

# **MEMORANDUM**

## **MOTIVATING MEMORANDUM FOR PROPOSED REZONING OF PORTION 123, FARM VLAKFONTEIN 523-JR FOR PURPOSES OF RELIGIOUS AND RESTORATION CENTRE.**

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### **1. INTRODUCTION**

#### **1.1 APPLICATION**

Application is hereby made for the rezoning of Portion 123 of the farm Vlakfontein 523-JR from Undetermined to Institutional by amendment of the Tshwane Town Planning Scheme, 2008 (Revised 2014) ('TTPS') in terms of the provisions of Section 16(1) of the City of Tshwane Metropolitan Municipality: Land Use Management Bylaw, 2016 ('the Bylaw').

#### **1.2 PURPOSE**

##### **1.2.1 Development rights**

The application has the purpose of creating the necessary use-rights on Portion 123 of the farm Vlakfontein 523-JR for the establishment and operating of a religious centre (church) and associated restoration centre for the care, therapy, treatment and rehabilitation of addicts, delinquents and abused human beings.

##### **1.2.2 Memorandum**

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

#### **1.3 APPLICANT**

Paul van Wyk Pr Pln (A/089/1985) (or nominee) of the firm J Paul van Wyk Urban Economists & Planners cc has been appointed and authorised to undertake the present application on behalf of the registered owners (refer para 2.5 *infra*).

[ANNEXURE 'A' : TRUST RESOLUTION & SPECIAL POWER OF ATTORNEY]

#### **1.4 JURISDICTION**

The property under consideration is situated in the municipal boundaries of the City of Tshwane Metropolitan Municipality (CTMM) with decision-making authority on land development applications vested in the Metropolitan Council. Current delegations allow for decision-making on Bylaw applications for Category 1 applications by the Municipal Planning Tribunal and for Category 2 applications by an Authorized Official.

## 2. PROPERTY PARTICULARS

### 2.1 DESCRIPTION

The property forming the subject of the present application is known as Portion 123 of the farm Vlakfontein 523-JR which is described on page 2 of the title deed (T16952/2015) for the property as follows:

*"GEDEELTE 123 ('N GEDEELTE VAN GEDEELTE 28) VAN DIE PLAAS VLAKFONTEIN 523, REGISTRASIE AFDELING J.R. PROVINSIE GAUTENG."*

Reference to this property in the balance of the memorandum will be as 'the Property', 'subject property' or 'Portion 123'.

[ANNEXURE 'B' : TITLE DEED COPY]

### 2.2 EXTENT

The subject property is 4,9034 hectares in extent

### 2.3 LOCALITY

#### 2.3.1 Urban context

The subject property is located to the southwest of the urban development of Bronkhorstspuit, approximately 8 kilometres to the southwest of the Central Business District (CBD). It is as such wedged between the R25 Provincial Road to the north and the Bronkhorstspuit Dam approximately 1,3km southwards.

The Property is situated approximately 7km southwest of the N4 / R25 intersection into Bronkhorstspuit, ± 2,3 kilometres along the latter from its intersection with the R25.

Portion 123 is surrounded by a variety of rural residential estates and similar other uses, including:-

- South: Aquavista Mountain Estate & Kungwini Country Estate
- Southwest: Bronkhorstbaai & Bronkhorstspuit Dam Nature Reserve
- East: Groenfontein 523-JR
- North: Klipeiland 524-JR

[FIGURE 1a : LOCALITY IN URBAN CONTEXT]

### 2.3.2 Local context

The geographic coordinates for the approximate centre point of Portion 123 are the following:

- South : 25° 52' 39,71"
- East : 28° 42' 03,35"

The following adjoining properties serve to define its locality more concisely on a localised scale:

- North : Portion 122, farm Vlakfontein 523-JR
- West : Portions, 126 and 131, farm Vlakfontein 523-JR
- South : Portion 124, farm Vlakfontein 523-JR
- East : Portion 111, farm Vlakfontein 523-JR

[FIGURE 1b : LOCALITY IN LOCAL CONTEXT]

### 2.4 SHAPE AND DIMENSIONS

The approximate rectangular shape of the Property is marginally distorted by a splay at the southeastern corner of the Property resulting from the shape of the adjacent Portion 132 partially serving as road servitude to the area. The dimensions of the sides approximate the following:

- North : 315,75m
- South : 321,95m
- East : 128,56m plus 27,71m (156,27m)
- West : 155,28m

[ANNEXURE 'C' : VLAKFONTEIN 523-JR GENERAL PLAN – PORTIONS 113 TO 132]

### 2.5 OWNERSHIP

Ownership of Portion 123 has been confirmed in title deed T 16952/2015 to vest in Lewende Woord Bronkhorstspruit Trust (Reg No 885/2010) (Refer Annexure 'B').

