

ANDEON EXTENSION 47

MOTIVATING MEMORANDUM IN SUPPORT OF AN APPLICATION FOR TOWNSHIP ESTABLISHMENT PORTION 183 (A PORTION OF PORTION 179) OF THE FARM ZANDFONTEIN 317-JR

APPLICATION IN TERMS OF SECTION
16(4) OF THE CITY OF TSHWANE
METROPOLITAN MUNICIPALITY
SPATIAL PLANNING AND LAND USE
MANAGEMENT BY-LAW, 2016

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1. INTRODUCTION

1.1 BACKGROUND

Dankospace Proprietary Limited (Registration Number: 2013/214420/07) who are the registered owners of Portion 183 of the farm Zandfontein 317-JR intends to establish a township on the said farm portion. Cosmopolitan Consult (Pty) Ltd have been appointed to attend to the submission of the township establishment application to the City of Tshwane Metropolitan Municipality. The application site measures 7.0327Ha in extent and is situated in Region 3, Ward 55 and is located to the east of Boosens residential neighbourhood and will gain access via Mulder Road.

1.2 PURPOSE OF MOTIVATION

The purpose of the motivation is:

- To ultimately obtain the approval from Tshwane Metropolitan Municipality as the approving authority to acquire the necessary land-use rights on Portion 183 of the farm Zandfontein 317-JR, to allow for the development of a medium-density residential development.
- This application is submitted in terms of Section 16(4) of the City of Tshwane Land Use Management By-Law, 2016, for the establishment of a township, to be known as Andeon Extension 47. The land-use rights applied for will be "Residential 3" with a density of 60 dwelling units per hectare.
- This motivating memorandum provides the particulars of the application such as the property description, size, and influences (servitudes etc.), the development controls and the motivation with special reference to the need and desirability of the proposed land use rights being applied for on the property.

1.3 STRUCTURE OF REPORT

The report comprises the following sections:

- Section 1: Purpose of motivation
- Section 2: Particulars of the application
- Section 3: Locality, Zoning & Land Use
- Section 4: Physical detail in respect of the property
- Section 5: Application Details
- Section 6: Engineering Services
- Section 7: Motivation
- Section 8: Conclusion

2. DETAILS PERTAINING TO THE SITE OF APPLICATION

2.1 PROPERTY DESCRIPTION

The township will be established on Portion 183 of the farm Zandfontein 317-JR vide Deed of Transfer T93987/2021. The farm portion measures 7,0327Ha in extent.

2.2 PROPERTY OWNER AND REGISTERED TITLE DEED

Portion 183 (a portion of portion 179) of the farm Zandfontein 317-JR is registered in the name of Dankospace Proprietary Limited (Reg No 2013/214420/07) vide Deed of Transfer T93987/2021, attached as an annexure to this application.

2.3 AREA OF JURISDICTION

The property is situated within the area of jurisdiction of the Tshwane Metropolitan Municipality within the Gauteng Province. The application property is administered in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014). Portion 183 (a portion of portion 179) of the farm Zandfontein 317-JR is located within Region 3, Ward 55 of the Tshwane Metropolitan Municipality.

2.4 AUTHORITY TO ACT

Cosmopolitan Consult (Pty) Ltd have been appointed for all Town Planning and Project Management on Portion 183 of the farm Zandfontein 317-JR and it is our responsibility to bring this development into realisation. Anton Mathey (Pr. Pln. A/2357/2016) and Gideon Allison of Cosmopolitan Consult (Pty) Ltd has the Authority to act in all aspects of the application.

2.5 RESTRICTIVE TITLE CONDITIONS AND SERVITUDES

Any restrictive title conditions listed in the title deed affecting the proposed development on the property will be dealt with in the Conditions of Establishment for this township. A fully detailed Conveyancers Certificate (**Annexure L**) is submitted to Council as part of this township establishment application.

In light of the Servitude Report done by EG Swart professional land surveyor, there are no servitudes that affect the farm portion on which this township will be established. The Servitude Report is submitted with this application. Refer to **Annexure M** submitted with this application.

3. LOCALITY, ZONING AND LAND USE

3.1 LOCATION OF SUBJECT PROPERTY

Portion 183 of the farm Zandfontein 317-JR, hereafter referred to as the application site, is situated in Region 3 of the City of Tshwane Metropolitan Municipality. The application site is situated approximately 11km to the north-west of the Pretoria CBD and 10km south of Wonderpark Shopping Centre. The area in which the application site is situated is known as Andeon. The application site is bordered by Andeon Agricultural Holdings area to the north, the residential neighbourhoods of Booyens to the east, Kirkney to the south and Andeon (Andeon Exts. 6, 18, 38 and 39 - known as West View Security Estates) to the

west. The surrounding area to the east and west of the application site is mainly characterised by established residential neighbourhoods that are experiencing growth in the establishment and development of residential townships.

The area situated to the south of the application site, along Van der Hoff Road (R514) is characterised by non-residential land uses and access to these facilities are obtained via Malie Street, a services road along van Der Hoff Road.

The RMSDF promotes residential development with varying densities in the vicinity of the proposed development. The aerial photo below illustrates the locality of the application site within the already built-up area as well as the surrounding neighbourhoods.



Figure 3.1 Proposed Development Locality – Regional Context (Source: Google Earth)

3.2 EXISTING MUNICIPAL ZONING

According to the zoning certificate obtained from the Tshwane Metropolitan Municipality, the subject property is zoned as “Agricultural” in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014).

3.3 CURRENT LAND USE

The site is mostly vacant with a residential house and outbuildings situated on the southwestern corner of the farm portion. The structures will be demolished.

3.4 SURROUNDING LAND USES

The land surrounding the proposed development to the west of the proposed township has recently been completed and established as Andeon Ext. 6, Ext. 17, Ext. 38 and Ext. 39 and known as Westview Residential Estates. The residential neighbourhood of Booyens is located to the east of the proposed township. South of the proposed development are a number of non-residential activities situated along Van Der Hoff Road (R514) gives access to arterial roads and a number of schools, social amenities, public open space, and places of worship.

