

## MEMORANDUM

### MOTIVATION OF MERIT OF PROPOSED RESIDENTIAL TOWNSHIP ON HOLDING 72 WATERKLOOF AGRICULTURAL HOLDINGS

#### - PROPOSED RIETVALLEIRAND EXTENSION 80 -

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## 1. INTRODUCTION

### 1.1. APPLICATION

Application is hereby made for the establishment of a residential township on the property known as Holding 72, Waterkloof Agricultural Holdings. The application is being made in terms of Section 16(4) of the City of Tshwane Metropolitan Municipality Land Use Management Bylaw, 2016 ('the Bylaw') read with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ['SPLUMA'].

### 1.2. PURPOSE

#### 1.2.1. Land development application

The application for land development approval has the purpose of procuring the necessary use-rights to develop the subject property as a group-/ cluster housing project. The use-rights underpinning the latter requires a Residential 2 zoning in terms of the provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014) ['TTPS'].

#### 1.2.2. Memorandum

The purpose of the memorandum is to collate all the essential information on the application in a single document, to formulate and describe the development proposal and to motivate its merit from *inter alia* a need / necessity, desirability and sustainability perspective.

### 1.3. APPLICANT

#### 1.3.1. Owner / developer

The property on which the township is being established is registered in name of Marcadet Property Development cc (Reg No 2011/058566/23), which close corporation will also act as developer of the proposed new cluster-/group housing complex on same.

#### 1.3.2. Authorized agent

Mr Paul van Wyk, registered town- and regional planner (Pr Pln A/089/1985) (or nominee) of the firm J Paul van Wyk Urban Economists & Planners cc has been appointed by the registered owners to undertake the present application on its behalf.

[ANNEXURE 'A' : CLOSE CORPORATION RESOLUTION, CIPC CONFIRMATION  
OF MEMBERS & SPECIAL POWER OF ATTORNEY]

**1.4. JURISDICTION**

Holding 72, Waterkloof A.H. is located in the municipal confines of the City of Tshwane Metropolitan Municipality (CTMM) with decision-making authority on land development applications in terms of the Bylaw vested in the Metropolitan Council, but devolved to the Municipal Planning Tribunal and (an) Authorized Official(s) for Category 1 and 2 applications respectively.

## 2. PROPERTY PARTICULARS

### 2.1. DESCRIPTION

The property on which the proposed new township is being established has been described in title deed T6418/ 2016 as follows:

*“HOLDING 72 WATERKLOOF AGRICULTURAL HOLDINGS, REGISTRATION DIVISION J R, PROVINCE OF GAUTENG” (p2)*

Reference in the balance of the memorandum to this property will be as ‘Holding 72’, ‘subject property’, ‘Property’, ‘site’ or ‘development site’

[ANNEXURE ‘B’: TITLE DEED COPY]

### 2.2. EXTENT

Title deed T6418/2016, p2 confirms the subject property to be 2,0235 hectares in extent.

### 2.3. LOCALITY

#### 2.3.1. Urban context

Holding 72 is located in the southeastern parts of the City of Tshwane to the north of the Rietvlei Nature Reserve and Dam and the northeast of Centurion. The Rietvalleirand townships / Waterkloof A H complex of which the subject property forms part is defined in essence by the following higher-order roads flanking this area :

*	Northeast	:	Delmas Road (R50-route)
*	Southwest	:	Dam Road (M31-route)
*	North/ northwest	:	Piering Road
*	West	:	Goede Hoop/Boeing Street (M57-route)

The high-order interchange of the N1-National and R21-Provincial Roads is found approximately three kilometres northwestwards from the Property, while the northernmost edge of the Rietvlei Dam is situated approximately two kilometres south/southwestwards.

Surrounding suburbs and landmarks include the following :

*	North	:	Elarduspark
*	West	:	Rietvalleipark
*	South	:	Rietvlei Nature Reserve
*	East	:	Moreletapark extensions

[FIGURE 1 a : LOCALITY IN URBAN CONTEXT]

#### 2.3.2. Local context

Situated to the south of and abutting Jochem Street (275 Jochem Street) the Jochem Street / Kort Street T-junction is but a mere 110 metres eastwards.

The following adjoining properties serve to elucidate its locality in local context :

- \* South : Portion R/22, farm Rietvallei 377-JR
- \* West : Rietvalleirand Extension 55
- \* East : Holding 71, Waterkloof A.H.
- \* North : Opposite Jochem Street – Portions 1/57 and R/57, Waterkloof A.H. and Erf 972, Rietvalleirand Extension 63.

Other near-by landmarks include the Ivory Manor Boutique Hotel immediately northeast of the subject property across Jochem Street, the Adante Lodge a little further northwestwards across Jochem Street and the Kleine Weide Guest House seemingly integrated in the adjoining Rietvalleirand Extension 55 township to the west.

[FIGURE 1b : LOCALITY IN LOCAL CONTEXT]

### 2.3.3. GPS Coordinates

The Global Positioning Reference of the approximate centre point of the development site is as follows:

- \* South : 25° 50' 51,00"
- \* East : 28° 16' 13,17"

## 2.4. SHAPE AND DIMENSIONS

The Property is rectangularly shaped with the long and short sides respectively extending to 220,46 metres and 91,78 metres. The short sides are orientated north / northwestwards and the long sides east / northeastwards.

For more information refer to Annexure 'C'

[ANNEXURE 'C' : SURVEYOR GENERAL DIAGRAM No 5336/55]

## 2.5. OWNERSHIP

The Property is registered at the Deeds Office in name of a close corporation styled Marcadet Property Development cc (Registration Number 2011/058566/23), herein represented by mr Bin Hue Zhang (ID620205 6007 18 6). For more information refer to Annexures 'A' and 'B'.

## 2.6. TITLE CONDITIONS

### 2.6.1. Servitudes

There are at present no servitudes registered against Holding 72 in its title deed (T76418/2016).

The property is however subject to an as yet unregistered 4m wide municipal services servitude along the southern boundary *vide* Surveyor General Diagram No 3268/2016.

[ANNEXURE 'D' : SURVEYOR GENERAL SERVITUDE DIAGRAM No 3268/2016]

A Land Surveyors Certificate (Land Audit Report) has been prepared by messrs Conradie Landsurveyors to *inter alia* determine whether the subject property is indeed affected by this servitude. The report confirms that the Property is indeed affected by the servitude and that it should be carried over in the township establishment conditions.

[ANNEXURE 'E' : LAND-SURVEYOR'S CERTIFICATE]

#### **2.6.2. Restrictions**

Condition A (a) to (i) in title deed T76418/2016 are restrictive in nature and will have to be expunged from the title deed of Holding 72. This will be done as part of the present process for township establishment.

These are the "standard" conditions of title appertaining agricultural holdings pursuant to the provisions of the former Agricultural Holdings (Transvaal) Registration Act, 1919. Messrs Prinsloo Bekker Attorneys have confirmed same in their Conveyancer's Report prepared for the township application.

[ANNEXURE 'F' : CONVEYANCER'S CERTIFICATE]

These conditions will be excised and expunged as part of the process by the project conveyancer at time of opening of the township register at the Deeds Office. An Excision Certificate has already been obtained from the Gauteng Province – attached hereto as Annexure 'G'.

[ANNEXURE 'G' : EXCISION CERTIFICATE FOR HOLDING 72,  
WATERKLOOF A.H.]

#### **2.7. MORTGAGE BONDS**

The subject property is not mortgaged. The requirement for bondholder's consent thus becomes irrelevant.