### 2.6 TITLE RESTRICTIONS

The Property is not subject to any restrictive conditions of title which may impede the proposed development.

## **2.7 SERVITUDES**

According to Condition 1 on page 2 of title deed T16952/2015 the Property is subject to a servitude of right-of-way as shown on General Plan No SG 3563/2014 in favour of the owners, occupants and tenants from time to time of the subdivisions of Portion 28 of the farm Vlakfontein 523-JR (refer Annexures 'B' and 'C').

## **2.8 MORTGAGE BONDS**

The Property is not mortgaged.

### **3. ZONING AND LAND-USE**

This sections of the memorandum deals with the particular zoning and land-use of Portion 123, farm Vlakfontein 523-JR.

#### **3.1 CURRENT ZONING**

The CTMM has on 06 November 2015 in a Zoning Certificate for the Property confirmed its present zoning to be Undetermined (Use-zone 19) in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [‘TTPS’].

[ANNEXURE ‘D’ : ZONING CERTIFICATE]

The Property may at present be lawfully utilized for purposes of:-

- Agriculture
- One dwelling-house
- Farm-stall (subject to conditions)

#### **3.2 EXISTING LAND-USE**

The subject property is vacant at present and not being put to any productive use. The subject property currently sponsors sparsely growing grass vegetation interspersed between rocky outcrops.

#### **3.3 FUTURE LAND-USE**

Messrs Lewende Woord ministries envisage the establishment and operating of a church as a place of public worship as well as a subservient restoration centre for the care, therapy, treatment and rehabilitation of addicts, delinquents and abused human beings on the subject property in future. Section 4 *infra* contains more detailed information.

#### **3.4 FUTURE ZONING**

The lawful establishment and operating of a church and restoration centre will require the rezoning of Portion 123 from Undetermined (Use-zone 19) to Institutional (Use-zone 14) through amendment of the Tshwane Town Planning Scheme, 2008 (Revised 2014) in terms of Section 16(1) of the Bylaw.

A church is described in the TTPS as a place of public worship which is defined in Clause 5 (p22) as follows:

*"Means land and buildings used for a church, chapel, mosque, temple, synagogue or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property."*

The proposed restoration centre will be established and operated under the auspices of the church and is included in the definition of institution in Clause 5 (p17) of the TTPS as follows:

*"Means land and buildings, whether public or private, designed or used as a charitable institution, national government institution, provincial institution, municipal institution, Hospital, Nursing Home and Clinic for the care and treatment of humans and may include overnight accommodation and staff accommodation."*

The restoration centre being envisaged is indeed a private (church-owned & operated) charitable institution for the care and treatment of humans and will include overnight and staff accommodation. The care and treatment function will find embodiment in therapy and rehabilitation of addicts, delinquents and abused human beings. Such care and treatment will require ancillary and subservient workshops, training halls, a gymnasium and sports & recreational facilities. These workshops and training halls, if not already allowed for under the definitions of a place of public worship and / or institution, can be regarded as uses permitted under the definitions of a place of instruction which in Clause 5 of the TTPS (p22) reads as follows:

*"Means land and buildings used as a school, college, technical institute, Tertiary Institution, academy, lecture hall, monastery, convent, public library, art museum, museum, other educational centre including ancillary and subservient Hostel for persons attending any one of the afore-mentioned and may include a Place of Child Care and a Cafeteria ancillary and subservient to the main use on the property."*

A place of public worship (church), institution (restoration centre) and place of instruction (training halls / workshops) are primary uses permitted under an Institutional (Use-zone 14) zoning in Clause 14, table B of the TTPS. However, these definitions are wide and inclusive of several use-rights which will *ceteris paribus* not be exercised on Portion 123. These however may have an adversarial effect on *inter alia*:-

- bulk service calculations and contributions payable by the applicant to the CTMM; and
- trip generation calculations and the ensuing road improvements / upgrades and / or bulk road contributions payable to the CTMM.

To avoid the above unnecessary costs it was decided to exclude the following potential activities from the present application as presently incorporated under the definition of Institution (TTPS, Clause 5, p17):

- Hospital
- Nursing home
- Clinic

The zoning applied for is therefore the following:

- Use-zone 14: Institutional, excluding hospital, nursing home and clinic.

The complete proposed zoning and zoning controls / development parameters are set out in table 1.