3.5 ADJOINING LANDOWNERS

The adjoining landowners of the subject land portions are listed in this subsection. According to Schedule 13 of the City of Tshwane Land-Use Management By-Law, 2016, an applicant of a land development application, shall give notice of the application in the prescribed form by registered post to each adjoining owner of the adjoining properties. The adjoining properties are listed below:

	Erf / Portion	Name & Surname	Location
1	Portion 178 of the farm Zandfontein, 317-JR	Provincial Government of Gauteng	Private Bag X74, Marshalltown, 2107
2	Portion 179 of the farm Zandfontein 317-JR	Ignatius Massyn	Po Box 483, Hercules, Pretoria, 0030
3	Erf R/292, Booyens	Kaylyssa Trust	1274 Spruyt Street, Booyens, 0082
4	Erf 19/292, Booyens	Mokau Kgaboesele	1273 Spruyt Street, Booyens, 0082
5	Erf 18/292, Booyens	Tshikade Mokolo & Lina Ranala	1265 Spruyt Street, Booyens, 0082
6	Erf 4/292, Booyens	Harris & Lilian Mboniswa	1270 Paff Street, Booyens, 0082
7	Erf 2/77, Booyens	Johannes Janse van Rensburg	1277 Paff Street, Booyens, 0082
8	Erf 24/77, Booyens	William & Cecilia Smith	720 Mulder Street, Booyens, 0082
9	Erf 23/77, Booyens	Andre & Anthea Clouts	716 Mulder Street, Booyens, 0082
10	Erf 22/77, Booyens	Lodewikus Olivier	712 Mulder Street, Booyens, 0082
11	Erf 21/77, Booyens	Anna van Tonder	708 Mulder Street, Booyens, 0082
12	Erf19/77, Booyens	Frans & Claressa Du Preez	704 Mulder Street, Booyens, 0082
13	Erf 1/97, Booyens	Deon & Juanita Smit	01 Sun Street, Atlasville, 1459, 0082
14	Erf R/97, Booyens	Frederick & Carol Schoeman	694 Mulder Street, Booyens, 0082
15	Erf25/97, Booyens	Jacobus & Petro Theron	690 Mulder Street, Booyens, 0082
16	Erf 26/97, Booyens	Samuel De Beer	128 Christiaan Smit Street, Booyens, 0082
17	Erf24/97, Booyens	Emily De Beer	678 Mulder Street, Booyens, 0082
18	Erf 794, Booyens	Coca-Cola Beverages South Africa Pty Ltd	Po Box 306, Olifantsfontein, Gauteng, 1666
19	Erf 793, Booyens	Coca-Cola Beverages South Africa Pty Ltd	Po Box 306, Olifantsfontein, Gauteng, 1666

Table 3-1: Adjoining Landowners

4. PHYSICAL DETAIL IN RESPECT OF THE PROPERTY

4.1 TOPOGRAPHY

The site slopes in a north-eastern direction and is located at around 1285 masl. The proposed development is undeveloped and covered by minimal natural grass and trees. A dwelling house and outbuildings are situated in the southwestern corner of the site.

4.2 FLOOD LINES

The application site is not affected by any floodlines.

4.3 GEOTECHNICAL INVESTIGATION (ANNEXURE O)

A geotechnical investigation was undertaken on the application site on 28 October 2021 by Geo Buro cc, Geotechnical Surveys. This report was completed in December 2021, it is unlikely that the outcome and results of the investigation will have changed.

In total 10 test pits were excavated on-site and falls in an area underlain by shale of the Silverton Formation, Pretoria Group, of the Transvaal Supergroup. In terms of the Geotechnical report submitted with this application, the following was concluded and recommended:

“The regional geology is indicated on drawing number 9884-02: Geology Map. The available map and the test pits excavated on site showed that the site is underlain by residual shale with a dolerite intrusion in the northern part of the site.

The site is currently undeveloped and the planned development is residential houses and / complexes.

According to the NHBRC the site is classified as follows:

Zone	NHBRC Class	Amount of movement due to heave mm	Competent founding level
A	H2	20mm	>2,5 to >3,4m
B	R/S1	<5mm	0,2m to 1m with avg 0,6m
C	H3	>30	2,5m+

The precautionary measures to reduce water ingress must be implemented as changes in moisture content can cause ground movement.

Excavations (for foundations and underground services) must be inspected on the site during construction.

No suitable construction materials were identified for use in layer works. All construction materials should be imported or additional testing be done on the in situ materials by stabilising with cement or by blending with coarser materials to improve the materials from G9 to say G6.

No excavation problems are foreseen. All excavations deeper than 1,5m must be shored. In Zone C sidewall collapse occurred on the slickensides of the clay.

A collapse potential test showed that the collapse potential of the near surface materials is considered to be insignificant.

The NHBRC will require a Construction report for enrolment of residential units.”

4.4 ENVIRONMENTAL STATUS (ANNEXURE R)

ISQUARE Information Systems cc has been appointed by Cosmopolitan Projects Tshwane (Pty) Ltd as the Environmental Assessment Practitioner (“EAP”) to undertake a Basic Assessment Process. An environmental summary was obtained from the appointed EAP setting out the procedures to be followed:

“1. Environmental Authorisation Process:

The Environmental Authorisation (EA) application will be submitted to the Gauteng Department of Agriculture and Rural Development (GDARD) in terms of the National Environmental Management Act, 1998 (Act No 107 of 1998) (NEMA) and the 2014 Environmental Impact Assessment (EIA) Regulations, as amended. The following activity is relevant:

Listing Notice 1: Activity 27: *“The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation except where such clearance of indigenous vegetation is required for (i) the undertaking of a linear activity; or (ii) maintenance purposes undertaken in accordance with a maintenance management plan.”*

Listing Notice 3: Activity Nr 12: *“The clearance of an area of 300 square metres or more of indigenous vegetation except where such clearance of indigenous vegetation is required for maintenance purposes undertaken in accordance with a maintenance management plan.”*

*In order to obtain the necessary environmental authorization for the proposed project from the GDARD, the undertaking of a **Basic Assessment Process** will be required. The following activities will form an essential part of the environmental authorisation project:*

- *Application to the Department in terms of the EIA Regulations (2014 as amended);*
- *Undertake independent, comprehensive and technically sound investigations of all environmental issues associated with the project;*
- *Coordination and management of specialists;*
- *Liaison with GDARD during the Basic Assessment process;*
- *Regular feedback to the client in terms of progress and any findings; and*
- *Undertake a public participation process (PPP) to identify issues and concerns of key stakeholders and interested and affected parties (I&APs). The PPP will accommodate the consultation requirements of the proponent in accordance with the new EIA regulations.*

Following submission of the final Basic Assessment Report (BAR), GDARD will then reach a decision as to whether, and under what conditions, the project may proceed, based on environmental considerations.

The authorisation can be obtained within a period from 197-247 days as per timeframe in the 2014 EIA Regulations, as amended.”

The EA will be submitted to Council once it has been issued by GDARD.

4.5 PROVINCIAL, MUNICIPAL ROADS PLANNING AND ACCESS

The application site has access to local connector and distributor roads through the Booyens and Kirkeny residential areas. The application site is surrounded by major transportation arterials that connect the planned development to other regions within the City of Tshwane and public transportation facilities. As per **Figure 3.1** on page 6 of this motivating memorandum, it is clear that the application site is easily accessible. The application site also has access to major arterials namely the R80 Highway via Bremer Street to the north, Bremer Street (R55) to the east that becomes Transoranje Road via the Daspoort tunnel and Van Der Hoff Road to the south and Hornsnek Road to the north-west.

The application site is thus well connected to other Regions within the City, other provinces and municipalities and have great access to public transportation that utilises these mentioned arterials. The future PWV 9 road reserve borders the application site on its western boundary. The site is affected by the building lines applicable along the PWV reserve. The Pretoria CBD-Booyens Tshwane bus route bus stop is situated approximately 550m to the east of the application site in Boekenhoutkloof Road.

Planned access to the application will be via Mulder Street (Class 4a road) at its existing T-intersection with Boekenhoutkloof Street as per the submitted Traffic Impact Study (**Annexure V**). This access may still change and should not be interpreted as the final access point to the proposed development.