### 3. ZONING AND LAND-USE

This section of the memorandum focuses on the current and future zoning / use-rights and land-use activities of the subject property.

#### 3.1 CURRENT ZONING

The CTMM in a Zoning Certificate dated 22 August 2016 confirmed the current zoning of the subject property, as being Agricultural (Use-zone 17) for purposes of agriculture, a farm stall subject to Schedule 10 and one dwelling-house in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [TTPS].

[ANNEXURE 'H' : ZONING CERTIFICATE]

#### 3.2 PRESENT LAND-USE

The subject property is currently host to a single dwelling-house and associated outbuildings as commensurate with its current zoning. These structures will be demolished to make way for the proposed future development on the Property.

#### 3.3 FUTURE LAND-USE

The applicant envisages the establishment of a residential security estate comprising a total of 47 dwelling-units and a private road on the overall development site. These dwelling-units will be sold on full-title ownership which will be facilitated through a subsequent subdivision application on the Property creating 47 individual erven to house each dwelling on a separate autonomous stand.

#### 3.4 ZONING REQUIRED

The zoning required to facilitate the lawful use of the subject property for the envisaged purpose, is described as Residential 2, subject to Annexure T zoning controls. The zoning controls have been devised to ensure that a development density of 23,5 units per hectare would be applicable to the development site.

Based on Schedule 4 of the TTPS pertaining to a 'standard' Residential 2 zoning, the applicant has prepared the following set of Annexure T zoning and zoning conditions to be incorporated for the erven in the proposed Rietvalleirand Extension 80 township at time of proclamation.

TABLE 1 : PROPOSED ANNEXURE T ZONING AND ZONING CONDITIONS FOR ERVEN IN RIETVALLEIRAND EXTENSION 80

1	Use Zone	2: Residential 2
2	Uses permitted	Dwelling-units
3	Use with consent	Table B, Column 4.
4	Uses not permitted	Table B, Column 5.
5	Definitions	Clause 5
6	Density	23,5 dwelling-units per hectare: Provided that not more than 47 dwelling-units may be erected on the site.
7	Coverage	In accordance with an approved site development plan
8	Height	2 storeys: Provided that a second storey shall only be allowed if the Municipality is satisfied that such storey will not detrimentally affect the privacy of

		adjoining property owners.
9	Floor area ratio	Not applicable
10	Site development plan and landscape development plan	<p>(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p>
11	Building lines	Clause 9 and Clause 12.
12	Parking requirements	<p>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three dwelling-units for visitors.</p>
13	Paving of traffic areas	All parts of the erf upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
14	Access to the erf	<p>(1) Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.</p> <p>(2) Any panhandle must be at least 3 metres wide.</p>
15	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
16	Turning facilities	Not required.
17	Physical barriers	In accordance with an approved site development plan.
18	Health measures	(1) Any requirements for air pollution-, noise abatement- or health measures set by Municipality shall be complied with to the satisfaction of the Municipality without any costs to the Municipality.

		(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.
19	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.
20	<p>General:</p> <p>(1) An engineer shall be appointed prior to the approval of building plans, who shall design, specify and supervise structural measures for the foundations of structures, according to the soil classification as described in the geotechnical report. On completion of the structures, he / she shall certify that all his / her specifications have been met.</p> <p>(2) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.</p> <p>(3) That portion of the erf between the building and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(4) Subject to the provision of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</p> <p>(5) The stipulations of Clause 14(3)(a) are only applicable to sectional-title development. A total area of at least 50m<sup>2</sup> shall be erected for children playground purposes, if required by the Municipality.</p> <p>(6) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part is completely developed: Provided that the Municipality may in exceptional cases grant permission thereto.</p> <p>(7) No dwelling-unit may be transferred before the entire development, or a phase of the development has been completed.</p> <p>(8) 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).</p>	



## **4. DEVELOPMENT PROPOSAL**

### **4.1. CONCEPT**

The development concept being pursued entails a private security cluster housing estate to be developed at a density of 23,5 dwelling-units per hectare. The township establishment process is foreseen to result in a single development site on which a site development plan will be approved subsequently. The approval of the site development plan will be followed by an application for subdivision to facilitate full-title ownership of individual erven in the end.

A home owners' association (HOA) in the form of a non-profit company (NPC) will be established by the applicant, which will be responsible for owning and maintaining of *inter alia* all internal engineering services which will not be transferred to the CTMM. It will typically also own and be responsible to maintain the entrance gate structure on the private internal road-erf as well as for the maintenance of any perimeter security fencing and equipment.

### **4.2. TOWNSHIP LAYOUT**

#### **4.2.1. Name and reference**

The CTMM has on 27 September 2016 approved the name Rietvalleirand Extension 80 for the proposed township on Holding 72. It also issued Reference CPD 9/1/1//1-RVRX75,RVRX80 for the file on which the application will be dealt with.

[ANNEXURE 'I' : TOWNSHIP NAME RESERVATION CONFIRMATION]

#### **4.2.2. Layout plan**

Figure 2 (overleaf) depicts the proposed township layout geographically.

[FIGURE 2 : TOWNSHIP LAYOUT PLAN]

It reflects a very basic two-erf configuration and a street-widening component along the northern boundary of the Property. It should be noted that the two erven being proposed will be consolidated immediately following the proclamation of the township in the Provincial Gazette.

#### **4.2.3. Draft site plan (DSP)**

Messrs GP Drawing Services (Gert Prinsloo) have prepared a conceptual or draft site plan (DSP) for the proposed development, reflecting *inter alia* on-site positioning of the land-use activities being applied for (included overleaf)

[FIGURE 3 : DRAFT SITE PLAN BY PROJECT ARCHITECT]

#### **4.2.4. Floodlines**

The subject property (and hence the future township) is not affected by the 1:50 and 1:100-year flood recurrence levels as determined and certified on the township layout plan by mr Leon Wentzel, a duly registered professional engineer.

#### **4.2.5. Contours**

The contour lines on the layout plan as surveyed by Johanse Loock professional land surveyor adhere to the requirements for township establishment as per COT:F/5 to Schedule 6 of the Bylaw:

- \* Datum plane : Sea level
- \* Contour intervals : One metre (1m) (Gradient less than 1:20)
- \* Geodetic grid system : WGS 29?

#### **4.2.6. Extent**

It follows from the land-use table on figure 2 : township layout plan that approximately 195m<sup>2</sup> of the subject property will have to be forfeited for the future widening of the abutting Jochem Street. It will be widened from its present road-reserve width of 15,74 to 20 metres. Half of the difference of 4,26 metres (i.e. 2,13m) will be accommodated on the subject property and the balance 2,13 metres on properties on the opposite side of the street.

This leaves a total of approximately 20 040m<sup>2</sup> (gross) for residential development purposes. This area includes the private road on site required to provide the individual dwelling-units with proper access.

#### **4.2.7. Development density**

With the township area after provision for the road-widening extending to 2,040 hectares the residential density for 47 dwelling-houses on same would be 23,5 units per hectare.

#### **4.2.8. Servitude**

Due to the gradient of the site in a southwesterly direction and the requirement to provide a thoroughfare for the gravitation-led engineering services of east-lying developments across the Property, provision has been made along the southern boundary of the site for a 4metre wide stormwater and sewer servitude which is to be registered in favour of the CTMM (refer Annexure 'D' for approved servitude diagram).

### **4.3 DESIGN CONSIDERATIONS**

#### **4.3.1 Access**

Access to the township will be gained off Jochem Street, a currently 15,74m wide public street abutting the development site to its north.