TABLE 1 : PROPOSED ZONING AND ZONING CONTROLS / DEVELOPMENT PARAMETERS

1	Use zone	14: Institutional
2	Uses permitted	Place of public worship; institution (excluding hospital, nursing home, clinic); place of instruction; cafeteria.
3	Uses with consent	Table B, Column (4).
4	Uses not permitted	Table B Column (5)
5	Definitions	Clause 5.
6	Density	Not applicable
7	Coverage	As per approved site development plan
8	Height	2 storeys
9	Floor area ratio	0,3



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	Parking requirements	<p>Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the portion in accordance with Clause 28, Table G in the following ratios, to the satisfaction of the Municipality:</p> <p>(1) Place of public worship: One parking space per five seats.</p> <p>(2) Other uses: To the satisfaction of the Municipality</p>
12	Building-lines	In accordance with an approved site development plan.
13	Paving of traffic areas	All parts of the portion 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	Entrances to and exists from the portion shall be located, constructed and maintained to the satisfaction of the Municipality.
15	Loading and off-loading facilities	Loading and off-loading facilities shall be provided on the portion to the satisfaction of the Municipality.
16	Turning facilities	Turning facilities shall be provided on the portion to the satisfaction of the Municipality.
17	Physical barriers	A permanent non-removable physical barrier shall be erected and maintained on the boundaries of the portion to the satisfaction of the Municipality in accordance with an approved site development plan.
18	Health measures	<p>(1) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.</p> <p>(2) Any requirements for air pollution-, noise abatement- or health measures imposed by the Municipality shall be complied with to the satisfaction of, and without any costs to the Municipality.</p>

		(3) All refuse areas and service yards shall be screened-off with a solid wall and / or landscaping. Refuse areas shall be sited with sensitivity.
19	Outdoor advertising	Advertisements and / or signboards shall not be erected or displayed on the portion without the written consent by the Municipality first being obtained in terms of the municipal by-laws for outdoor advertising.
20.	General:	
(1)	An engineer shall be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of all structures according to the soil classification for each zone. On completion of the structures, he / she must certify that all his / her specifications have been met.	
(2)	In addition to the above conditions the portion and buildings thereon are further subject to the general provisions of the Tshwane Town-Planning Scheme, 2008 (Revised 2014).	

## **4. DEVELOPMENT PROPOSAL**

### **4.1 CONCEPT**

The concept underpinning the development proposal entails a religion-based facility to provide in the spiritual needs of attending families, but also in the physical and psychological needs of certain individuals who have strayed from the norms of society for purpose-driven, healthy and productive living. Also to provide a safe haven and nurturing environment for abused individuals in which to be loved, trained / re-trained and restored to fully-functional, dignified beings before continuing their respective life journeys as empowered people to embrace life and make a positive difference in society.

While the church, Lewende Woord Ministries, will predominantly serve the local community of Bronkhorstspuit and Bronkhorst Bay Dam and its surrounds the restoration centre is foreseen to have a much wider sphere of influence. Similar to other such facilities its reach will be countrywide with patrons expected to attend from all provinces. It is for this reason that on-site accommodation becomes of utmost importance.

### **4.2 DRAFT SITE PLAN**

Messrs Richter & Associates Architects have prepared a conceptual or draft site plan (DSP) for the proposed development, reflecting *inter alia* the on-site positioning of the land-use activities being applied for (included overleaf).

[FIGURE 2 : DRAFT SITE PLAN]

In broad terms will the church and its associated administrative and schooling functions be accommodated on the eastern parts of the subject property for enhanced exposure / visibility from the adjacent Provincial Road which serves to link the north-lying R25 Provincial Road to certain residential developments on the northern edge of the Bronkhorst Bay Dam. The proposed restoration centre will be accommodated on the western parts of the development site.

## **4.3 ACCOMMODATION SCHEDULES**

### **4.3.1 Church**

As is evident from the area schedule table on the DSP the proposed church facility will ultimately extend to 4 442m<sup>2</sup> gross floor area, which includes the administrative-use areas.

The church auditorium will accommodate up to 1 500 people.

A conference / training facility will also be incorporated in a separate building which will be able to seat 160 people. The building will be 485m<sup>2</sup> in extent.

### **4.3.2 Restoration centre**

The restoration centre will comprise of a large dining hall of 1 183m<sup>2</sup> that will be able to seat 540 people, as well as the following:

- A building of 412m<sup>2</sup> to house two workshops;
- Eleven dormitory buildings that can accommodate 40 people each (440 people total in 4 293m<sup>2</sup>);
- Seven dormitory buildings that can accommodate 8 people each (56 people total in 520m<sup>2</sup>);
- Three buildings for training purposes (External: 160 people in 485m<sup>2</sup>; internal men: 200 people in 750m<sup>2</sup> and internal women: 144 in 535m<sup>2</sup>);
- Two staff quarter buildings of 124m<sup>2</sup> each to accommodate 6 people (12 total);
- An administration building of 163m<sup>2</sup> to accommodate 8 people;
- A gymnasium building of 432m<sup>2</sup> to accommodate 40 people at a time
- A school building for lectures to people undergoing rehabilitation at the restoration centre.