Figure 4-1: Portion 183 of the farm Zandfontein 317-JR (Source: Dhubecon Consulting Engineers)

4.6 DEVELOPMENT OPPORTUNITIES AND CONSTRAINTS

The following development opportunities were identified:

- The location of the proposed township is ideally situated for residential densification and can be seen as an infill development in an already developed and serviced area.
- The site will be easily accessible via the existing public road network surrounding the application site. Additional residential dwelling units and residents to the area might expedite the expansion of public transportation towards the application site and more towards the west, which is experiencing residential expansion and growth.
- Access to the township will be designed in line with the design standards and controls of the CoT to ensure the safe ingress and egress to the proposed development. Safe access is available to the application site.
- The proposed land use may act as a catalyst for the possible further development of the area to the north of the application site that may result further private investment into the area.
- The proposed development will ensure the utilisation and development of an undeveloped farm portion and prohibit the possible illegal use, dumping, or possible illegal occupation of the application site and increase the safety and security in the greater area with “more eyes on the street”.
- The size, shape and layout of the proposed residential township have been investigated to ensure the placement of the buildings and ancillary and subservient uses can be placed on each of the erven.
- The township is surrounded by serviced townships and will tie into the existing external services. The developer will be responsible for the upgrading of these services, if determined to be necessary, and/or pay bulk engineering contributions to Council, if required.
- The proposed development will tie in with the urban fabric of the surrounding area with the provision of additional dwelling units and different housing typologies.
- There are no significant vegetation, topographical or geological constraints that will hamper the development of the application site.

In light of the above and additional studies and reports submitted with this application, our office is of the opinion that there are no detrimental development constraints that will affect this proposed residential development.

The proposed land-use rights will be to the benefit of the greater community and region and will not have a negative impact on the surrounding area, road network, traffic flow or natural environment and may result in the installation of new services and the upgrading of exiting bulk engineering services of the surrounding area.

5. APPLICATION DETAILS

The proposed development area (7.0327Ha) and land use rights applied for are in line with the government’s application legislation and the vision and objectives of the City of Tshwane, development policies, and to provide affordable, mixed-use housing that is sustainable for its residents.

The submitted application will grant the developer the opportunity to develop the vacant farm portion located in an expanding residential neighbourhood and will deliver affordable mixed-use housing opportunities to different types of income groups. The proposed development will be an affordable security estate (sectional title development) enabling the development of a vacant site within a serviced area that will result in additional investment to the area.

The purpose of the motivation is:

- To ultimately obtain the approval from the Tshwane Metropolitan Municipality, as the approving authority, to acquire the necessary land-use rights on Portion 183 of the farm Zandfontein 317-JR to be known as Andeon Extension 47, to allow for the development of a medium-density residential development at a density of 60 dwelling units per hectare as envisaged and set out in this motivating memorandum.

5.1 PROPOSED DEVELOPMENT CONTROLS

1	Use Zone	3: RESIDENTIAL 3
2	Uses permitted	Duplex dwellings and Dwelling-units
3	Uses with consent	Table B, Column 4
4	Uses not permitted	Table B, Column 5
5	Definitions	Clause 5
6	Density	60 dwelling units per hectare
7	Coverage	60%
8	Height	4 storeys
9	Floor space ratio	1.0
10	Site development plan and landscape development plan	Clause 31
11	Street Building Lines	2.0m; Along PWV 9: 20m single storey 30m double storey Which may be relaxed with the permission of the relevant authority.
	Building Restriction Areas	2.0m
13	Parking requirements	Demarcated parking spaces with a permanent dust-free surface, together with the necessary manoeuvring space, shall be provided and maintained on the erf to the satisfaction of the Municipality as follows for this Amendment Scheme: <ol style="list-style-type: none"> 1. One covered and paved space for each Dwelling-unit with three habitable rooms or less; 2. Two paved parking spaces for each Dwelling-unit with four habitable rooms or more; 3. One paved space per three Dwelling-units for visitors.

		Provided that the Municipality may permit the relaxation of any of the above parking requirements.
14	Paving of traffic areas	All parts of the property upon which motor vehicles are allowed to move or park shall be provided with a permanent dust free surface, which shall be drained and maintained, to the satisfaction of the Municipality.
15	Access to the erf	Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
16	Loading and off-loading facilities	Shall be provided on the erf to the satisfaction of the Municipality.
17	Turning facilities	Shall be provided on the erf to the satisfaction of the Municipality.
18	Physical barriers	Physical barrier/s shall be erected and maintained on the street boundary/ies of the erf (approved entrances and exits excluded) to the satisfaction of the Municipality.
19	Health measures	Clause 18(14)
20	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.
21	Detrimental Soil Conditions	Clause 19
22	Open Space	Clause 14(3)(a)
23	General: 1. In addition to the above conditions, the erf and buildings thereon are further subject to the general provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014).	

Table 5-1: Proposed Development Controls

6. ENGINEERING SERVICES

This section will touch on the most important aspects of the engineering services in the vicinity of the application site. The area in which the application site is situated is serviced by the City of Tshwane. The application site is located within the Urban Edge of the City and the necessary services will be installed and/or upgraded by the developer.

The exact nature of these services is known by the various Council engineering departments, and their comments on this application will either indicate that a consulting engineer needs to be appointed to determine the exact impact on these services and to submit a services report that will set out how this township will be serviced and where it will be connected to external services. The developer appointed the necessary consulting engineers to compile services reports that will be submitted to Council.

The developer will be responsible for the provision and installation of internal services for the proposed township. These services will have to be linked up to the existing external services, as stipulated in Section 49 (1) of SPLUMA and Chapter 7 of the City of Tshwane Land Use Management By-law, 2016. The submission and approval of engineering agreements will be done after the approval of the township.

The services reports and agreements are compiled by professional engineers who are appointed by the developer. The installation of the required services will also have to be done by the appointed consulting engineers in line with Council's development guidelines and standards.

6.1 CIVIL SERVICES (Annexure R)

6.1.1 WATER, SEWER, ROAD AND STORMWATER

CivilCraft Consulting Engineers has been appointed as the Consulting Engineers for the proposed Portion 183 of the farm Zandfontein 317-JR to be known as Andeon Extension 47. The following aspects will form part of CivilCraft's responsibilities with reference to both the Internal and External Municipal Civil Services:

- "Liaison with Council regarding the availability of services (water, sewer, stormwater, roads). Obtaining information regarding upgrading required by CoT, off-set against bulk service contributions etc. Preparation of Services Reports (Water, Sewer, Roads and Stormwater).
- Preparation of Preliminary and Detail design drawings.
- Wayleave Application.
- Approval of Municipal drawings by Council.
- Preparation of tender documentation, tender adjudication.
- Site monitoring and administration, including bi-weekly site meetings.
- Obtaining Completion certificates after construction.
- Preparation of documentation for City of Tshwane reimbursements to the Developer.

