town, and is intended to strengthen the east-west development initiatives. For this reason, the Corridor should be strengthened and managed for maximum exposure and utilisation.

## **6.11 NORTH WEST PROVINCIAL SPATIAL DEVELOPMENT FRAMEWORK, 2017**

In terms of the development guidelines set forth in the North West Provincial Spatial Development Framework, 2017 in respect of the Wolmaransstad urban area, it was stated that

***“due to its location, Wolmaransstad will be the most suited for the largest part of investment. It will be the best opportunity to create employment opportunities and to attract private sector investment to the municipality. Diluting economic investment will not create the economic growth needed to revive the municipality”.***

Another development guideline that will be addressed through this township establishment is the provision of land tenure security as the erven in the proposed township area will be alienated to the beneficiaries thereof.

## **6.12 MAQUASSI HILLS LOCAL MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK, 2017**

According to the Maquassi Hills Local Municipality Spatial Development Framework, 2017, the Maquassi Hills local municipality has experienced continued economic growth over the past decade and held up quite good during the local recession in 2008/2009 with a quick recovery period followed by strong growth.

The Maquassi Hills local municipality has had positive population growth over the past decade. The 2001 and 2011 census data illustrate that the number of people in the municipal area increased by approximately 8 700 while the number of households increased by 3 200 over this period. This represents an annual population growth rate of



1.2% and a household growth rate of 1.7%. The 2011 population and household figures per sub-place as well as 2015 and 2020 estimates are provided in the table below.

**Table 6: Population Projection**

Population Projection (2011; 2015 to 2021)								
	2011	2015	2016	2017	2018	2019	2020	2021
Boskuil SP	1199	1257	1272	1287	1302	1318	1334	1350
Kgakala SP	8335	8735	8840	8946	9053	9162	9272	9383
Leeudoringstad SP1	1278	1339	1355	1372	1388	1405	1422	1439
Leeudoringstad SP2	3778	3959	4007	4055	4104	4153	4203	4253
Lebaleng	12433	13030	13186	13344	13505	13667	13831	13997
Makwassie SP1	919	963	975	986	998	1010	1022	1035
Bloemhofdam Nature Reserve	-	-	-	-	-	-	-	-
Maquassi Hills NU	14571	15270	15454	15639	15827	16017	16209	16403
Wolwespruit Nature Reserve	19	20	20	20	21	21	21	21
Rulanganyang SP	1510	1582	1601	1621	1640	1660	1680	1700
Trotsville SP	12626	13232	13391	13552	13714	13879	14045	14214
Tswelelang SP	17234	18061	18278	18497	18719	18944	19171	19401
Witpoort SP1	-	-	-	-	-	-	-	-
Witpoort SP2	259	271	275	278	281	285	288	292
Wolmaransstad SP1	-	-	-	-	-	-	-	-
Wolmaransstad SP2	3630	3804	3850	3896	3943	3990	4038	4086
<b>TOTAL</b>	<b>77791</b>	<b>81525</b>	<b>82503</b>	<b>83493</b>	<b>84495</b>	<b>85509</b>	<b>86535</b>	<b>87574</b>

The population of Wolmaransstad (excluding Tswelelang) is estimated at 3990 (2019) and proposed to increase to 4085 in the next 2 years.

The housing needs for Wolmaransstad urban area based on the housing backlog / waiting list and 5-year growth is estimated at approximately 9593 stands / units.