### **4.3.3 Synthesis**

The overall building area of the entire project will amount to approximately 14 493m<sup>2</sup> (say 14 500m<sup>2</sup>).

#### **4.4 FLOOR AREA RATIO**

A gross floor area of 14 493m<sup>2</sup> as being planned for by the applicant translates to a floor area ratio (FAR) of almost 0,3. With the area of the Property extending to 4,9034 hectares an FAR of 0,3 will serve to permit the lawful establishment and operating of 14 710m<sup>2</sup> gross floor area for buildings. This is approximately 217m<sup>2</sup> more than required, which will allow for a certain degree of flexibility in the ultimate design.

The approximately 217m<sup>2</sup> additional capacity will be increased further by certain deductions being allowed of building areas that do not count towards the official FAR. This will increase the flexibility in design even further and allow for possible future extensions to buildings should the need arise.

#### **4.5 DESIGN CONSIDERATIONS**

Special care has been taken to ensure that the buildings respond appropriately to the site attributes and constraints. It is for this reason that an approach of fragmentation of building bulk and adopting of a low-rise height profile of two storeys have been followed in configuring same.

The applicant contends that the proposed scale and configuration of the buildings and its actual design / style will go a long way towards ensuring that the built environment component of the site blends properly with the natural environment component of the site and its immediate environs.

[ANNEXURE 'E' : ARCHITECT'S DESIGN PROPOSAL]

#### **4.6 ACCESS AND VEHICULAR CIRCULATION**

##### **4.6.1 Access**

Access to the site will be gained off a Provincial Road traversing the area in a north / south direction immediately east of the subject property. An access to the subdivided land-portion complex of which the Property forms part, has been approved by the Gauteng Department of Public Roads & Transport (GDPRT) in a position at the northeastern corner of Portion 123.

From this approved access point a servitude has been registered westwards along the shared boundary between Portions 122 and 123, farm Vlakfontein 523-JR along the entire length of the subject property for access purposes. The servitude is 16 metres wide of which 8 metres is accommodated on Portion 122 and the balance 8 metres on the subject property.

Access to the site will therefore be taken off this servitude road along the northern boundary of the site, in a position more or less halfway between the eastern and western boundaries of the Property. It should be noted that the proposed access will comply with the requirement of GDPRT not to be closer than 100 metres from the western boundary of the road-reserve of the adjacent Provincial Road.

#### **4.6.2 Vehicular circulation**

Vehicular circulation on site will comprise of an eastern and western component in relation to the entrance position. Vehicles will move southwards from the entrance to a position approximately halfway towards the southern boundary of the site where the road carriageway splits in two. The road westwards will serve the restoration centre, while the road eastwards will serve the church facility.

#### **4.6.3 Road improvements**

The link-road between the Provincial Road (east) and the access to the site (west) will be properly designed, constructed and maintained to Municipal standards. This will include a permanent, dust-free surface, drained of surface water in accordance with a stormwater management plan.

### **4.7 PARKING**

#### **4.7.1 Official requirement**

Table G, pp 68 – 71 of the TTPS is relevant. The applicable parking ratios are as follows:

- Place of public worship: One parking space per five seats.
- Charitable institution: To the satisfaction of the Municipality

Since the training or conference centre is a function of the church and since church services and conferences / training occurrences will for the most part be anti-cyclical and not take place at the same time, the parking for the church provided at one bay per five seats could double-up for use by the conference / training facility.

It should be noted that individuals undergoing rehabilitation at the restoration centre will not be allowed (or in a position) to keep a car on the premises. Family visits will furthermore for the most part take place on Sundays after the church service. Since up to 540 individuals undergoing rehabilitation at the restoration centre and who do not keep cars on the premises will be attending the Sunday church service, the need for parking will be substantially less than the one bay per five seats requirements ( $540 \div 5 = 108$  bays less required).

#### **4.7.2 Bays provided**

At a ratio of one bay per five seats for the church, the maximum number of 1 500 people that can be accommodated will require a total of 300 parking bays. Considering that up to more than a third of the 1 500 capacity attendance will comprise of restoration centre inhabitants without cars, the official requirement of 300 bays can without risk of spill-over parking on adjacent roads be reduced to just below 200 bays.