The below-mentioned aspects will form part of CivilCraft's responsibilities with reference to the Internal Private Civil Services:

- Liaison with Architect and Client regarding SDP etc.
- Preparation of preliminary and detail design drawings: roads, services, platform, retaining walls.
- Preparation of tender documentation, tender adjudication.
- Site monitoring and administration, including bi-weekly site meetings.
- Obtaining Completion certificates after construction."

It must be emphasized that this letter will be superseded with comprehensive Services Reports, once the APS numbers for the proposed developments have been obtained and the necessary investigations and discussions with Council officials have been completed by Civil Craft.

6.1.2 TRAFFIC IMPACT STUDY (Annexure U)

Dhubecon Consulting Engineers (Pty) Ltd have been appointed to undertake this Traffic Impact Assessment (TIA) as part of the township application for a proposed new residential development. In respect of the TIA the following key conclusions and recommendations are relevant. The following are extracts of Annexure U:

- **Access:** A single access to the development is proposed of Mulder Street (Class 4a road) at its intersection with Boekenhoutskloof Street. A fourth (western) leg will be added to this intersection for access to the development.

It is recommended that a traffic circle with an out-side diameter between 25-30m be implemented at the Mulder Street and Boekenhoutskloof Street intersection. This proposed upgrade will provide the necessary traffic calming measures along Mulder Street to ensure safe shoulder sight distance at the access to the development.

Two inbound lanes and two outbound lanes are recommended and access will be security controlled. Adequate stacking distance should be provided to ensure inbound vehicles does not impact the traffic along the adjoining roads. The detail of the proposed and required access arrangements are set out in the TIA.

- **Road and intersection upgrades:** Based on the additional estimated traffic generations that will result from this development it was determined that road intersection upgrades will be required. The TIA identified key intersections to be upgraded namely: Mulder Street/Boekenhoutskloof Street/site access intersection and Market Street/Bremer Street Intersection.
- **Proposed facilities:** To make provision for users of public transport the TIA proposed that a new 1.8m wide sidewalk be constructed along the eastern and southern boundary of the site, starting from the gatehouse of the access. It is also recommended that a set of public transport laybys be constructed at the intersection on Mulder Street. The design details will be submitted as part of the SPD for this development.

From a traffic engineering perspective, the proposed development is supported provided that the proposed external upgrades, site access and NMT facilities as proposed in this TIA are being implemented to the relevant design standards of the City of Tshwane. The aforementioned are extracts from the TIA (Annexure U) which is subject to submission to the COT and approval thereof by the City of Tshwane's Traffic Engineering Department.

6.2 ELECTRICAL SERVICES (Annexure AA)

The proposed development falls within the electricity supply area of Tshwane Electricity and the electrical department of the City of Tshwane. Once the application is submitted to Council, the Electricity Department will evaluate the application and determine the capacity required for the proposed land use rights and if capacity is available for the development. ELR Electrical Engineers have been appointed as the consulting engineer on this project and requested confirmation from Council on the capacity available in the area. The required load for the proposed development is calculated to be 1 271.98 kVA (based on the N formula).

As set out above, once the application has been approved, the appointed consulting electrical engineer will have to compile a services report that will have to be accepted and approved by Council's Electricity Department. The developer will be liable for the payment of any bulk contributions and installation of external services to provide the township with sufficient electricity supply, which will be determined and approved by Council and set out in the services agreement for this township.

6.3 SOCIAL INFRASTRUCTURE AND OPEN SPACE REQUIREMENTS

The application site has great access to the surrounding area via the transportation arterials, that connect the application site to other regions of the COT. The application site is situated within walking distance from numerous public park facilities that are located in the Booyens residential neighbourhood. The application site is also within walking distance of numerous non-residential land uses, economic activities and businesses located along Van der Hoff Road, close to possible places of employment for potential new residents.

Numerous schools and other social amenities are situated within a 5km radius of the application site. These facilities are Acudeo College Kirkney, Learskool Booyens, HTS Pretoria Tuine, Learskool Booyens, Learskool general Nicolaas Smit, Daspoort Secondary School, Learskool Tuinrand, Hoërskool Tuine, Learskool Tuine, Unico Akademie, Mama Goose Boutique Pre-school, Dunamis Kidz Preschool, Grizzlies Water Park, Grizzlies Rugby Club, Netcare Bougainvillea Hospital, Hoërskool Hermanstad, the Redeemed Christian Church, Trinity Methodist Church Pretoria, Nederduitsch Hervormde Kerk Wesmoot, Die Ware Evangelie Kerk Van Christus, Fountain of Life Reformed Ministry, Little Village Christian Nursery School, Tshwane University of Technology, Pretoria Golf Club and the Pretoria West Hospital.

Sufficient private open space will be allocated and developed within the development as set out in the town planning scheme and By-law, 2016 or park endowment will be paid. These areas and sizes will only be determined and designed with the submission of the final Site Development Plan to be submitted to Council for approval. In light of the above, it is clear that there are sufficient public open space as well as social infrastructure that will support this proposed land use.

7. MOTIVATION

7.1 POLICIES, PLANS AND FRAMEWORKS

City regions do not function in isolation from their surroundings. It forms part of local, regional, and national networks, connected through economic systems and the movement of goods, people, and services. It is for this reason, that despite only having direct influence within certain borders, municipal planning must take cognisance of the city and how it interacts in a wider context. Therefore, reference will be made to the regional spatial development framework, and its components and any other policies, plans or frameworks with specific reference on how this application complies with it. In this regard, the following are addressed:

7.1.1. SECTION 7 OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (SPLUMA)

Certain principles apply to spatial planning, land development and land use management. In terms of these principles, it will be illustrated how this application read with the Spatial Planning and Land Use Management Act, 2016 (SPLUMA) is addressed.

SPLUMA was implemented with the main objective of consolidating spatial planning and land use management for South Africa in its entirety. The Act was created to give a framework to municipalities

for spatial planning and land use management in line with by-laws and land-use schemes in line with the Act.

The Development Principles of SPLUMA is set out in Section 7 of the Act and is summarised as follows: (Note that not all principles are applicable to this application however, the principles are endorsed):

7.1.1.1 The Principle of Spatial Justice (Section 7(a));

- i. **past spatial and other development imbalances must be redressed through improved access to and use of land;**
- 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;**
- iii. **spatial planning mechanisms, including land-use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;**
- 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;**
- v. **land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas; and**
- vi. **a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;**

The notion of spatial justice is addressed in this application, as the proposed development intends to bring about a change in the current use allowed on the property, to one which is arguably more flexible and in line with the area and works towards achieving the objective of the future planning policy.

The proposed township will provide housing for residents in lower- and middle-class brackets this will ensure that people, who generally could not manage to afford this type of housing, will now be housed in well designed, good quality, well-managed dwelling units located in a safe environment.

The proposed development is in line with the strategies, objectives and goals City as stipulated throughout it's spatial planning policies. The area is also suitable for land use intensification because of the surrounding land use character, proximity to the larger residential area, proximity to places of employment, services and social facilities, proximity to public open space, and infrastructure availability.

In terms of this principle, the proposed development has considered the spatial development frameworks and policies at all spheres of government. Highly relevant to this development, spatial justice can be established by creating facilities to support the community that will result in the broadening of housing opportunities for all. By approving the proposed development, the Municipality will be supporting the principle of spatial justice.