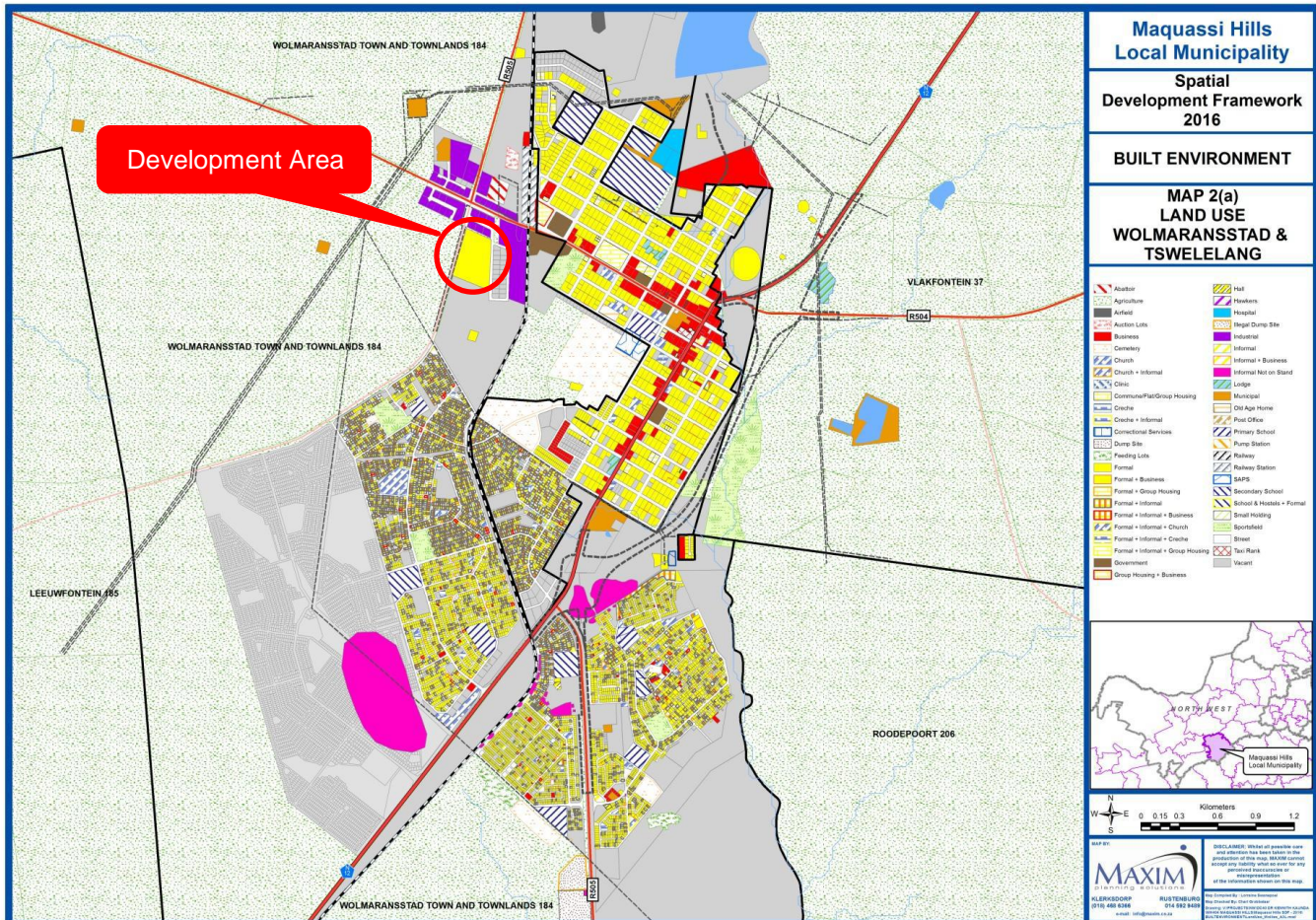
The expected housing mix is estimated as follows:

- Subsidised (88%) ± 8442 stands
- FLISP (7%) ± 672 stands
- Affordable / Bonded (5%) ± 479 stands

The SDF further proposes that **densification and infill development** in the urban area must be encouraged. This development can be considered as infill development as same is located within the built-up urban area of Wolmaransstad.