The project architects have nevertheless on the DSP provided the following number of bays for each of the land-use categories below:

• Church and training / conference centre	:	549 bays
• Restoration centre	:	<u>15 bays</u>
Total bays provided		564 bays

#### **4.8 BUILDING LINES**

The Property is subject to a building set-back of 95 metres measured westwards on to the site from the centre-line of the abutting Provincial Road along the eastern boundary. The DSP however has been prepared on the assumption that the GDPRT as the controlling authority to decide on same would allow the transgression of this building-line up to approximately 35 metres from the centre-line. At the time of preparing the site development plan (SDP) to follow the successful rezoning of the Property, the SDP will be submitted to the

GDPRT formally for its consideration and approval of the envisaged transgression / encroachment.

Since the affected Provincial Road is a low-key link-road without any plans for its future upgrading, it is foreseen that the GDPRT would not have a problem with the proposed encroachment. It will however form a separate application which will be appropriately and duly motivated at the time.

In the unlikely event of GDPRT not being in support of the encroachment, the development site will be redesigned to move the church buildings westwards and replace these with parking inside the building-line.

#### **4.9 SYNTHESIS**

The feasibility of the detailed site planning has been proved from the viewpoint of among other things, the positioning and configuration of buildings, building design & scale, access and vehicular circulation, parking and more. These all serve to prove the desirability of the development proposal on site and in relation to its immediate environs.



## **5. MOTIVATION OF MERIT**

### **5.1. PRECEDING SECTIONS**

Although a separate section is here dedicated to the motivation of the merit of the rezoning proposal, several key aspects in support of the merit have already been discussed in previous sections of the memorandum. For a full comprehension the memorandum should therefore be read in its entirety.

### **5.2. NEED / NECESSITY**

#### **5.2.1. Place of public worship**

Living Word Bronkhorstspuit is one of a network of Christian churches countrywide. It was established *de novo* in 2010 from which time its congregation has been growing steadfastly to a stage where it is reaching the point of out-growing its present premises. The need for a new church campus thus stems from the historic organic growth of the Bronkhorstspuit congregation.

The primary sphere of influence of Living Word Bronkhorstspuit is comprised of families and individuals residing in the various residential and resort developments in a band of between 1,5 and 5,0 kilometres south-, southeast- and south-westwards of the subject property. It is in the Kaia Manzi Resort that the church is presently established and operating approximately four to five kilometres south-westwards from Portion 123. The vast rural area around the subject property serves as secondary market area from which many households are attending the local church. This relatively large geographical area is well served by high-order roads ensuring the high accessibility of both the present and future premises of the Living Word Bronkhorstspuit campus.

Growth projections by the church of its congregation point to the need for a 1 500 seat church building in the short to medium term. Due to the duration of townplanning and environmental authorization applications it was decided to initiate these processes rather sooner than later. It is envisaged to implement the development of the new campus on a market-driven basis, by starting with the building of the dining hall of the proposed restoration centre first and using it for church services until the main building has been completed in response to the demand being encountered.

The need / necessity for the new church campus to be located outside the formal urban setting is due to the unavailability of appropriately sized and serviced property and the exorbitant asking prices for same. The scale of the proposed development is too large for an urban setting and would require the purchase

of several expensive residential stands to consolidate and redevelop same at huge cost.

### **5.2.2. Restoration centre**

The problem of substance abuse and related social ailments has grown in such proportions over the last two decades that the South African Government on 21 April 2009 promulgated the Prevention of and Treatment for Substance Abuse Act, 2008 (Act 70 of 2008) ('the Act'). The preamble of the Act reads as follows :

*"To provide for a comprehensive national response for the combatting of substance abuse; to provide for mechanisms aimed at demand and harm reduction in relation to substance abuse through prevention, early intervention, treatment and re-integration programmes; to provide for the registration and establishment of treatment centres and halfway houses; to allow for the committal of persons to and from treatment centres, and for their treatment, rehabilitation and skills development in such treatment centres; to provide for the establishment of the Central Drug Authority; and to provide for matters connected therewith".*

It continues in the preamble to explain the *rationale* of the Act, as follows:

*"**WHEREAS** the drug trade has increased globally in intensity and reach;*

***AND WHEREAS** substance abuse in South Africa has increased rapidly and demands a comprehensive national response;*

***AND WHEREAS** South Africa continues to combat substance abuse through a wide range of programmes in order to reduce supply, demand and harm caused by substances;*

***AND WHEREAS** a uniform law to deal with the prevention of and treatment for substance abuse and the harm associated therewith, the rehabilitation of service users in the various institutions and the reintegration of service users in their communities is urgently required, ..."*