There is very little level difference between the site and the street which makes for easy and safe in- and egress. Jochem Street is fairly level with adequate sight-distances in both directions from the site. This aspect, together with the slow speed of passing traffic render the access position safe and suitable for the envisaged purposes.

#### **4.3.2 Number of erven**

Provision has been made for two erven in the township – this being the minimum statutory number for a township being established. The two erven will however be consolidated again simultaneously with the opening of the township register at the Deeds Office and the proclamation of the township.

#### **4.3.3 Vehicular circulation and parking**

A two-way vehicular circulation system terminating in a hammer head turning facility in the southern parts of the site is foreseen for the development. Five sets of east / west stub roads will provide access to deeper-lying erven not situated directly adjacent to the proposed main north / south running entrance road (proposed 13m reserve-width). All roads, access configuration and turning facility will be designed to meet the required specifications of the City of Tshwane Roads and Stormwater Department. Detailed planning pertaining to vehicular circulation, accesses and roads will be dealt with in subsequent applications to the CTMM (refer para 4.4 *infra*).

Parking on the site will be provided in the ratio's stipulated in Table G of the Tshwane Town Planning Scheme, 2008 (Revised 2016) depending on the number of habitable rooms per dwelling-house. Additional parking as required for every 3 dwelling-houses will be provided for visitors.

#### **4.3.4 Building-lines**

Building set-backs will be controlled by the provisions of Clauses 9 and 12 of the TTPS. This translates to 2m building-lines all around for single storey buildings and 3m building-lines along the southern boundary of the Property for double storey (or double volume single storey) buildings.

### **4.4. DETAILED PLANNING**

Following approval of the township by the CTMM the applicant will submit a site development plan (SDP) to comply with the requirements of Clause 31 of the TTPS, followed by the approval of a subdivision plan / application to facilitate full-title erven in the development complex.

A preliminary subdivision plan has been prepared to inform the present application to a certain extent, which has been included as Annexure 'J'.

[ANNEXURE 'J' : CONCEPTUAL SUBDIVISION SKETCH-PLAN]

### **4.5. OPEN SPACE**

It is as yet uncertain whether the applicant will be providing open space on site or whether it would prefer to rather pay an endowment for parks to the CTMM. It may in the end perhaps elect to provide a certain extent on site and pay a part-endowment to the CTMM to comply with this requirement.

#### **4.6 SYNTHESIS**

The feasibility of the detailed site planning has been proved from the viewpoint of among other things, access, circulation, parking, density, extent and more. These all serve to prove the desirability of the development proposal on site in relation to its immediate environs.

## 5. MOTIVATION OF MERIT

### 5.1 PRECEDING SECTIONS

Several elements of the merit of the application have already been addressed in preceding sections of the memorandum. It is therefore important for the memorandum and accompanying annexures, figures and plans to be read in its entirety for a full comprehension of the need, desirability and sustainability of the development proposal at hand.

### 5.2 NEED / NECESSITY

#### 5.2.1 Acknowledged need by CTMM

The need for medium-density residential development in the area has already been proved, which fact is substantiated by the approval of several townships adjacent and around the subject property (e.g. Rietvalleirand Extension 55 to the west and Rietvalleirand Extension 57 to the east across Kort Street).

The CTMM has furthermore acknowledged a need for higher density housing and densification in this area through the adoption of the Regional Spatial Development Framework for Region 4, 2013. This plan earmarks the Property and its surrounds for development as a so-called “suburban densification zone”. Here development densities of up to 25 units per hectare are encouraged to respond to the demands for densification in order to *inter alia* render the implementation of public transportation corridors feasible and curb urban sprawl in Tshwane.

#### 5.2.2 Market trends / demand

The need to subdivide the property, as opposed to the sale of the units on sectional-title, is proved by the preference of the former in the market place, over the latter. It is a known fact from experience, as well as continuous liaison with estate agents in the residential property market in Pretoria, that property owners prefer full-title ownership. This fact is based on reasons of:-

- lower monthly levies toward maintenance of communal property;
- dedicated water and electricity connections with more control over household costs; and
- the potential to extend dwelling-units on individual erven.

In recent times while still struggling to overcome the severely negative effects of the economic recession, developers have started responding to the strengthening market demand for smaller dwelling-units in well-established locations / suburbs, without compromising on quality. An active demand is presently being experienced for the following housing typologies (in decreasing order of intensity), viz:

- student accommodation
- boarding houses / tenements
- apartments / flats

- townhouses
- cluster- / group housing
- single residential stands

The demand for housing alternatives is a function of *inter alia* population growth and urbanization, but also of the disposable incomes and credit-worthiness of households. High debt levels of especially households in the middle to higher income brackets are contributing to the lacklustre demand for new housing of the historic, conventional low-density variety.

Medium density upscale group housing units as being proposed, offer the middle-ground between the traditional sprawling single residential stands and more compact estate living. These accommodate prospective homeowners who have a need for privacy, a private garden, accessibility to amenities and the right address, but with the security and convenience of a complex with a more manageable sized home and garden. This market generally attracts more settled homeowners who have a family already and / or are looking at downscaling pursuant to their stage in the lifecycle of a family.

### **5.2.3 Surrounding residential estates**

The area in the immediate surroundings of the subject property is on the eve of a substantial residential influx by families to reside in medium to high density residential estates / complexes recently, or in process of being established. The following are examples of such estates:

- Stone Village to the west of the subject property;
- Chante Villas to the east across Kort Street; and
- Robyn Park, Kristal Park and Thergog Park to the northwest

The successful establishment and sale of these properties prove the need for additional housing in the area which is expanding at a rapid rate. The close proximity of various amenities (schools, shopping malls etc) render the area extremely desirable for residential occupation and thus the need to increase availability of housing to potential families in the area.

## **5.3 DESIRABILITY**

### **5.3.1 Economic development and job creation.**

The proposed residential project has the potential to host several much-needed new employment opportunities (temporary as well as permanent / skilled and unskilled). The following job fields are foreseen to be influenced by the proposed development:

- Construction (builders, foremen, contactors, landscapers, architects, quantity surveyors, etc)
- Implementation (interior designers, guards, security, gardeners, domestic workers)
- Maintenance (plumbers, electricians, painters, builders etc.)

Being in such a sought-after area gives the assurance of quality jobs of a sustainable nature.

### **5.3.2 Land as scarce resource**

One of the underlying realities of contemporary town planning is the scarcity of land as a non-renewable resource for development purposes, and the necessity (and responsibility) to utilize such land to its highest-and-best potential. Holding 72 is currently zoned for land-use that was prevalent when the area was earmarked for rural residential activities, but subsequently there have been changes with regards to people's lifestyles with a move away from large properties to maintain and also are more of a security risk.

Furthermore there is pressure in the marketplace for land in established urban areas, with ever diminishing vacant land left for development. This results in the redevelopment of existing stands for purposes of denser living close to amenities in line with the policies of the CTMM, as directed by market forces.

### **5.3.3 Contextual milieu**

The contextual environment in which the subject property is located has a static and a dynamic component which needs to inform the present application. The static component relates to the statutory dispensation in terms of which the use-rights of properties are being determined and regulated by the Tshwane Town Planning Scheme, 2008 (Revised 2014),

The development site is located in a predominantly residential area with a mix of residential types, viz: group housing, rural residential, single residential as well as townhouses. The Property is easily accessible to main roads / routes (and thus employments opportunities) as well as social and recreational amenities. The latter including the Wingate Park Country Club, Clearwater Flyfishing Estate, Rietvlei Nature Reserve, Waterkloof Hoërskool, Hoërskool Elardus Park and Cornwall View Shopping Centre, to name a few.