In considering the impact of this development on the proposals contained in the Maquassi Hills Local Municipality Spatial Development Framework, 2017, it is imperative to note that

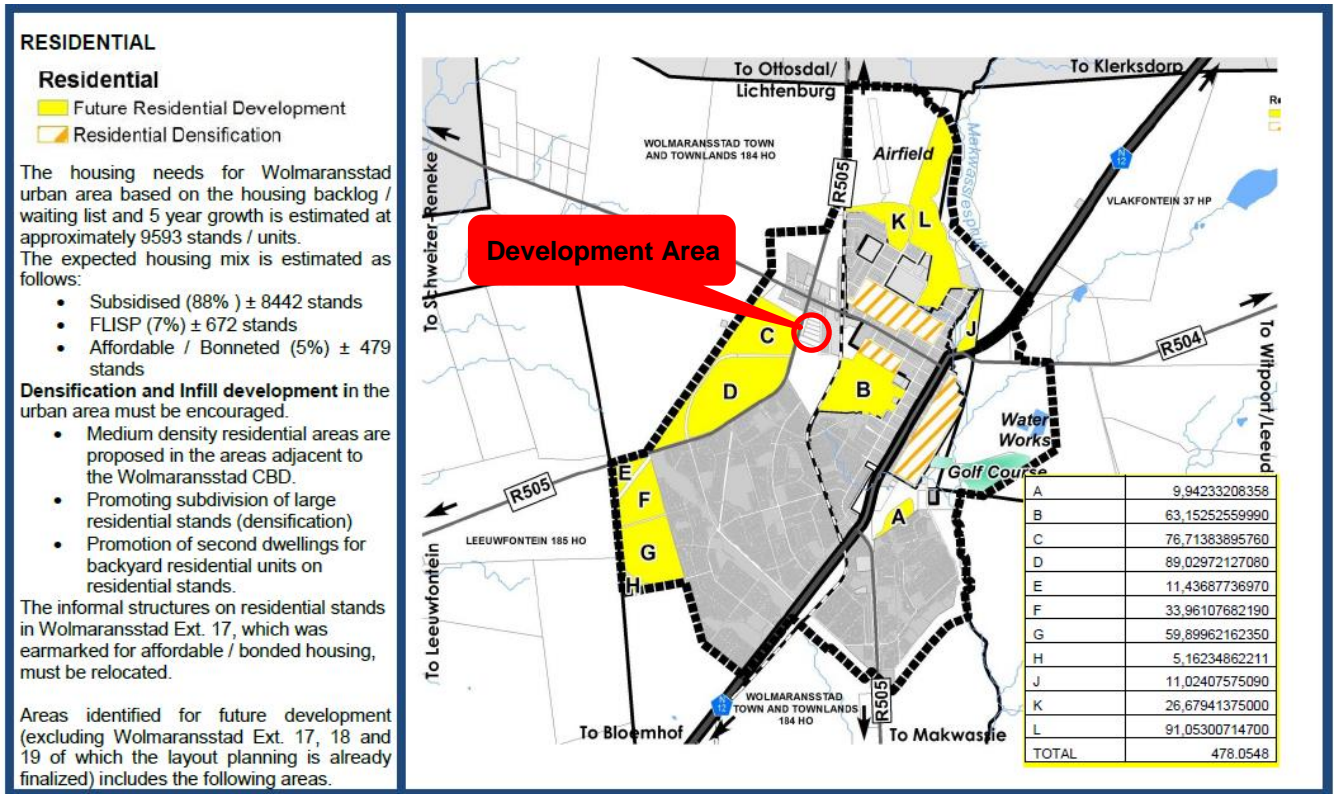
the subject area was already classified as a formal residential area (as reflected on the following map extracted from the Maquassi Hills Local Municipality Spatial Development Framework, 2017) and no further proposals were made in respect of this area. The use of the subject property for residential development purposes is therefore aligned with the SDF.