It is clear from these extracts from the Act that substance abuse in South Africa has reached epic proportions and that urgent practical measures is needed to address the problem. Although not covered by the Act *per se* the applicant has in addition identified a need for providing care and support for abused individuals. The proposed restoration centre under the auspices of the Living Word Bronkhorstspuit ministry will therefore cater for the care and treatment of *inter alia* addicts (e.g. drugs, alcohol), delinquents and abused human beings. Its mission will be to restore these individuals in a way that can be compared to the definition of 'rehabilitation' in the Act, that reads as follows :

*" 'rehabilitation' means a process by which a service user is enabled to reach and maintain his or her own optimal physical, psychological, intellectual, mental, psychiatric or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function" (p12)*

Other definitions of the Act which find application, serving to elucidate the need / necessity for the proposed new restoration centre on Portion 123 are the following :

- \* *" 'treatment centre' means a private or public treatment centre registered or established for the treatment and rehabilitation of service users who abuse or are dependent on substances" (p12)*
- \* *" 'private treatment centre' means a treatment centre that is privately owned and registered for the treatment and rehabilitation of service users who abuse or are dependent on substances" (p12)*

It follows from the above extracts as well as other sections of the Act that there is a dire need to cater for these affected, vulnerable members of society through holistic treatment, training and education programmes. It is also emphasized that both government and civil society (in this instance the church) should shoulder the responsibility together in a drive towards a drug-free society.

The indication of a 'school' and 'workshops' on the DSP is explained by the need to train and educate attendees on life skills, preventative interventions, skills development and many more aspects before they could be reintegrated in their respective communities.

The provision of overnight accommodation on site is an indispensable necessity, due to the attendees having to be isolated for the duration of treatment / rehabilitation from the sources of and people instrumental in the creation and perpetuation of the problem at hand. They require 24/7 supervision which can only be provided communally with everyone on the same premises.

The proposed restoration centre will at capacity be able to accommodate around 500 people on site. As discussed earlier under parking provision, these individuals will on Sundays attend the church services on offer. They represent about one third of the 1 500 seats being proposed for the main church building, representing (and proving) the need / necessity for a church of the mentioned proportions in this locality.

### **5.2.3. Surrounding residential estates**

The area in the immediate surroundings of the subject property is on the eve of a huge residential influx by families to reside on the numerous land-portions in recently approved residential estates. Portion 123 forms part of a 20 portion estate which originated from the subdivision of Portion 28 of the farm Vlakfontein 523-JR. There are 19 land-portions of approximately 5 hectares each and a 20<sup>th</sup> of very large proportions ( $\pm$  74ha) destined for resort and lodge purposes.

To the immediate east of Portion 123 (across the Provincial Road) is another such estate comprising of predominantly one hectare land-portions. A total of 76 such portions have originated through the subdivision of Portion 36 of the farm Vlakfontein 523-JR that are now available for rural residential occupation.

[ANNEXURE 'F' : GENERAL PLAN FOR SUBDIVISION  
OF PORTION 36, FARM  
VLAKFONTEIN 523-JR]

It follows from the above that the number of families in the primary sphere of influence, i.e. in the direct vicinity of the subject property will over the short to medium term increase to bolster demand (and thereby proving the need) for the services on offer by the church to be established in their midst.

#### **5.2.4. Synthesis**

The Living Word Bronkhorstspuit church has a well-established and growing service area which confirms the need for a new, enlarged facility in the vicinity. The need is further accentuated by the future inhabitants of the restoration centre and reinforced by the new residential estates recently approved on surrounding properties.

### **5.3. DESIRABILITY**

#### **5.3.1. Locational imperatives**

At the time of church planting in 2010 the decision on a locality for the Bronkhorstspuit Living Word ministry received much consideration. It has as such since inception built up a formidable congregation and become known for its invaluable participation in local community affairs. For this established 'goodwill factor' it is important for the new premises of the church to still be regarded as accessible to the community and sufficiently integrated as beacon of hope in community context. The locality of the subject property has been found to comply with all these requirements.

The locality of the proposed restoration centre is of equal importance. It can first of all be regarded as an extension of the functions of the church which requires it to be situated in close proximity to same, preferably on the same premises as is the case here.

It secondly needs to be in rural or semi-rural setting with abundant fresh air and opportunity to participate in agricultural and other outdoor pursuits. Put differently, it is of the utmost importance for individuals undergoing rehabilitation to be physically and emotionally divorced from an urban environment with all its enticements and potential stumble blocks in the way of successful rehabilitation. Individuals will for instance as part of the programme be required to participate in agricultural activities, aimed at supplementing the food / meal requirements

for attendees. Members of the church congregation own certain strategically located farm-portions in the immediate vicinity which have been availed for this purpose.