The diversification of housing typologies in all four densification zones of the Tshwane Compaction and Densification Strategy is strongly encouraged, not only in the last-mentioned policy document, but also in the RSDF, the Metropolitan SDF and other policy instruments (which are in line with the constitutional transformation imperatives requiring a variety of housing opportunities to be available to the public (i.e. non-discriminatory). It can therefore be safely stated that the reference to the prevailing fabric and local character of the area in the extract from the RSDF does not mean it should remain unaltered. An additional housing typology will not necessarily leave an area unaffected in visual and operational terms, but the typology introduced on the development site will not undermine or erode the existing urban fabric and local character.

The design, layout configuration (vertical and horizontal) and extent of the development site (refer Section 4 *supra*) all contribute towards strengthening the urban fabric through renewal and modernization and contribute to alleviating the historic monotone low-density residential

character by introducing a different concept with variation in architectural style and aesthetics into the neighbourhood.

[FIGURE 4 : ZONING PLAN]

The Zoning Plan reflects the spatial use-rights pattern for the area. It is evident from the Zoning Plan that most of the land-uses in the area are either single residential, agricultural (rural residential) or Special for group-/ town houses. There is one large open Undetermined property namely Portion R/1 and 60 of the farm Rietvallei 377-JR.

The actual use of each of the properties shown on the Zoning Plan forms part of the static analysis to determine whether land-use activities in the area are being exercised lawfully in terms of the zoning of each such property. Based on a visual survey conducted, a Land Use Map was prepared to reflect the *de facto* use of properties in the vicinity of Holding 72. This survey has confirmed the immediate surrounding neighbourhood to be predominantly residential, whereas business / retail land-uses are being located at intersections or along main routes through the area.

[FIGURE 5 : LAND-USE MAP]

The non-residential land-uses in the area include a boutique hotel and guesthouse to the north of Jochem Street which are compatible with the residential amenity of the area. This is important as it relates to the character of the area prevailing at present, acting as the receiving environment for the development proposal at hand.

It is important to note that consent-use approvals for e.g. guesthouse / hotel developments are not as such reflected on the Zoning Plan provided by the CTMM. It is not always possible to pair the actual land-use with the approved use-rights of a property, but such comparison is indeed broadly possible and sufficient for drawing of conclusions on the prevailing land-use pattern and hence the character of the area concerned.

It is evident from the interpretation of the patterns on figures 4 and 5 that the existing land-use and current zoning of properties in the area to a large degree correlate, which means most developments are legally supported by appropriate use-rights. The development pattern reflects a predominantly rural residential area in the process of transformation to a residential neighbourhood housing varying housing typologies from medium to higher density.

The dynamic component of the contextual environment surrounding the subject property is defined by the provisions of the RSDf for the area, underpinned by the provisions of an array of supporting future development strategies and policies (e.g. Compaction and Densification Strategy and constitutional transformation imperatives). The contents of same (relative to the development site and its surrounds) has been dealt with under para 5.3.1 *supra*, where it is confirmed that the surrounding area has been earmarked for suburban densification.



#### 5.3.4 Spatial sustainability

The spatial sustainability of the development proposal can be gauged against two important official requirements, viz:

- compliance of the envisaged development with the Development Guidelines of the RSDF (pp 55 to 57); and
- the principles of Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] contained in Section 7 which requires the applicant to demonstrate how the application complies with these.

The RSDF Development Guidelines state that:-

*“The following criteria shall determine if a particular erf is suitable to accommodate a permitted land-use change:*

- *Acceptable safe access possible*
- *Adequate on-site parking available*
- *Adequate space available for landscaping purposes*
- *Acceptable impact on residential component*
- *Site characteristics*
- *Availability of services”*

The evidence and / or argument for most of these requirements has been provided in Section 4: Development Proposal earlier in the memorandum and para 5.3.10 *infra* regarding the provision of engineering services to the township. The development principles contained in Section 7 of SPLUMA are discussed in detail under para 5.4.2 *infra*. Apart from that, the balance of this sub-section serves to elucidate further.

The impact on the surrounding area in terms of current and future land-uses as well as the inhabitants of these areas must also be given consideration. Section 42 of SPLUMA requires the Municipality to consider the application and how it responds and provides for public interest in the localised area. It is important to note that the development site is surrounded by rural residential plots (to the south and east), as well as residential developments (to the west and north east) with a recently developed medium-density single residential township (Rietvalleirand Extension 55) adjacent to the subject property on the west. Careful design and placement of the dwelling-units on the property will be done to ensure that possible adverse effects with regards to the unwanted blocking / obscuring of the sun and / or solar deprivation of adjacent households will be minimised. Similarly, with regards to privacy infringement through over-looking / views on to adjacent residential properties.

With regards to the reciprocal impacts of the future land-use in the proposed township and surrounding land-uses in a one kilometre radius, herewith the following:

The CTMM has confirmed their desire to contain development within the urban edge of the City of Tshwane and by doing so, to effect the more efficient and effective use of existing engineering services and public facilities. The subject property has been identified as part of a larger suburban densification area.

The scale, nature and extent of the proposed new residential estate is foreseen to contribute positively towards the prevailing residential amenity of surrounding residential neighbourhoods, at the same time contributing in a sensible, harmonious way to the furthering of the mixed-use development principle (which also extends to the variation of densities and types of residential options that are available) in its immediate environs.

In terms of other land-uses found in a one kilometre radius around the Property and the impact it may have on same, the following is important to note:

- \* It will realise in additional potential employment and the possibility of additional jobs being created for the community.
- \* By creating additional jobs in the area means that there is a potential to improve the standard of living, especially for those who were unemployed previously and now have been given dignity through a job and income to sustain their families.
- \* Furthermore with additional households in the area there is an opportunity for the occupants to spend their disposable incomes locally at shops and commercial centres in the area, rendering the latter more sustainable.
- \* As more families are introduced to the area through the proposed development there is a possibility of the children attending the schools in the area, meaning increasing the viability of these schools as well as the additional school fees to support same.
- \* For those prospective inhabitants that will use public transport, the densification of the area through this project will mean the taxis and buses in the area will be better utilized and could mean lower ticket prices as these become more viable.
- \* With more homes in the area it will increase security, with a higher likelihood of more observant "eyes-on-the-street" / vigilance.
- \* The tax base of the CTMM will be increased from property tax for one dwelling to property tax being charged per dwelling-unit meaning that there will be 46 times more tax revenue available for the Municipality to maintain essential infrastructure upgrades and extensions in the area.

### **5.3.5 Accessibility**

Accessibility to the township is enhanced through the following higher-order mobility routes serving the area:

- Piering Road / De Villebois Mareuil Drive (M11)
- Dam Road (M31)
- Delmas Road / Rigel Avenue (R50)
- Boeing Street (M57)
- Solomon Mahlangu Drive (M10)

These roads serve to facilitate ease of movement between the development site and surrounding development nodes / concentration zones like Woodlands Boulevard Shopping Mall, Irene Village Mall, Centurion Central Business District, Pretoria East Hospital and Waterkloof Airforce Base.

The site is further serviced by a well-established network of lower-order public streets, providing access to other lower-order functions of importance like schools, clinics and local shopping centres. In general vehicular access to / from the site can be regarded as above average.

Public transport flows in the form of mini-bus taxis in Delmas Road, Dam Road and De Villebois Mareuil Drive are of high volume and regular frequency, contributing to a large degree to the accessibility of the area for people without private motor vehicles – e.g. domestic workers at residential homes in the area, including the dwelling-units in the proposed new township.