7.1.1.2 The Principle of Spatial Sustainability (Section 7(b));

- i. **Promote land development that is within the fiscal, institutional and administrative means of the Republic;**
- ii. **Ensure that special consideration is given to the protection of prime and unique**

- agricultural land;**
- iii. **Uphold consistency of land use measures in accordance with environmental management instruments;**
- iv. **Promote and stimulate the effective and equitable functioning of land markets;**
- v. **Consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;**
- vi. **Promote land development in locations that are sustainable and limit urban sprawl; and**
- vii. **Result in communities that are viable;**

This application and the subsequent development of the proposed township will not only provide and address the need for housing to previously disadvantaged persons but will also enhance the value of the property and possibly the surrounding area. This will ensure that land is utilised in a sustainable manner. What is also important is that the administrative process that is followed to change the land use right on the property, is done in accordance with current and applicable legislation. The development, therefore “promotes land development that is within the fiscal, institutional and administrative means of the Republic.”

The two most important factors impacting sustainable community development are integration and sustainability. There is a general understanding that Apartheid spatial planning segregated cities and its residents, the practice did not result in sustainable and integrated cities.

Whilst it is widely acknowledged that spatial systems, such as the City of Tshwane, must strive toward greater sustainability, the integration aspect of planning is especially relevant to South African cities due to the apartheid legacy that still must be overcome. The central goals of sustainable community planning can be achieved by applying planning principles to development that promote and reflect the different dimensions of both sustainability and integration.

Urban sprawl needs to be limited to improve integration, sustainability and efficient infrastructure provision and the use of land. Reducing urban sprawl also protects the natural aesthetics, however this development will not have an impact as it is situated within the Urban Edge of the city.

Through this project, there is a response to the spatial marginalisation of the economy as well as a range of market and sector demands, supporting optimal participation in the economic affairs and activities of the City which will promote and stimulate effective and equitable functioning of land markets.

The proposed development will make use of existing infrastructure, but will also, through contributions, ensure that such services are upgraded and maintained. The proposed development will require that bulk engineering services be installed and upgraded, which will have a positive effect on adjacent areas and will not result in urban sprawl. Further, the quality of the proposed development and the soft landscaping to be provided as part thereof will also impact positively on the neighbourhood. Aesthetically, the area will benefit from the development due to the tasteful and stylish character of the project.

7.1.1.3 The Principle of Efficiency ((Section 7(c));

- i. **Land development optimises the use of existing resources and infrastructure;**
- ii. **Decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts; and**

- iii. **Development application procedures are efficient and streamlined and timeframes are adhered to by all parties;**

To build a complete, viable community means to create sustainable town centres and neighbourhoods that collectively support a variety of lifestyles, economic development, and efficient management of public infrastructure and resources. It also means raising the quality of life through environmental protection, provision of public amenities, encouraging various transportation options, and protecting neighbourhood character.

One of the key factors in creating a society that is sustainable and liveable, by generating higher neighbourhood densities to support these characteristics (i.e., increasing the number of dwelling units per hectare of land). This can be accomplished through infill or subdivision or densification and redevelopment. This application is for an infill within an existing established residential neighbourhood and will provide a mix of housing typologies, it will not only enhance the liveability but also ensure that the use of existing resources and infrastructure is optimised.

7.1.1.4 **The Principle of Spatial Resilience (Section 7(d)), 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 and environmental shocks;**

The application is consistent with all planning policies at a national, provincial and local level. The application thus complies with this principle. The proposed land use will promote flexibility in land use management by the provision of mixed land uses which will ensure sustainable livelihoods.

7.1.1.5 **The Principle of Good Administration (Section 7(e));**

- 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 embodied in this Act;**
- ii. **All government departments must provide their sector inputs and comply with any prescribed requirements during the preparation or amendment of spatial development frameworks;**
- iii. **The requirements of any law relating to land development frameworks;**
- 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**
- v. **Policies, legislation and procedures must be clearly set in order to inform and empower members of the public.**

The proposed development is in line with the developmental principles of SPLUMA, the legislative land development requirements will be met timeously to contribute to efficient administration in terms of housing delivery. The township application will be published in newspapers, notices will be placed on the application site, adjacent landowners will be informed, and a copy of the application will be available for inspection at the office of the municipality or with a request to the applicant.

The approval of this application will afford the landowner the opportunity to develop the site in line with Council policies. The proposed land-use rights will limit urban sprawl as it is situated within the Urban

Edge of the City and will result in the upgrading of existing services and the installation of new engineering services.

This land development application will bring about new local taxpayers for the City of Tshwane, their financial contributions can be utilised by Council to address past spatial imbalances with strategic infrastructure investments in areas of need.

7.1.2. NATIONAL DEVELOPMENT PLAN, 2030

The National Development Plan (NDP) offers a long-term perspective. It defines a desired destination and identifies the role different sectors of society need to play in reaching that goal. As a long-term strategic plan, it serves four broad objectives:

- Providing overarching goals for what the nation wants to achieve by 2030.
- Building consensus on the key obstacles to us achieving these goals and what needs to be done to overcome those obstacles.
- Providing a shared long-term strategic framework within which more detailed planning can take place to advance the long-term goals set out in the NDP.
- Creating a basis for making choices about how best to use limited resources.

The Plan aims to ensure that all South Africans attain a decent standard of living through the elimination of poverty and reduction of inequality. The core elements of a decent standard of living identified in the Plan are:

- Housing, water, electricity, and sanitation.
- Safe and reliable public transport.
- Quality education and skills development.
- Safety and security.
- Quality health care.
- Social protection.
- Employment.
- Recreation and leisure.
- Clean environment.
- Adequate nutrition.

Although the NDP is on a much wider scale, the principles of the NDP can still be made applicable.

The proposed development and land use rights are not in contrast to the NDP. In fact, the creation of additional residential units in the area supports the aims of the NDP through provision of different housing typologies for people with different levels of income, access to public transport, access to job opportunities and social and recreational facilities.

7.1.3. NATIONAL SPATIAL DEVELOPMENT PERSPECTIVE 2006 (NSDP)

The ultimate purpose of the NSDP is to address and reconfigure the spatial planning legacies that were left with the eradication of Apartheid. The NSDP provides a framework for deliberating the future

development of the national space economy and recommends mechanisms to bring about optimum alignment between infrastructure investment and development programmes within localities. It is not a national development plan; nor does it predetermine what should happen where, when and how. Instead, it utilises principles and the notions of need and potential as a common backdrop against which investment and spending decisions should be considered and made.

The NSDP provides “a set of principles and mechanisms for guiding set of principles and mechanisms for guiding infrastructure investment and development decisions; a description of the spatial manifestations of the main social, economic and environmental trends that should form the basis for a shared understanding of the national space economy; and an interpretation of the spatial realities and the implications for government intervention.”