### **5.3.2. Accessibility**

The Property is highly accessible in both local and regional context for weekly church goers. This high level of accessibility is brought about by the following high-order roads in the surrounding area :

- \* R25 / Pretoria Road which traverses the area in and east / west direction connecting the subject property to Bronkhorstspuit Town ( $\pm$  7km northeast) and Kempton Park ( $\pm$  45km west).
- \* The R513 route connecting to Ekandustria in the north approximately 20km away.
- \* The N4 National Freeway providing a direct link to Pretoria ( $\pm$  50km west) and Middelburg ( $\pm$  80km east).
- \* The R42 traversing the area in a north / southwest direction and providing a link to Delmas approximately 35km away.

Local collector streets in the residential estates and resorts to the south of the Property also serve to enhance the accessibility of the site. Examples include Matroosberg Street, Waterfront street and Black Eagle Avenue which serve a link-function between an array of local residential access roads and the Provincial Road which leads to the subject property.

All these roads / streets together form a well-established and functioning vehicular movement system available to commuters and other patrons to the site.

### **5.3.3. Contextual environment**

To assess the contextual compatibility of the proposed new church and restoration facility on Portion 123 it is important to interrogate the following aspects, *viz* :

- \* Prevailing land-uses in area;

- \* Current zoning of surrounding properties; and
- \* Policy for future development of the area.

These are each assessed as relevant:

- (1) *Existing land-use* : The properties in the surrounding rural residential estates are all still vacant / undeveloped, save for an agricultural shed having been constructed on the adjacent Portion 124 of the farm Vlakfontein 523-JR. A certain part of the latter land-portion will *ceteris paribus* be used as a bottled water plant, i.e. where groundwater will be abstracted from a borehole, bottled and distributed to certain market outlets.

Further afield the surrounding landscape comprises farms, some hosting dwelling-houses, outbuildings and agriculture-related sheds, barns and the like. The visual experience is that of an open countryside with a proliferation of agriculture-related buildings, pastures and other related structures.

[FIGURE 3 : LAND-USE MAP]

- (2) *Prevailing zoning* : The entire area in a radius of a kilometre and more around the subject property has been zoned Undetermined (Use-zone 19) in terms of the TTPS. This bestows the right on these properties to be utilized for agricultural purposes, one dwelling-house and a farmstall (subject to certain conditions).

[FIGURE 4 : ZONING MAP]

- (3) *Official policy* : The provisions of the Regional Spatial Development Framework, 2013 (RSDF) for Region 7 are applicable and are discussed in more detail in para 5.3.12 *infra*. Suffice it to confirm here that the subject property and all surrounding properties have been earmarked for either Rural purposes or for purposes of mining (e.g. open mining or quarrying for e.g. sand). This in essence confirms that the *status quo* of prevailing land-use patterns will continue in the short to medium term for the most part unchanged.
- (4) *Synthesis* : The relatively recent approval of a multitude of subdivided land-portions in the direct vicinity of the subject

property (of which one such complex / estate Portion 123 forms part) can be expected to lead to a noticeable change in the visual / aesthetic and functional dynamics of the area. If approached holistically and managed sensitively such change can have a positive outcome. The proposed new church and restoration centre are being viewed as compatible uses that can be expected to serve the surrounding community and contribute to the spiritual wellbeing of future families residing in the area.

#### **5.3.4. Geology**

A geotechnical investigation by messrs EngeoLab Earth Science Consultants has in January 2016 culminated in a report titled :-

*“ Phase 1 Engineering Geological Investigation for a proposed new Rehabilitation Centre and Church on Portion 123 of Portion 28 of the Farm Vlakfontein, Bronkhorstspuit. Gauteng’.*

The findings of the investigation are based on the lab and other results of a total of eight evenly spread (over the site) *in situ* test pits supplemented by eight Dynamic Cone Penetration (DCP) tests in proximity of the test pits. The report contains valuable information with regards to the properties of the soils to inform the implementation phase of the project (e.g. road building, founding of different structures). It should be read in its entirety and has been included as a separate report as part of the present land development application.

For ease of reference and integration of relevant information it was decided to incorporate the Development Recommendations of the report (pp 14,15) *verbatim* into the memorandum (below), as well as to include the Zonal Plan (fig 5 of the report).