### **5.3.6 Impact on neighbouring properties**

The issues of possible overlooking and privacy infringement will be addressed by the project architect in the Draft Site Plan and later in the Site Development Plan to the satisfaction of the Municipality. Careful planning and positioning of the dwellings in relation to each other as well as to neighbouring properties will be addressed. Because the property is orientated in a mostly north / south direction all living and bedroom areas will be planned facing away from the neighbouring residential properties to the west and east of the site.

This addressed the protection of public interest, i.e. the inhabitants of the adjacent properties in compliance with Section 42 of SPLUMA.

### **5.3.7 Public transport**

The development site is not located on a Tshwane bus route although the northern boundary is approximately 270m walking distance from the corner of Piering Road and Kort Street where a filling station, KFC branch and small retail centre are located where buses and mini-bus taxis will collect and drop-off commuters.

The acceptable walking distance to a bus-stop from a residential development is 500m and therefore this intersection is sufficiently close for convenient pedestrian access.

### 5.3.8 Topography

The Property has a westerly gradient at a fall of 9 metres with its highest point being located on its north-eastern most corner.

The slopes are within acceptable tolerance for the gravitation-led services (notably sewerage and stormwater) to be installed / maintained without the requirement of extra-ordinary measures.

### 5.3.9 Effect on the environment and environmental legislation

Delron Environmental Assessment Practitioners (mr Pieter De Lange) were appointed to the project to assess the environmental impact of the proposed development in terms of Schedule 3, Condition 2(vi)(bb) of the Tshwane Land Use Management Bylaw, 2016. The following has been confirmed:

- (1) The proposed township application does not constitute a listed activity in terms of the 2014 Regulations to the National Environmental Management Act, 1998 (Act 107 of 1998) and therefore no legal authorisation will be required from the Gauteng Department of Agriculture and Rural Development (GDARD);
- (2) The Property is within the Urban Edge;
- (3) The Property is not located within an ecological or cultural-historical sensitive area. The biophysical quality of the Property is very low due to a lack of diversity, no natural habitat remaining, low relief and the fact that the land is totally transformed due to residential development and landscaping;
- (4) No sensitive habitat or plant and animal species were found to be present on the site. The area has low biodiversity and comprises mostly of ornamental plants;
- (5) No threatened floral, faunal or invertebrate species or any sensitive habitats for such species are present. These are areas ideally suited for development with little to no negative impact on the natural environment;
- (6) There is no indigenous vegetation covering more than 1ha;
- (7) The Property is not located within a Critical Biodiversity Area or Ecological Support Area in terms of the Gauteng Conservation Plan (C-Plan); and
- (8) There are no watercourses or wetlands on or in close proximity to the Property

It is clear from the above that the proposed rezoning will have no negative effect on any environmental or related aspect.

[‘ANNEXURE ‘K’ : ENVIRONMENTAL COMPLIANCE STATEMENT BY DELRON ENVIRONMENTAL ASSESSMENT PRACTITIONERS]

### 5.3.10 Engineering services

#### 5.3.10.1 Water & Sanitation

Leon Wentzel of Civilconsult was commissioned by the property owners to prepare a Preliminary Services Report for the proposed township establishment on the subject property. This report is submitted in compliance with Schedule 3, Para 2(7)(f)(v) of the Tshwane Land Use Management Bylaw, 2016. The findings of the report in respect of water & sanitation services can be summarized as follows:

(1) Water:

- An existing 200mm diameter u PVC pipeline runs parallel and on the southern side of Jochem Street, north of the proposed development. The internal reticulation could connect to the existing pipeline.
- A bulk water meter will be installed for the proposed development.
- No additional GLS Report will be required as the property was taken into account in the master plan as part of the Rietvalleirand X 60 & X61 “future development area”.
- The estimated water demand for the proposed development will be 37,6 kilolitres per day.

(2) Sewer:

- The general drainage pattern of the proposed development is from the north-east to the south-west.
- There is an existing 160mm diameter sewer pipeline running parallel and on the northern side of the southern boundary of Rietvalleirand Extension 55, south-west of the proposed development.
- The developer must supply sewer network connection points to all neighbouring properties which could gravitate towards the proposed development. A new pipeline will have to be constructed from the south-western corner of Holding 71, parallel and on the northern side of the

southern boundary up to the existing sewer where it will connect.

- Sewerage from the proposed development will be drained to the south western corner of the proposed development and connect directly to this pipeline.
- No additional GLS Report will be required as the property was taken into account in the master plan as part of the Rietvalleirand X 60 & X 61 “future development area”.
- The estimated sewerage flow for the proposed development will be 28,2 kilolitres per day.

### **5.3.10.2 Roads & Stormwater**

Leon Wentzel of Civilconsult was commissioned by the property owners to prepare a Preliminary Services Report for the proposed township establishment. This report is submitted in compliance with Schedule 3, Para 2(7)(f)(v) of the Tshwane Land Use Management Bylaw, 2016. The findings of the report in respect of roads & stormwater services can be summarized as follows:

#### **(3) Roads:**

- Access to the proposed development will be gained directly from Jochem Street, north of the proposed development.
- Jochem Street is functionally classified as a Class U4\_b residential collector which connects local streets, Class 5 Roads, to other Class 4 Roads (Petrus Street, Kort Street and Piering Road).
- Jochem Street is currently an asphalt surfaced road with no kerbs and will have to be upgraded to standards of CTMM. Jochem Street will have to be upgraded from the T-Junction of Jochem Street and Kort Street up to the north western corner of the proposed development.
- The accesses and roads will be designed and constructed according to the Standards and Specifications of the CTMM.

#### **(4) Stormwater:**

- The general drainage of the proposed development is from the north-east to the south-west.
- An existing stormwater pipeline runs parallel and on the northern side of the southern boundary of Rietvalleirand X 55, south-west of the proposed

development. The developer must supply stormwater network connection points to neighbouring properties which could drain towards the proposed development. A new outfall stormwater pipeline will have to be constructed, from the south-western corner of Holding 71, parallel and on the northern side of the southern boundary of the proposed development up to the existing stormwater pipeline where it will connect.

- Stormwater from the proposed development will drain to the south western corner of the proposed development and connect directly to this new outfall storm water pipeline.
- The internal storm water system will be designed for a 1:5-year flood return period and a run-off coefficient of 80% (C = 0,8) will be allowed.

### 5.3.10.3 Electrical services

The applicant appointed Civilconsult (mr Nico van der Merwe) to apply to the CTMM (supplier of electricity to the property) for available capacity and to then prepare an Electrical Services Scoping Report of the electrical capacity available.

- The estimated demand was calculated at 235kVA.
- There is an existing 13,8kVA supply to the proposed development
- The proposed development could be supplied by installing a new 315kVA miniature substation near the proposed development.
- The proposed development could then be supplied directly from a new maximum demand board to be installed on the border of the development and installing a new LV copper cable from the miniature substation to the new maximum demand board.
- Bulk metering will be done by the CTMM by means of a new maximum demand board to be installed on the boundary of the proposed development.
- The amount of bulk service contributions for electricity payable to the CTMM will be in the order of R655 015,00 (incl VAT). This amount will be confirmed at time of compilation of the services agreement.

[ANNEXURE 'L' : SERVICES AVAILABILITY REPORT BY CIVILCONSULT ]

#### **5.3.10.4 Refuse removal**

An existing municipal refuse removal service is currently operational in the area and servicing the property. The existing service provider will continue to provide its services to the needs of the future refuse disposal for the new township development.