In order to contribute to the broader growth and development policy objectives of government, the NSDP puts forward a set of five normative principles:

- **Principle 1:** Rapid economic growth that is sustained and inclusive is a prerequisite 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 (e.g. water, energy, health and educational facilities) wherever they reside.
- **Principle 3:** Beyond the constitutional obligation identified in Principle 2 above, government spending on fixed investment should be focused on localities of economic growth and/or economic potential in order to gear up private-sector investment, to stimulate sustainable economic activities and 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, the government should, beyond the provision of basic services, concentrate primarily on human capital development by providing education and training, social transfers such as grants and poverty-relief programs. It should also reduce migration costs by providing labour market intelligence to give people better information, opportunities and capabilities, to enable them to gravitate - if they choose to - to localities that are more likely to provide sustainable employment and economic opportunities.
- **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.

This application complies with the provision and principles of the NSDP and will contribute to the eradication of apartheid spatial planning by aligning the spatial planning objectives of the City of Tshwane with the development of the proposed land use rights. The proposed rights are in line with the

principles of the NSDP to facilitate spatial reform of the city and will contribute to the wellbeing of its residents.

7.1.4. GAUTENG PLANNING AND DEVELOPMENT ACT, 2003

“The Act was created to provide for a single system of development, planning and land management in the Province; to set out principles for planning and development in the Province; to establish planning bodies and to provide for appeals to the Appeal tribunal; to create a framework for the preparation of development plans and frameworks; to provide for the creation of zoning schemes; to create unified procedures for development applications; to provide for the repeal of legislation and transitional measures; to provide for general matters such as enforcement procedures; and to provide for matters connected herewith.”

The Gauteng Planning and Development Act, 2003 provides a few principles to promote spatial restructuring and development. Key amongst these is that the Gauteng Province shall encourage development and land use which, “... promotes the more compact development of urban areas and the limitation of urban sprawl and the protection of agricultural resources” and development that “results in the use and development of land that optimises the use of existing resources such as engineering services and social facilities...”.

It is intentional to promote a more mixed development of urban areas and the limitation of urban sprawl and the protection of agricultural resources. Further, the development of land that optimised the use of existing resources such as engineering services and social facilities are encouraged.

The proposed development will provide for a more mixed residential urban environment, will curb urban sprawl and will be in line with the surrounding urban fabric. The infill of a property at this locality and in the area will ensure optimised use of existing resources, i.e. land and essential services as well as the upgrading or installation of services in the area. Furthermore, the application is in line with the requirements of the City of Tshwane Town Planning Scheme, 2008 (Revised 2014) and procedures to manage town planning applications put in place by the Municipality.

7.1.5. CITY OF TSHWANE IDP 2021 - 2026

In terms of Section the Municipal systems Act, 32 of 2000 each municipality in the country “has to have regard to its IDP of which the Municipal Spatial Development Framework (MSDF) is a component off.”. The Municipality should: “(...) adopt a single, inclusive and strategic plan for the development of the municipality which (a) links, integrates and coordinates plans and takes into account proposals for the development of the municipality (b) aligns the resources and capacity of the municipality with the implementation of the plan and (c) forms the policy framework and general basis on which annual budgets must be based.

In line with the Municipal Systems Act (MSA) and the Municipal Finance Management Act, 2003 (Act 56 of 2003), the City of Tshwane has developed its five-year IDP for 2021-2026, On the 20th August 2020, the Council adopted the 2021-26 Integrated Development Plan Process Plan. The IDP Process plan has set the strategic pillars and deliverables to guide the City on a new development trajectory which aims to create:

- a city of opportunity;
- a sustainable city;
- a caring and inclusive city;
- a safe and clean city; and
- an open and honest city.

The above, much as they are outcomes, also form part of the development pillars which guide the long-term planning of the City of Tshwane. These pillars are anchored around the priority areas which are the focus for this term of office. The Roadmap towards Tshwane 2030 as set out in the IDP focuses on spatial transformation, economic transformation and ecological transformation as investigated in the Roadmap towards Tshwane 2030.

“The Regional Spatial Development Frameworks (RSDF) are aimed at dealing with the following detail spatial related aspects, focussing, however, on a regional level as indicated in the IDP 2017/ 2021:

- Provide an appropriate and integrated regional spatial framework for sustainable development; (Economic transformation).
- Ensure directed public investment, through the identification of geographic areas where intervention is necessary; (Economic transformation).
- Guide local development, in relation to urban movement and activity systems, in order to realise the vision of sustainability and urbanity; (Ecological Transformation).
- Inform developers and the general public of the location, structure and form of development that will most likely be approved and the sustainable urban planning and development guidelines to be followed; (Spatial transformation).”

Chapter 2 of the IDP contains and sets out the strategic context within the IDP 2021/2026 and contains five strategic pillars which are guiding the 5 year term of the IDP. The five pillars that will guide the development of Council are as follows:

- “1) A City that facilitates economic growth and job creation,
- 2) A City that cares for residents and promotes inclusivity,
- 3) A City that cares for residents and promotes inclusivity,
- 4) A City that delivers excellent services and protects the environment,
- 5) A City that keeps residents safe and
- 6) A City that is open, honest and responsive.”

Under these Pillars, different actions are set in place to reach the long-term vision for Tshwane and are a “compass” for the 2021/2026 term of the Municipal office. The IDP also sets out the spatial vision for the city to become a “Spatially Efficient Capital City that is Liveable, Sustainable, Competitive and Resilient.”

The proposed application and land use rights are in line with the objectives and visions as set out in the IDP for the city. The development will promote sustainable delivery of services, an integrated and growing economy, ecological sustainability, and integrated communities that are self-reliant.

The proposed land-use rights will afford the landowner the opportunity to create a development that is in line with Council's spatial policies to establish a more compact urban form, optimise existing infrastructure, support and promote viable public transport systems, provide affordable housing delivery that is in close proximity to places of employment, etc.

7.1.6. CITY OF TSHWANE METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK, 2012

"The MSDF represents the spatial interpretation of desired growth and development directions for the City. It spatially focuses on economic and infrastructure development and gives a spatial expression to the development plans above (CDS and IDP), both for the long-term and the medium term. The purpose of a metropolitan spatial framework for the city is to provide a spatial representation of the city vision and to be a tool to integrate all aspects of spatial (physical) planning such as land use planning; planning for pedestrian movement vehicular and other movement patterns; planning regarding buildings and built-up areas; planning of open space systems; planning of roads and other service infrastructure; as well as to guide all decision-making processes regarding spatial (physical) development.

The MSDF wants to correct the fragmented spaces, inefficient and inequitable urban form to build a more equitable, efficient, and environmentally and financially sustainable urban dispensation in line with current legislation and policy

The compaction and functional integration of the city are normative directives from national level, and implies:

- higher density urban development,
- greater mixing of compatible land uses and
- focused concentration of high-density residential land uses, and intensification of non-residential land uses in nodes, around transit stations (such as the Gautrain, BRT, Rail and other formalised intermodal transport facilities."

Following from, the MSDF Council incorporated the following spatial plans that: Regional Spatial Development Frameworks, Local Spatial Development Frameworks and Precinct and/or Site Plans in order of descending scale.