**Map 7: Land Use Plan – Wolmaransstad & Tsweleng extracted from SDF (2017)**

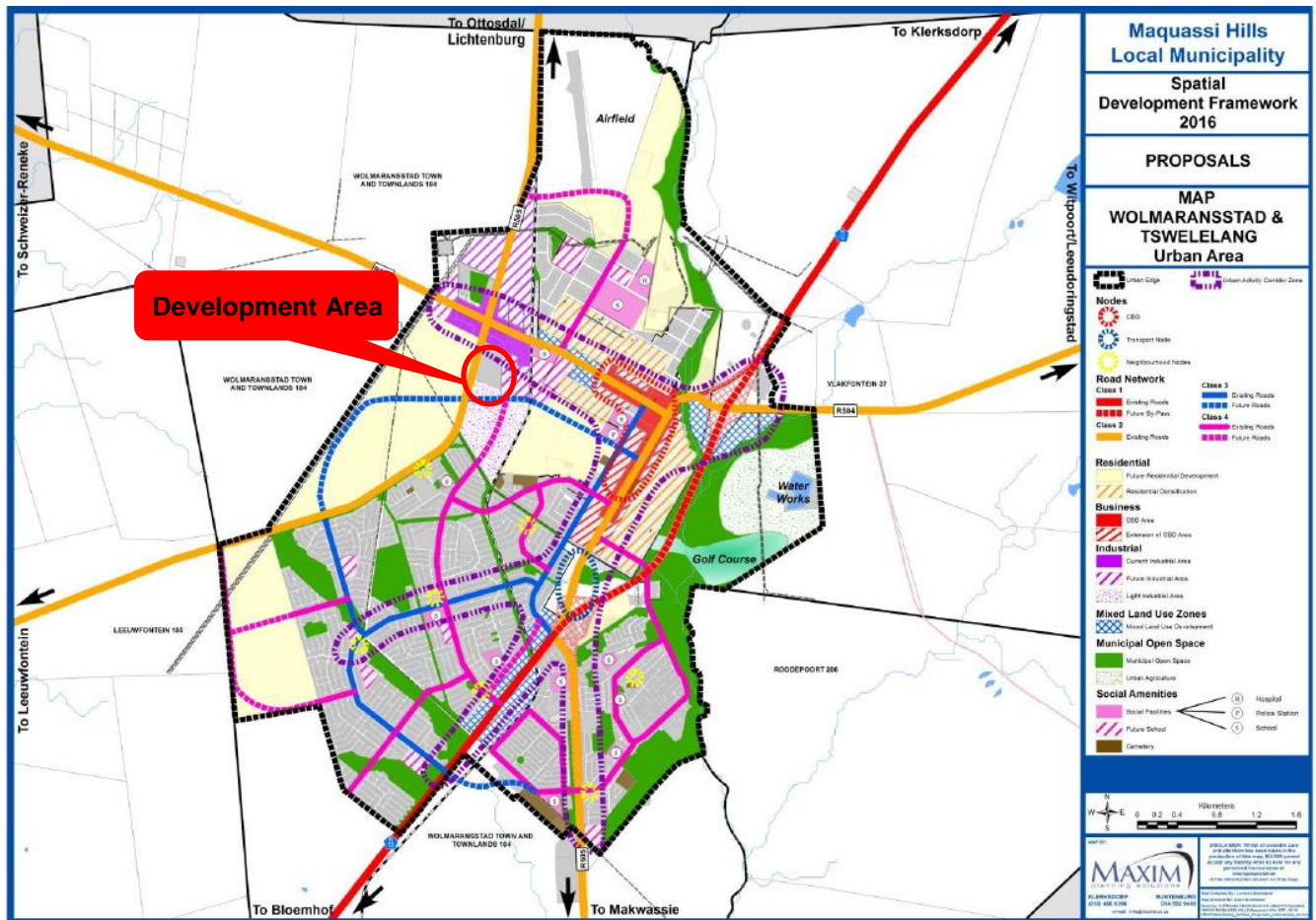
In terms of the SDF, the proposed development area is located inside the demarcated urban edge, as reflected on the following map extracted from the Maquassi Hills Local Municipality Spatial Development Framework, 2017.

In considering the principle of infill development, it is evident from Map 8 below that the proposed development area is indeed located closer to the existing urban area of Wolmaransstad than the future development areas that were identified for residential development purposes. This development therefore clearly also addresses the issue of urban sprawl as the development will take place within the demarcated urban edge.