#### **5.3.11 Geological conditions**

Messrs Ed Morrison Consultants cc conducted a geotechnical investigation of Holdings 67, 68, 68, 71, 72 & 73, Waterkloof A.H. in November 2005. The sites were assessed and interpreted for the suitability of the soils for residential township development purposes. The following was confirmed in the report and applicable to Holding 72:

- The site is situated in a non dolomitic area
- General geology consists of shale and quartzite
- The property in its entirety is on the Daspoort shales which belong to the Daspoort Formation.
- Dolomite does occur in the general area, but the layers are relatively deep and dipping at about 20 degrees to the north-east. There are thick layers of shale, quartzite and chert above the dolomite which rule out any effects of the very deep dolomites.
- Excavations indicate a well-known typical profile of poor drainage in the shale formation of the Daspoort red soil formation.
- In terms of geohydrology the water table is non-static in this area due to the fact that many boreholes in the area are pumped. The formation is not influenced by this fluctuation in the groundwater level and as a result has no influence on stability of the area.

The report concludes with the following recommendations:

- Drainage is to be attended to when construction commences
- The Municipality could consider the site for residential purposes taking into consideration the geological data provided.

[ANNEXURE 'M' : GEOLOGICAL REPORT AND GEOTECHNICAL INVESTIGATION]

#### **5.3.12 Traffic impact assessment and access**

Trafftrans (Pty) Ltd (Frans van Heerden) were commissioned to undertake a Traffic Impact Assessment (TIA) for the proposed development inclusive of an access study. The report was prepared and submitted to the CTMM Traffic Operations Department for approval and comment on 14 September 2016.

The aim of this TIA was to (1) assess the impact of the proposed development on the surrounding road network and (2) establish capacity requirements of the road infrastructure and any additional capacity required to ensure acceptable traffic flow.

The findings of the report can be summarized as follows:



- (1) Access to the development is only to be gained from Jochem Street through a single access point
- (2) Due to the nature of the development it is expected that most traffic generated will consist of light vehicles during peak hours.
- (3) All affected intersections are performing satisfactorily during the AM and / or PM peaks under the current and proposed future traffic conditions. No upgrades are therefore required.
- (4) Depending on the combination of the number of habitable rooms per unit, the appropriate number of parking spaces to be provided as per the requirements of Table G in the TTPS must be between 63 and 110 bays (onsite).

For a more comprehensive analysis of the traffic impact of the proposed development it is advised that the full report be studied which is attached hereto at Annexure 'N'.

[ANNEXURE 'N' : TRAFFIC IMPACT ASSESSMENT BY TRAFFTRANS (PTY) LTD]

#### **5.4 REQUIREMENTS FOR COMPLIANCE WITH SECTION 42 OF SPLUMA AND SCHEDULE 3 OF THE BYLAW**

##### **5.4.1 Future planning**

The Regional Spatial Development Framework, 2013 for Region 4 [RSDF] where the subject property is situated, is a collaboration and refinement of several future planning documents / plans and other policy instruments utilized by the CTMM City Planning Department to guide and inform investment decisions by the public and private sector. Examples include the Tshwane Compaction & Densification Strategy, 2005 and the Tshwane Metropolitan Spatial Development Framework, 2012.

In terms of the RSDF the properties are located in a suburban densification zone. Suburban densification zones are one of four densification zones coined in the Tshwane Compaction and Densification Strategy, 2005. These zones are following:

- Concentration zones : 200 + units / ha
- Linear Zones (corridors & spines): 80 + units / ha
- Suburban Densification Zones : 25 – 80 units / ha
- Low Density Zones : Up to 10 units / ha

An extract from the RSDF spatial presentation for the area on which the development site has been highlighted, has been appended hereto as Annexure 'O'.

[ANNEXURE 'O' : EXTRACT FROM RSDF MAP FOR REGION 4]

Suburban Densification Zones are described in the RSDF as follows:

*“Suburban Densification Zones are those existing suburban areas where there is potential for moderate*

*densification because of the area's strategic location within the city (within a 25km radius of the CBD). This zone makes for good application in areas that are close to places of employment, major retail centre and prominent transport routes, but where it is still desirable and warranted to maintain a suburban character. These areas are indicated in yellow on the Densification Map. The maximum densities in these areas will be restricted to 25 dwelling-units per hectare.” (p62)*

The application at hand is indeed supportive of the RSDF in the following ways:

- The development density of this residential township will be around 23,5 units per hectare (nett of the public road widening). This is higher than the single dwelling-house usually associated with an agricultural holding, but still less than the 25 dwelling-units per hectare maximum allowed for in the RSDF.
- The site is close to a variety of existing and future shopping centres and employment opportunities in the area. Examples of existing opportunities are found in the shops, restaurants and related land-use activities in the nearby Cornwall View Shopping Centre ( $\pm$  1,9km north-west), Winmore Village (1,1km north-east) schools like Elardus Park High School and Hoërskool Waterkloof ( $\pm$  2,4kilometres and 3,2 kilometres north-west respectively) and Medicross Elardus Park (2,4km north-west).
- Piering and Delmas Roads are furthermore existing high-order Mobility Roads which according to the RSDF serve to facilitate intra-metropolitan traffic flows. Public transport is confirmed to be very important along these Mobility Roads. The intersection of these roads is found a mere 540m north-east of the subject property (i.e. within easy walking distance).

It therefore follows that the proposal at hand is fully commensurate with the RSDF guidelines for future development of the area.

#### **5.4.2 SPLUMA: Chapter 2 development principles**

To assist the CTMM in deciding the matter in terms of Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA], the development proposal at the base of the present application is hereby assessed in terms of compliance with the development principles set out in Chapter 2, Section 7 of SPLUMA:

##### **(1) Principle 7(a): Spatial Justice**

This principle aims to redress spatial imbalances through improved access to, and to the use of land.

The proposed residential complex is seen as a culmination of the integration of the social, economic, institutional and physical aspects of

land development. The social amenities, (parks, shop, schools etc.) in close proximity, will inherently facilitate social integration and the general sharing of lifestyle between races and creeds of all economic standings. Similarly with regards to employment opportunities that will result during the construction phase as well as during the operational phase with the employment of domestic workers, a caretaker, gardeners and security guards etc.

It will also create diversification in the area in terms of the variety of building typologies and sizes. In the present case these prerequisites are present for the urban development being proposed, as part of the formal economy and spatial structure for the CTMM.

The proposed development is based on many advantages such as the prime location which will lead to the better utilization of the land and creation of viable spaces and places for human habitation.

This application will result in the use of land for residential development purposes by previously disadvantaged individuals and communities who will be offered equal opportunity to reside in the estate and be integrated into the socio-economic sector of the Rietvalleirand area.

**(2) Principle 7(b): Spatial sustainability**

This principle aims to promote land development which is within the fiscal, institutional and administrative means of the Republic. It indeed is a modest development project within acceptable means, with no contribution required from the public sector.

The development will indeed enhance the financial wellbeing of the Municipality through the additional rates and taxes, electricity consumption, sewer connection levies, water consumption and refuse removal to result from the additional 46 dwellings on the subject property. These monies can contribute to enhancement and upgrading of which will in turn uplift the local community and benefit public interest.

The new development will constitute in-fill development, as the surrounding area is in process of transformation from rural residential to higher density residential within the urban edge as part of alignment with the official RSDF policy of the CTMM which states that the area should be promoted for suburban densification (i.e. intensification of residential land-use and improvement of services infrastructure to the area) as well as the 'smart growth' principle of compaction and densification. Furthermore, the proposed development will be a brownfields development transforming the development potential of the site from being only viable for a single residential dwelling to that of 46 additional dwellings thereby minimising urban sprawl.