The proposed development is not in contrast to the Tshwane MSDF. In fact, the creation of additional residential units in the area supports the aims of the Tshwane MSDF through the provision of different housing typologies for people with different levels of income, access to public transport, access to employment opportunities, places of employment and social and recreational facilities. The proposed township is also situated within the Urban Edge of the City of Tshwane and will help address the vertical expansion of the city by providing housing in an area that will expand and experience development pressure in the future.

7.1.7. THE TSHWANE VISION 2055

"The purpose of Tshwane Vision 2055 is to provide the City of Tshwane with a broad development logic to guide the City's intervention and programme decision-making process over the next four decades of game changing.

The primary objective of Tshwane Vision 2055 is to overcome tendencies of fragmentation and ensure that all structures of civil society, community-based organisations and private business are coordinated around the implementation of agreed short- to long-term priorities, mapping out various steps that need to be undertaken. To achieve the Outcomes of Tshwane Vision 2055, strategic priority interventions/programmes must be measurable, achievable, time bound, accompanied by budget, and supported by a capable institution to facilitate implementation.

Tshwane Vision 2055 is meant to serve the following objectives:

- To develop a framework to help us do a better job, to focus our energy, to ensure that all stakeholders and role-players are working toward the same goals;
- To assess and adjust the organisation's strategic direction in response to a changing environment;
- To open up a public discourse on the key challenges confronting the City and how together we can develop appropriate solutions; and
- To capture the imagination of City of Tshwane residents and stakeholders around the City's vision and hold each other accountable in our journey towards 2055.

The proposed land-use rights will strive to achieve the objectives of the Tshwane Vision 2055. The next section will focus on the RSDF for Region 3 and the application site.

7.1.8. TSHWANE METROPOLITAN MUNICIPALITY: REGIONALIZED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2018 (RMSDF) FOR REGION 3

The RMSDF compiled for the City of Tshwane follows directly from the MSDF and is an implementation mechanism for the City's strategic intentions as set out in the MSDF and other strategic policies.

The RMSDF for Region 3 actively promotes residential densification throughout the region that is guided by the principles in the Tshwane Compaction and Densification Strategy. The proposed development is situated within the Urban Edge of the city and is surrounded by residential areas and neighbourhoods to the west, northwest and east, northeast, east-west of the proposed development. The application site is situated in an area earmarked as a Suburban Densification Zone as it is located within 25km of the CBD. The application site is also situated on the border of a Linear Zone that runs along Van der Hoff Road where up to 80 du/ha can be supported. The RMSDF, 2018 states that various housing and densification typologies must be employed in a structured manner within this zone.

The application site is the only undeveloped farm portion in the area that experienced development growth throughout the past couple of years. The application site and proposed development in terms of the RMSDF can be classified as a greenfields development where a density of up to 80 du/ha as prescribed in the Tshwane Compaction and Densification Strategy within a 25 km radius of the CBD can be supported and developed. The proposed density for this development of 60 du/ha was also confirmed, in writing from the Council town planner for the area, to be in line with the densities supported by Council in this area. A number of "Residential 3" townships with a density of 60 dwelling units per hectare have been proclaimed to the wets of the application site situated within Kirkney Extension 38.

The main objective of the RMSDF is to: “is to create pleasant, safe and sustainable residential neighbourhoods with a mix of residential typologies, community and social facilities, recreation areas such as parks, sports fields and playgrounds, access to public transport for those who need it, and local economic opportunities.” The application site is situated within walking distances of social infrastructure and will provide a mix of housing typologies to the area that will be designed that will contribute to the notion of achieving long-term socially, environmentally and economically viable communities.

The extract below is taken from the RMSDF Map for Region 3 and illustrates the locality of the application site in relation to the planning objectives of the region.

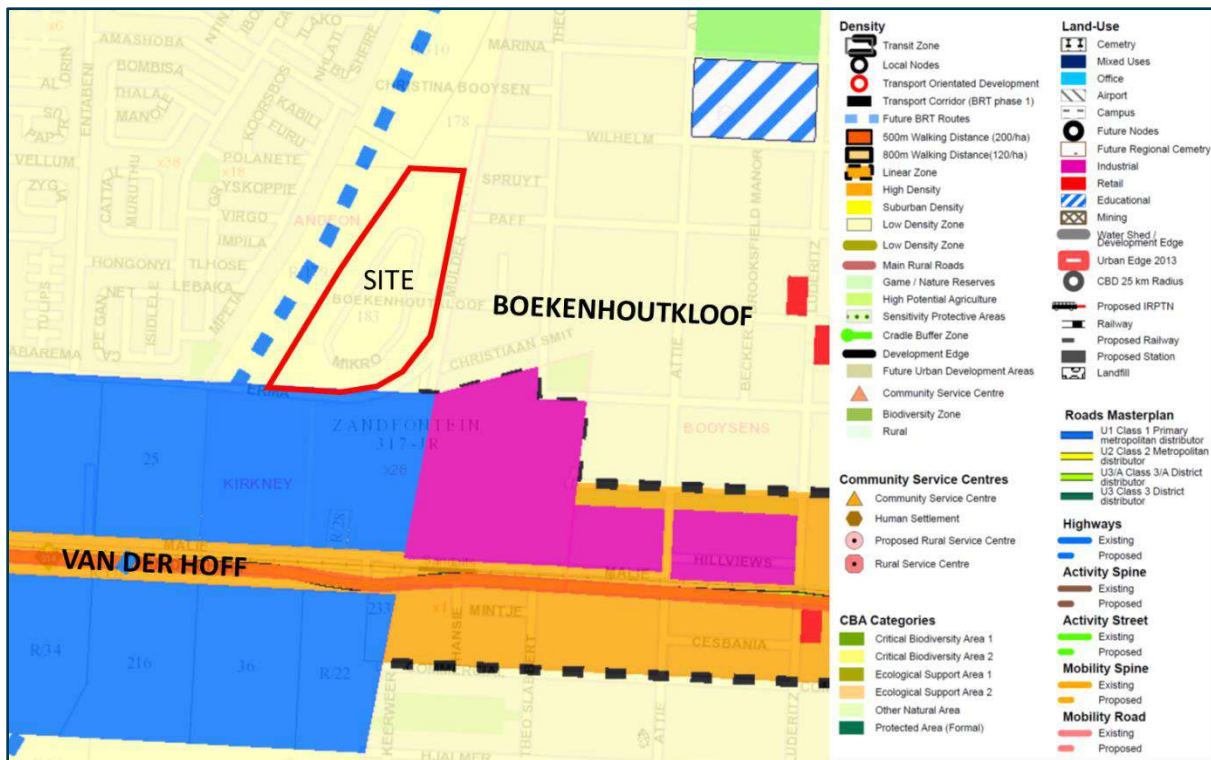


Figure 7-1: Tshwane Metropolitan Municipality RMSDF, 2018 – Region 3 (Source: City of Tshwane GIS)

The proposed land use rights and development will be in line with, the objectives set out in the RMSDF, 2018 for Region 3 that calls for “drastic change in the built environment in terms of densities, typologies”. There will be an upgrading of infrastructure in the area, provision and expansion of viable public transportation nodes provide a mix of residential units, typologies, and sizes to create a safe and healthy living environment for the future residents of the area.