**Map 8: Wolmaransstad & Tsweleng Urban Edge extracted from SDF (2017)**

In considering the continued use of the existing workshop and storage facilities of the Department of Public Works and Roads that are located within the southern part of the development area and which have been included in the layout plan of the proposed township Wolmaransstad Extension 20, it should be noted that the entire area located south of the residential component of the Unit U development (and incorporating the fore-mentioned workshop and storage facilities) has been earmarked for light industrial purposes (as reflected on the proposals map contained in the Maquassi Hills Local Municipality Spatial Development Framework, 2017)



Map 9: Spatial Proposals

### 6.13 HOUSING NEEDS

According to the North West – Multi Year Housing Development Plan (Review 2014), an estimated 34 803 new households will seek accommodation in the Dr. Kenneth Kaunda District Municipality area resulting in an annual growth in demand of approximately 6 961 units (across the full housing spectrum, including informal and subsidy). The MYHDP also states that under present market conditions, the finance-linked and bonded segment (35.9%) will yield a take-up rate of 2 496 units per annum.

Table 7: Dr. Kenneth Kaunda District Municipality 5-year Demand

Income bracket	Housing typology	Total demand (next 5 years)
R0 – R3 500	Subsidy	20 089
R800 – R3 500	CRU	2 232
R3 500 – R7 500	FLISP / GAP & Social	5 102
R7 500 – R15 000	FLISP / GAP & Affordable bonded	3 346
R15 000+	Bonded	4 034
<b>TOTAL</b>		<b>34 803</b>

Source: Table 2.55 – Status Quo Report – Multi Year Housing Development Plan (Review 2014)

The housing demand per housing typology, based on recent housing demand market analysis of the North West Multi Year Housing Development Plan, 2014 for the Dr. Kenneth Kaunda District Municipality, was calculated as follows:

**Table 8: Dr. Kenneth Kaunda District Municipality Spatial Allocation of housing demand**

Income bracket	Housing typology	Total demand (next 5 years)	% of NWP
R0 – R3 500	Subsidy	20 089	19.86
R800 – R3 500	CRU	2 232	19.86
R3 500 – R7 500	FLISP / GAP & Social	5 102	18.75
R7 500 – R15 000	FLISP / GAP & Affordable bonded	3 346	21.68
R15 000+	Bonded	4 034	25.20
<b>TOTAL</b>		<b>34 803</b>	

Source: Table 2.55 – Status Quo Report - Multi Year Housing Development Plan (Review 2014)

In terms of the Housing Sector Plans of the municipalities within the Dr. Kenneth Kaunda District Municipality, the following housing needs were identified:

**Table 9: Housing demand of Municipalities within the Dr. Kenneth Kaunda District Municipality according to Housing Sector Plans**

Municipalities	Number of People	Number of households	% of population in the NWP	5 year housing programme (for subsidised houses)	Backlog / Waiting List	Total of 5 year need & Backlog	% of each LM in the DM's
Maquassi Hills Local Municipality				12308	12782	25090	15.65 %
Matlosana Local Municipality				36595	55737	92332	57.60 %
Tlokwe Local Municipality				14500	14500	29000	18.09 %
Ventersdorp Local Municipality				10243	3636	13859	8.64 %
<b>SUB TOTAL</b>	<b>731 555</b>	<b>220 108</b>	<b>19.82%</b>	<b>73646</b>	<b>86635</b>	<b>160281</b>	<b>100%</b>
<b>GRAND TOTAL FOR NORTH WEST PROVINCE</b>	<b>3 691 082</b>	<b>1 143 263</b>	<b>100%</b>	<b>242500</b>	<b>318605</b>	<b>561105</b>	<b>100%</b>

The housing status quo and needs within the primary human settlement nodes in the Maquassi Hills Local Municipality are reflected on the following table:

**Table 10: Housing needs within primary human settlement nodes**

Town	Housing Needs
Boskuil	330
Kgakala	1700
Lebaleng	1996
Leeudoringstad	1306
Makwassie	0
Oersonskraal	127
Rulaganyang	339
Trotsville	26
Tswelalang	3371
Witpoort	0
<b>Wolmaransstad</b>	<b>3587</b>
<b>Total</b>	<b>12782</b>