The development of the residential estate on the subject property in compliance with the TTPS will represent the optimum use of the subject property as a scarce natural resource, in the context of the surrounding

development pattern / structure. The Property is currently under-utilized and ideally suited for the intended purposes.

No appeals would be made on scarce and / or valuable agricultural land, conservation land or otherwise threatened land for the new development since it is situated within the urban edge and in process of transformation to higher density residential land-uses and surrounded by urban development and linked to municipal infrastructural supporting services. The proposal therefore optimises the use of land, bulk infrastructure, roads and transportation facilities. Urban sprawl will therefore be curbed and not come into play as a result of this application.

In addition to the comments already made, the proposed development is foreseen to add to the image of the urban communities through offering of a quality development. Furthermore by densifying an area it results in a more cohesive community than individual dwellings on large holdings. It will also be in line with constitutional transformation imperatives where a wider variety of housing typologies and ownership types will be available in the Rietvalleirand / Waterkloof A.H. area.

A viable community does not only consist of a single land-use in an area but a variety of land-uses for work, play and sleep and opportunities of different sizes and typologies, thus looking at the importance of public interest where the development will have many a positive spin-off to the community and area.

**(3) Principle 7(c): Spatial efficiency**

There can be no doubt that the proposed new residential estate on the subject property would optimise the use of Holding 72 in terms of fulfilling the vision of the future planning policies of the CTMM through urban residential densification. Land is a scarce resource and it is evident from the accompanying draft subdivision sketch-plan that this proposal would represent the absolute highest-and-best-use for the property.

This application strives at overall sustainability, including financial, social, economic and environmental sustainability. Impacts identified will be minimised / mitigated if negative, and bolstered if positive.

The applicant, in conjunction with the Municipality will strive towards the smooth and expeditious processing of the application to facilitate commencement of the implementation phase of the project in the shortest possible time. Regulations to SPLUMA indicate specific timeframes for submission of information and the process to be followed in terms of the processing of a development application. These timeframes will be adhered to.

**(4) Principle 7(d): Spatial resilience**

This principle requires adequate flexibility in official spatial plans and policies to achieve sustainable development. The current RSDF (refer para 5.4.1 *supra*) for the local area indeed provides a measure of flexibility since it is regarded from a statutory point of view to guide and inform townplanning applications based on normative (as opposed to regulatory) principles.

The existence of such flexibility has already been demonstrated in the recently approved townships in the vicinity of the property transforming the area from a rural residential character to a medium to high density residential neighbourhood. The zoning designation assigned to the area in the RSDF Map of Suburban Densification is therefore being adopted to result in viable and sustainable environments.

**(5) Principle 7(e): Good administration**

The applicant subscribes to this principle, and will do its best to assist / facilitate good public sector administration. It appears from the hierarchy of official plans and policies applicable to the present situation that a high level of co-operative governance is already being achieved.

**5.4.3 Norms and standards**

The land development application is consistent with the following norms and standards as stipulated in Chapter 2, Section 8 of SPLUMA:

- (1) Social inclusion:** With the introduction of a varied market segment due to the provision of alternative housing typologies, members from different sectors of society will be interacting and building a community in the area. This will ensure that previously disadvantaged and segregated individuals will be included and afforded the opportunity to settle in residential areas close to social amenities and places of employment.
- (2) Spatial equity:** Development of the proposed property will involve the redistribution of the overall resources and development opportunities and optimization of existing resources and development opportunities in the Waterkloof A.H. area by the physical integration of the Municipal future planning vision through a planned and rationalized system of physical infrastructure (i.e. 47 dwelling-units, a private road and improvement / widening of a public road). This agricultural holdings area which has historically been neglected in terms of investment / improvement and upliftment is now afforded an equal chance to develop socially, economically and physically. Spatial equity in this instance can be achieved through implementation of sensible, sustainable and profitable developments such as this one.
- (3) Desirable settlement patterns:** The proposed new residential development will be established on an agricultural holding which forms part of a previously rural residential neighbourhood. Various township approvals in the vicinity of the subject property (i.e. Rietvalleirand Extensions 55 and 63 to the west and north of the subject property

respectively) indicate that the trend towards higher density development is actively expanding in the area. This proposal will as such therefore be fully compatible with the prevailing development pattern and eventual character for the area.

- (4) Urban regeneration:** With the proposed development to take place within the urban edge as part of a process of revitalization and renewal of a historically rural residential area, the regeneration of the Waterkloof A.H. area cannot be denied. The increased revenue to be generated through the implementation of this development (for the municipality, private sector as well as to the community) will result in the regeneration of the area through improved service infrastructure, need for further development of social facilities thereby attracting further private sector investment and beautification of the neighbourhood through quality structures, landscaping etc.
- (5) Sustainable development:** The proposed new project will be sustainable from an economic, social, environmental and institutional perspective as already alluded to elsewhere in the memorandum.
- (6) Efficient and effective procedure:** Applicant has duly prepared and motivated this application from a need, desirability and sustainability perspective. Inputs from specialists (attorney, landsurveyor, engineers and environmental consultant) have been included to substantiate the proposal. Efficient and effective procedure from submission onwards is the responsibility of the Municipality and the applicant will timeously adhere to any further requirements set by same.

#### **5.4.4 Compliance with National Development Plan, 2030 Vision (NDP)**

The NDP sets out its main goals of dignity to all South Africans through access to education, health services, water, housing, electricity and social security and by addressing poverty and inequality. The current proposal will serve to provide dignity to individuals through the provision of an affordable housing alternative allowing integration into social communities with access to all social amenities and services required for a high quality of life.

The NDP seeks to further ensure a sustainable future for the City through spatial restructuring, facilitating a successful urban and rural economy, and responding to the spatial concerns of the aforementioned strategies and policies, the NDP addresses the following:

- Social needs (e.g. housing, community and integration)
- Restructuring a spatially inefficient city (regeneration of area historically rural residential in nature)
- Strategic direction to infrastructure provision (infrastructure upgrades as a result of development)
- Creating employment (employment opportunities to result from construction and implementation of development).
- Creating opportunities for both rural and urban areas (regeneration of essentially rural neighbourhood into urban fabric with all associated benefits)

- Giving guidance to developers and investors about appropriate investment localities (Waterkloof A.H. identified as a Suburban Densification zone where intensification of residential land-use is needed)

The current proposal will serve to assist in enhancement of all the above aspects as mentioned.

#### 5.4.5 Tshwane Metropolitan Spatial Development Framework (MSDF), 2012

The MSDF contains the spatial interpretation of Tshwane's vision which is to be a spatially efficient Capital City that is sustainable, competitive and resilient.

It is foreseen that the land development application will comply with the following spatial directives of the MSDF, viz:

- **Compaction and densification:** Intensification of land-use and densification of property from a single dwelling to 47 dwelling-units.
- **Green economy:** All building materials and designs and stormwater handling will comply with the Green Building Bylaw.
- **Sustainable human settlements:** Proposed development is both profitable from a financial point of view to the developer as well as to the Municipality through the increase in rates and taxes on the property, investment in infrastructure and attraction of further investment by possible future developers. Community will also benefit from the economic viability that the proposed development will lend to the area as a whole (i.e. catalyst for further development / improvement / regeneration).
- **Urban edge:** Waterkloof A.H. within urban edge in a Suburban Densification zone.
- **Urban design and quality of environment:** The project is well managed and will be designed by a reputable firm of architects to reflect high quality aesthetics as well as materials to blend in with the rural character of the area.
- **Movement and connectivity:** This aspect has been dealt with extensively under accessibility (para 5.3.5 *supra*). The subject property is strategically located to appeal to people who would use public transportation to reach employment further afield in Tshwane and to individuals who are looking for a residence in close proximity to their place of employment as the property is in a highly accessible area in close proximity of major link-roads as well as National Routes.