Substantial residential development has taken place in the City of Tshwane, with Region 3 expanding within the urban edge of the city and western part of Region 3. Residential developments (Residential 1 and Residential 3) have emerged to the west of the application site within the past couple of years illustrating the need for additional housing options within the Region and city. There is thus a need and desirability for higher residential density options within the area.

This application and proposed land use rights are in line with the development proposals set out in the RMSDF, 2018 for Region 3 and will be beneficial to the surrounding area and help achieve the development objectives of the City of Tshwane.

7.2 NEED AND DESIRABILITY

7.2.1 NEED

In terms of the interest of Section 42 of SPLUMA and the overall benefit of the proposed densification of the application site the need of the application is determined considering the following factors:

7.2.1.1 Interest of the General Public

The development and residential densification will be in the interest of the public as it will create a market appetite in a section of the public that is not found or could not be established in the area. The future take-up of densification opportunities will enable advanced implementation and ensure the sustainability of the public transport systems that are envisaged and planned for the municipal area. Collaboration between aspects such as the development of sustainable communities, the reliability on sustainable public transport, infrastructure provisions, government backing, and policy were envisaged as part of the densification of the proposed property and will subsequently favour the public.

The higher density development will further contribute to the public by means of installation and upgrading of bulk engineering services and payment of engineering contributions. The developer will invest in the area, which will contribute to the sustainability of the neighbourhood and utilisation of undeveloped land. The development will also result in additional units that will pay monthly rates and taxes to be utilised by Council in areas where upgrading of services and the installation services are needed. People who had no access to the property market will now have access to affordable, aesthetically pleasing housing, the opportunity to stay close to their place of work and in proximity to social facilities at a more affordable cost to them.

7.2.1.2 The Constitutional and Transformation Imperatives and the Related Duties of the State.

The constitutional and transformation imperatives and related duties of the State are aligned and incorporated within the wider context of the RMSDF, MSDF, IDP, and other legislation in respect of land development applications and is set out in Section 7.1 of this motivating memorandum.

7.2.1.3 The facts and circumstances relevant to the application.

The details about this application have been addressed throughout this motivating memorandum.

7.2.1.4 The respective rights and obligations of all those affected.

Section 7.2.2 of this memorandum sets out the desirability of the proposed land use rights and Section 7.2.1 the need. These two sections should be read in conjunction with one another and highlights the possible concerns that may arise with this development and mitigation measures to be adhere to. The rights of the surrounding property owners will also be taken into consideration as set out in the Tshwane Town Planning Scheme, 2008 (Revised 2014) and once development and design of the buildings will commence.

The application is submitted in terms of Section 16(4) of the City of Tshwane Land Use Management By-law, 2016 and will also be advertised as prescribed. Once the necessary procedures have been complied with Council, as the controlling authority, will evaluate the application and make a decision on the application.

7.2.1.5 The state and impact of engineering services, social infrastructure, and open space requirements

The state of the engineering services is discussed in Section 6 of this motivating memorandum and will be addressed with the development process to be followed.

7.2.1.6 The effect of the land development application on the environment and environmental legislation

The proposed site is positioned within a serviced township, and it will have no negative impact on the environment or environmental legislation.

7.2.2 DESIRABILITY

The area surrounding the proposed development is developed and surrounded by mostly residential houses and developments to the east and west and other non-residential uses to the south of the application site. The proposed development area measures 7.0327Ha in extent. The proposed application can be considered desirable based on the following factors:

- The proposed development is surrounded by a well-developed and serviced township, alongside an existing road network that will be easily accessible, walking distance from public open space, economic and social activities, educational facilities as well as religious facilities.
- The proposed development will deliver a mix of different housing typologies that will be affordable, aesthetically pleasing and giving dignity to first time home buyers or possibly residents who had no access to housing. The mixed-use will benefit surrounding businesses and social amenities and facilities due to increased foot traffic from the development and giving the municipality new taxpayers.
- The proposed development will not disturb the existing neighbourhood or the property owners, but it will be uplifted from an appealing design from the architects and developer. A proper design will be delivered by a professional architect and will provide a modern design that will not be out of place in the area. The final product to be developed will be determined by market trends and factors as well as market studies to be compiled after approval of this township application.
- The form and typology of the application site are ideal for the development of a medium-density residential development. The design of the residential buildings will be done according to specific design standards and principles and will have to comply with the proposed development controls set out applied for and Tshwane Town Planning Scheme, 2008 (Revised 2014). Certain mitigating measures will be implemented to ensure the development is desirable and will protect the privacy of the surrounding property owners.
- The fact that the application site is not bordered directly by any residential property will entail that none of the surrounding properties or its residents' privacy will be impacted by the proposed land use rights proposed. The development will also not cause any winter overshadowing due

to the fact that Elma Street makes up the southern boundary of the application site and the properties to the south are non-residential activities.

- The road reserve of Mulder Street is 30m wide from the eastern boundary of the site and will ensure almost no impact on the residential properties to the east of Mulder Street.
- The PWV 9 road reserve along the western boundary of the site varies from between $\pm 105\text{m}$ to $\pm 130\text{m}$ wide. There is also a 20m and 30m building line that affects the western boundary of the site which entails that the development will have no impact on the residential dwellings to the west and north-west (West View Residential Estate) of the site.
- The proposed development will have a safe single access gate to the development that can be obtained via Mulder Street, Section 6.1.2 of this motivating memorandum and TIA submitted with this application.
- The proposed development will upgrade the services and roads in the area to the satisfaction of the Municipality. The provision of proper services in the area will not only benefit the developer and landowner, but also the residents in the area.
- The proposed land-use rights will enable the development of different housing typologies within a secure residential environment.

Our office is of the opinion that this development will not have a detrimental impact on the existing surrounding properties or area, and will not constitute an unreasonable addition to the area in terms of privacy and protection of the existing character and visual quality of the area.

8. CONCLUSION

An application is lodged in terms of Section 16(4) of the City of Tshwane Land Use Management By-law, to establish a township on a part of Portion 183 of the farm Zandfontein 317-JR to be known as Andeon Extension 47. This application seeks the approval of the Council for a township with a "Residential 3" zoning with a density of 60 Dwelling-units per hectare.

The township establishment application is sufficiently motivated in terms of the need and desirability for the proposed land uses. The proposed development will be a positive addition to Andeon and the surrounding areas, need and desirability for the proposed land use rights and the development is in line with national, provincial, and municipal development policies (NDP, IDP, and The Tshwane Vision 2055) and support of the principles set out in SPLUMA that it will contribute towards.

This proposed development allows the developer the opportunity to bring development to an already developed neighbourhood with an infill development that will be in harmony with the surrounding land uses that may act as a catalyst for future development in the area. Further development of the area will enable the upgrading and installation of services that will be to the benefit of the surrounding area and existing neighbourhoods situated to the east and west of the proposed development.

The proposed land use rights are found to be necessary and desirable and sufficient merit is provided for Council to consider this application favourably. Due to the size of the application site, historically approved land use rights in the proposed development it can be considered highly developable and will be desirable. We reserve the right to provide further motivation, clarification or other documentation required or necessary for the consideration and approval of this application.