#### **6.14 MAQUASSI HILLS LOCAL MUNICIPALITY HOUSING SECTOR PLAN (2015)**

The Housing Sector Plan (HSP) that was compiled in 2015 forms a chapter on the Maquassi Hills IDP. According to this HSP the housing needs were identified as follows:

**Table 11: Housing and Land Needs**

	Units	Land Needs (ha)
<b>Current Backlog (Informal Dwellings on stand)</b>	3603	-
<b>Current Backlog (Informal Dwellings NOT on stand)</b>	5330	444.16
<b>Additional Households (2014-2019)</b>	3427	285.58
<b>Waiting List</b>	2400	200
<b>TOTAL</b>	<b>14760</b>	<b>929.75</b>

The fore-mentioned table clearly supports the need for residential development in the Wolmaransstad urban complex to provide people not only with proper shelter but also access to social, educational, employment and commercial opportunities and facilities.

#### **6.15 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 SPLUMA 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 specifically aims at redressing past spatial imbalances in combatting the past planning principles of providing low income residential areas on the periphery of urban areas. This development specifically aims at addressing the need for middle income residential development which could give rise to low income housing structures becoming available for low income occupation as people better their living conditions and move to better housing opportunities (upward mobility). The efforts made by the Maquassi Hills Local Municipality in utilizing the existing residential structures that have become redundant to the Department of Public Works and Roads will further ensure that 63 households will now be able to obtain full title ownership of the residential structure and erf on which same is located.
  - (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;**

In terms of the Maquassi Hills Local Municipality Spatial Development Framework, 2017, the area to which this application applies was already classified as a formal residential development area and is located inside the demarcated urban edge.
  - (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. The erven created as part of this development application will afford inhabitants the opportunity to access land which has already been serviced and where immediate occupation can take place due to the presence of existing residential structures on the majority of erven in the proposed township area.
  - (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 Maquassi Hills Local Municipality municipal area are governed by a wall-to-wall land use management system. The land uses in the township area of Wolmaransstad Extension 20 is currently already regulated by the Maquassi Hills Land Use Management Scheme, 2007. 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 already provided within this development.

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

According to the Maquassi Hills Housing Sector Plan the need for housing was estimated to total 14760 housing units by 2019. The township establishment process has at its core the intent to formalize an existing residential area that can, after proclamation of the township area, be alienated to the existing inhabitants of the residential structures or to potential buyers. The formalization of this township area will provide inhabitants with the opportunity to formally secure ownership of the houses that they may have occupied for a number of years.

**(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;**

This project entails the development of land that has been under the control of the Department of Public Works and Roads for the past  $\pm$  50 years and the formalization of this township area to allow for full title erven can only enhance the value of the land especially taking into consideration that this areas can, due to the larger erf sizes employed, be utilized for middle-high income housing purposes especially should potential owners decide to replace the existing housing structure with a new structure built with more conventional building materials.

**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 the Maquassi Hills Local Municipality has sufficient fiscal, institutional and administrative capacity and resources to administer the development. The Maquassi Hills Local Municipality will ensure that the development complies with the



requirements contained in the Maquassi Hills Land Use Management Scheme, 2007 and the Maquassi Hills Local Municipality Spatial Development Framework, 2017.

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

The area where the concerned property is situated is not regarded as prime or unique agricultural land, in terms of the Maquassi Land Use Management Scheme, 2007 and the Maquassi Hills Local Municipality Spatial Development Framework, 2017 specifically due to the fact that this development has been in existence in excess of 50 years. The agricultural value of the concerned portion is negligible specifically due to its size and location within an already existing urban area.

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

Environmental sustainability refers to the relationship between the settlement 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. The development will not be situated in an ecological sensitive area or in places of hazard or high risk, such as within a flood plain. The proposed development further excludes noxious activities.

In considering the environmental management instruments applicable to the proposed development, it is pertinent to note that the activity does not 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.

**(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 public sector initiative, planned and applied for in the context of open market competition. This development will further not be in competition with any other private sector development within the concerned area.

**(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 development has already been provided with the full spectrum of engineering services (water, sewerage, roads, stormwater and electricity) and will have no impact on the existing services networks of the Maquassi Hills Local Municipality. The development will further not impact on the operational capacity of the bulk services networks as the erven are already occupied and currently already utilize the available engineering services with no upgrades required as a result of this development.