#### 5.4.4 City of Tshwane Integrated Development Plan, First Revision, May 2012 (IDP)

This document sets out the Municipality's goals, objectives and vision for spatial planning for the next 5 years. In terms of this document the application will comply with various aspects as follows:

- (1) **2055 Vision:** The Municipality wishes to create a city which is liveable, resilient and inclusive with its citizens enjoying a high quality of life. It

furthermore wishes to provide its citizens with access to social, economic and enhanced political freedoms which in the end will lead to a Capital City of Excellence.

The proposed development will provide quality housing alternatives to members of the community that will contribute to the physical and psychological as well as spiritual wellbeing of individuals and families who will eventually reside in the residential estate. Economic advantages for households will serve to further enhance the quality of life of members and families in the community. New jobs will become available with concomitant income creation and improvement of lives.

**(2) 2055 Outcomes:** The intention of the document is to create a resource-efficient city with a growing competitive economy, supporting happiness, social cohesion, safety and health of citizens.

As discussed earlier, the proposed development project is regarded as being the highest-and-best-use for the property, enhanced to the maximum through green technologies and design. The large, relatively undeveloped site situated in an area earmarked for densification represents a natural resource inherent to the area which is being maximized in accordance with compaction and densification strategies as well as SPLUMA development principles.

**(3) 2014 / 2015 IDP Strategic Objectives:** Objectives will be met as follows through approval of the application at hand:

- Provision of sustainable human settlements through increasing availability of a varying housing typology to a transforming residential neighbourhood. Safe and secure settlements will be provided to the market.
- Promoting shared economic growth through economic opportunity and prosperity for the developer, purchasers, the Municipality as well as the community as a whole.
- Promotion of good governance by promoting initiatives which lead to positive change in the area.
- Improving financial sustainability of the area by creating economic opportunity and attraction of further investment through improved service infrastructure and influx of additional people with buying power and social needs (retail, schools, clinics, offices etc.)
- Creation of economic growth and development as well as job creation.

**(4) IDP Focus areas:** Economic development of Waterkloof A.H. area which is in process of transformation in compliance with the compaction and densification strategy of the CTMM. In this way the productive use of available land for economic gain is achieved.



**(5) Key outcomes:** The following key outcomes will be promoted through approval of this application:

- Decent employment through inclusive economic growth
- Vibrant, sustainable and equitable community
- All people in South Africa to feel and be safe
- An efficient, competitive and responsive economic infrastructure network
- Sustainable human settlements and improved quality of household life
- Creation of a better South Africa and contribution to a better and safer Africa and world

**(6) Challenges:** At the same time the following identified challenges will be addressed:

- Unemployment
- Fragmentation
- Spatial inequality

#### **5.4.5 Public interest**

The applicant contends that the proposed development will serve and enhance public interest in the following ways:

- Being commensurate with the planning policies for the area namely the RSDF for Region 4, MSDF and IDP for Tshwane;
- The application will follow the new public participation process as per official requirements of Section 16(4)(f) of the Tshwane Land Use Management By-Law, 2016. Members of the community and surrounding land-owners will therefore be afforded the opportunity to participate and have input in the planning process;
- Increased revenue for the Municipality as increased land-use rights will lead to increased rates & taxes payable on the Property;
- The proposal is in accordance with the general use of the area and surrounding character. No detrimental environmental impacts will result from the present application.
- The proposed residential estate will make a most valuable contribution to the upliftment and wellbeing of the community and society as a whole. It is in the public interest to have a safe and secure living environment offered to a wider segment of the market.

#### **5.4.6 Transformation imperatives**

The following transformation imperatives have been set out by Government:

- (1) Recognising of injustices of the past and redressing morally unfair practices

- (2) Correcting spatial injustices, imbalances, non-viable communities and unsustainability
- (3) Addressing previous denial of access to and / or use of land

These imperatives have been embodied in the SPLUMA development principles (Section 7) as discussed more comprehensively in para 5.4.2 *supra*. The applicant contends that these principles will be heeded through implementation of the development proposal, to the benefit of all.

#### **5.4.7 Applicable duties of the state as per the Constitution**

Duties of the state to find relevance in this application will be as follows:

- (1) Equality: Varied housing typologies offered to all members of the community in a safe and vibrant residential neighbourhood.
- (2) Safe and healthy environment: Security to be implement through access control and perimeter wall to the estate. No environmental impacts, development to de done in a sustainable and responsible manner.
- (3) Health and social security: Security of tenure and provision of housing stock.
- (4) Community: Economic development of area enhancing community wellbeing and attracting further initiatives / investment.
- (5) Privacy: Proposed development will not infringe on the privacy of any neighbouring property or member of the community.

#### **5.4.8 Rights and obligations of affected parties**

No rights of potentially affected parties will be infringed as the proposal will not have a detrimental effect on any of the following:

- Character of the area
- Development trends for the area
- Right of any member of the community to participate in the application process

Furthermore the rights of potentially affected parties will be positively influenced in the following way:

- Application will lead to the general upliftment of the community
- Application will lead to the benefit of the area
- Social advantages will be gained
- All community members will be given the right to participate in the approval process.

It should be noted that the public is obliged to participate in a positive and beneficial manner. The benefit of the community as a whole should be the guiding factor when participating as an interested and affected party to the application.

#### **5.4.5 Impact on surrounding properties**

The issues of possible over-looking and privacy infringement will be addressed, by:-

- Orientating the living and bedroom areas of dwelling-units away from near-by residential uses;
- Planning the dwellings 'away' from the western and southern boundaries in terms of balconies, setbacks and orientation;
- Overshadowing to be minimised by setting structures well enough away from south boundaries of adjacent erven.

Privacy of residential properties will not be affected as no balconies will be designed to face abutting residential erven (of which only the western boundary of the subject property applies). The northern boundary abuts a street and therefore windows and balconies on these boundaries will not have any negative effect in terms of privacy.

#### **5.4.6 Compliance with Section 9(1)(b) of By-law**

It is clear from the above that the proposed development will comply with Section 9(1)(b). The proposal will undoubtedly lead to the increased health (secure and quality living), safety (access control to development), good order, amenity (high quality design and structures), convenience (proximity to related social amenities) and general welfare (positive transformation) of the Waterkloof A.H. area.

Efficiency and economy of Waterkloof A.H. will furthermore greatly benefit from the revenue generated and improvement to the bulk service infrastructure to result from this and similar applications in the area.

## **6. CONCLUSION AND RECOMMENDATION**

### **6.1 CONCLUSION**

The applicant has proven unequivocally the need / necessity, desirability and sustainability of the development project being proposed on Holding 72, Waterkloof Agricultural Holdings (proposed Rietvalleirand Extension 80). It has also complied with the information requirements and other matters related to the merit of the application as prescribed by SPLUMA and the Bylaw.

### **6.2 RECOMMENDATION**

Based on the positive conclusion and valuable contribution that the proposed new residential estate would make on the community and society as a whole and on its spatial sustainability in the proposed locality the CTMM is hereby urged to award this application its positive consideration and to approve it as applied for.

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in conjunction with  
J Paul van Wyk Pr Pln (A/089/1985)  
SEPTEMBER 2016