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

The area to which this application applies currently already forms part of the built-up urban area of Wolmaransstad and constitutes the formalization of an existing residential area through the provision of full title residential erven whilst similarly also accommodating the existing workshop and storage facilities of the Department of Public Works and Road on erven in the proposed township area. This development must therefore be classified as infill development and an asserted effort in combating urban sprawl.

It has also been proven that this development can function in a sustainable manner due to the fact that the various residential structures already have access to the full spectrum of engineering services and do not require any services upgrades.

This development intends to promote a more compact city and to prevent the expansive provision of social and engineering services. The Spatial Development Framework addresses the scale or urban growth through planned extensions, infill and redevelopment strategies. In this regard it should be noted that the proposed township area of Wolmaransstad Extension 20 is located within the demarcated urban edge as set out in the Maquassi Hills Local Municipality Spatial Development Framework, 2017.

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 an urban environment, in order to combat urban sprawl. The principle also calls for a balance in land development processes. The development is in line with the sub-principle and will combat urban sprawl. 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 of Wolmaransstad. This development enjoys excellent accessibility to the social, educational, employment and economic activities already provide in the Wolmaransstad urban area and will provide security of tenure to the inhabitants of this area.

**(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 is already supplied with the full spectrum of infrastructure elements such as water, sewer, refuse removal, electricity 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; and**

The opinion is held that the development will not have a negative financial, social, economic or environmental impact on the surrounding properties as the development has been in existence in excess of ±50 years without any negative impact on the surrounding land uses or the surrounding environment. The development will further not have a negative financial, economic or environmental impact as the area has already been supplied with the full spectrum of engineering services. In terms of accessing its social impact, it is again relevant to note that the concerned area has been occupied for a number of years and people residing in this development already utilizes the social facilities provided in the remainder of the Wolmaransstad urban complex.

The opinion is held that the approval of this township establishment application by the Maquassi Hills Municipal Planning Tribunal will not give rise to any negative financial, social, economic or environmental impacts as a result of the development being authorised.

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

This township establishment application will be processed in accordance with both the prescriptions of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) and the Maquassi Hills Local Municipality Municipal By-law on Spatial Planning and Land Use Management which prescribe in detail the township establishment application and approval processes. The processes prescribed in terms of this legislation make provision for the necessary community involvement through a comprehensive public participation process.

**(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 for human settlements, focusing on vulnerable and informal areas. The Spatial Development Framework needs to be flexible to adapt to social, economic and technological trends. This development is specifically aimed at providing security of tenure to inhabitants of the structures already erected on the development area following the donation thereof by the Department of Public Works and Roads to the Maquassi Hills Local Municipality after the subject structures became obsolete to the Department.

**(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 Maquassi Hills Local Municipality has both a land use management scheme and a Spatial Development Framework as part of their land use management system. In terms of the Spatial Development Framework the area to which this development applies was specifically classified as an existing residential development which renders this proposed development in line with the Spatial Development Framework. The development will also be incorporated into the Maquassi Hills Land Use Management Scheme, 2007 in terms of applicable legislation following the opening of the required township register. This land use management scheme will effectively

regulate the land uses to be established within this township area 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 was also referred to the following government and non-government departments as integral part of the public participation process:

- ✘ Department of Public Works and Roads
- ✘ Openserve (former Telkom SA Limited)
- ✘ Eskom
- ✘ Dr. Kenneth Kaunda District Municipality
- ✘ Department of Minerals Resources
- ✘ Department of Agriculture, Forestry & Fisheries (DAFF)
- ✘ Department of Water and Sanitation
- ✘ Department of Local Government and Human Settlements
- ✘ Department of Education
- ✘ Department of Health
- ✘ South African Post Office
- ✘ Transnet Freight Rail
- ✘ South African Heritage Resources Agency (SAHRA)
- ✘ South African National Roads Agency Limited (SANRAL)
- ✘ Sedibeng Water
- ✘ Department Rural, Environment and Agricultural Development (READ)

**(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. Following approval of the application for township establishment, the further processes in finalizing the township establishment process will be government by the timeframes set out in the Town Planning and Townships Ordinance, 1986 as well as the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management.

- (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, to afford the residents and other parties the opportunity to provide inputs on development applications and other matters affecting them.

The public participation process undertaken as part of this township establishment application includes the following:

- The application in respect of the establishment of the proposed township Wolmaransstad Extension 20 will be advertised in accordance with Section 92(1)(a) of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management and Section 108(1)(a), Regulation 26(1) and Annexure 16 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) in the Beeld and Citizen on 21 and 28 May 2019 as well as in the North West Provincial Gazette on 21 and 28 May 2019. Objectors will be afforded a period of 30 days from 21 May 2019 to submit objections or comments in respect of the proposed township area to the Municipal Manager and the authorised agent.
- The application will also, in accordance with the prescriptions of Section 93(1)(c) of the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management read with Section 108(1)(b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) be referred to the following external organizations / departments for comments or objections:
  - ✘ Department of Public Works and Roads
  - ✘ Openserve (Telkom SA Limited)
  - ✘ Eskom
  - ✘ Dr. Kenneth Kaunda District Municipality
  - ✘ Department of Minerals Resources (DMR)
  - ✘ Department of Agriculture, Forestry & Fisheries (DAFF)
  - ✘ Department of Water and Sanitation
  - ✘ Department of Local Government and Human Settlements
  - ✘ Department of Education
  - ✘ Department of Health
  - ✘ South African Post Office
  - ✘ Transnet Freight Rail

- ✧ South African Heritage Resources Agency (SAHRA)
- ✧ South African National Roads Agency Limited (SANRAL)
- ✧ Sedibeng Water
- ✧ Department Rural, Environment and Agricultural Development (READ)

The fore-mentioned organizations / departments will be afforded a period of 60 days to comment in this matter in accordance with the prescriptions of Section 108 (1) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) read with paragraph I of Schedule 1 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

- In addition to the fore-mentioned notices, notices will also be served on all adjacent property owners in accordance with the prescriptions of Section 93(1)(c) of the Maquassi Hills Local Municipality Municipal By-law on Spatial Planning and Land Use Management.
- To ensure the greatest extent of public participation, notices will also be posted on the subject property in accordance with the prescriptions of Section 95(1)(a) of the Maquassi Hills Local Municipality Municipal By-law on Spatial Planning and Land Use Management.

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

The procedures prescribed in terms of the Town Planning and Townships Ordinance, 1986 and the Maquassi Hills Local Municipality Municipal By-Law on Spatial Planning and Land Use Management clearly set out the process to be followed during the establishment of a township area and said procedures 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 30 days to comment or object against this development.

## **6.16 GENERAL**

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

- The purpose of the application for township establishment is to formalize the existing residential area generally referred to as Unit U (“Eenheid U”) to allow for the residential structures to be alienated on a full title basis to the occupants thereof or to potential purchasers should the occupants not wish to acquire the concerned erf.

- The proposed development area is located directly adjacent to existing township areas and constitutes the logic extension of the existing built-up urban area of Wolmaransstad and constitutes infill development.
- The proposed township area is easily accessible due to its location adjacent to a Class 2 main road (District Road D158) linking onto the Wolmaransstad- Schweizer Reneke Provincial Road (Kruger Street) and providing access to the remainder of the urban area of Wolmaransstad.
- The proposed township area of Wolmaransstad Extension 20 will also be linked to the economic activities offered within the Wolmaransstad urban area through the existing road network of Wolmaransstad which links with the existing road network of the proposed township 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:
  - Incorporating the road network with that of the adjacent township areas;
  - Incorporating the prescribed lines of no access and building restriction areas;
  - Incorporating the results of the geotechnical investigation which indicated that the development area is suitable for township establishment purposes;
  - Engineering have already been provided to the proposed township area and this development will not impact negatively on the design and operational capacities of the various engineering services networks

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

**K. RAUBENHEIMER**  
**Pr. PIn A/924/1996**