#### **“ 7. DEVELOPMENT RECOMMENDATIONS**

*The site has been categorized as a development zone with specific geotechnical characteristics – that is Zones 1A, 1B and 2B depending on the individual geotechnical constraints. See tables 1 & 2 in Appendix D and the Zonal Map – Figure 5.*



### **Zone 1 A – Normal Founding**

*This zone comprises medium dense soil, with deeper undulating weathered soil profiles noted in some of the test pits having a moderately low compressibility that occurs at foundations level, which will require little, or no modifications to normal building construction techniques. Foundation settlement in these areas is not expected to exceed 5-10mm and in terms of the NHBRC site specifications, this portion of the terrain is defined as Classes S and C. See tables 1 & 2 in Appendix D.*

**NHBRC SITE CODE R:** *Service and foundation excavations and levelling of subgrade for roads and foundations within this zone will require medium to hard ripping – especially in areas characterized by scattered outcrop and shallow bedrock. Excavation classed are expected to vary from soft, intermediate to hard excavation and may require heavy ripping and even blasting in places*

*Normal precautions including drainage away from the building, flexible water connections, grass or concrete aprons around the buildings and moderate compaction in the base of foundation excavations prior to the casting of the foundations are recommended.*

### **Zone 1B – Normal Founding**

*This zone is associated with a fluctuating seasonal water table and sub-surface seepage. Cut-off drains, subsurface and good surface drainage control measures will have to be implemented to prevent ponding and erosion of the loose cover soils. Note that where this zone overlaps with the Zone 1A above and similar building precautions apply. The NHBRC site classes include S, C and P with Class P*

*indicating this area to be susceptible to a seasonal perched water table.*

***Zone 2A – Outcrop and Shallow Bedrock***

*This zone has scattered outcrop, shallow bedrock and intermediate to hard excavatable quartzite may be encountered within the foundation excavations. The anticipated NHBRC Site Class R is referring to difficult excavation shallower than 1,5m. Excavation classes are expected to vary from intermediate to hard excavation and may require heavy ripping and even blasting in places. Note that where this zone overlaps with Zones 1A and 1B the respective building procedures apply.*

*Development may however proceed in these areas, although the Developer should be made aware that additional costs might be incurred for the excavation of service trenches.*

*In view of the variable inherent of natural materials, a competent person should inspect all foundation excavations at the time of construction to ensure that the materials are adequate for the proposed structures and that they are in accordance with the recommendations stated in this report.*

*The placement of any engineered fill must be controlled with suitable field tests to ensure that the required densities are achieved during compaction, and that the quality of the fill material is within specification.*

*Although not anticipated at this site, it should be noted that this investigation did not include the assessment of any potential environmental hazards, or groundwater impacts that may be present, or ensue from the construction of the proposed structures.”*

[ANNEXURE 'G' : GEOLOGICAL ZONAL MAP BY ENGEOLAB]

The subject property therefore appears to be developable in its entirety, subject to compliance with the recommendations of the geotechnical report.

### **5.3.5. Cultural heritage impact assessment**

Dr Johnny van Scalkwyk has undertaken a cultural heritage impact assessment for the development proposal on the subject property in May 2016, which has culminated in a report titled :-

*"Cultural Heritage Impact Assessment for proposed Lewende Woord Development on Portion 123 of Portion 28 of the Farm Vlakfontein 523JR, Kungwini Local Municipality (sic) Gauteng Province"*

Nothing untoward was discovered that could impede the implementation of the development project on Portion 123. The following extract from the report serves to elucidate:

#### **" 9. RECOMMENDATIONS**

*The aim of the survey was to locate, identify, evaluate and document sites, objects and structures of cultural significance found within the area in which the development is proposed.*

#### *Impact assessment*

*Impact analysis of cultural heritage resources under threat of the proposed development, is based on the present understanding of the development:*

- \* As no sites, features or objects of cultural significance are known to exist in the development area, there would be no impact as a result of the proposed development.*

#### *Reasoned opinion as to whether the proposed activity should be authorized:*

- \* From a heritage point of view it is recommended that the proposed development be allowed to continue.*

Conditions for inclusion in the environmental authorisation:

- \* *Should archaeological sites or graves be exposed during construction work, it must immediately be reported to a heritage practitioner so that an investigation and evaluation of the finds can be made" (p12)*

The report will be assessed by the Gauteng Department of Agriculture and Rural Development (GDARD) as part of the environmental authorization process undertaken for the project by LEAP Environmental Consultants. It will therefore not be submitted to form part of the present land development application.

**5.3.6. Site sensitivity**

The results of the following study by Renier F Terblanche in July 2016 have resulted in a site sensitivity map to inform the present application:

*"Ecological Fauna and Flora Habitat Survey, Ptn 123 of Ptn 28 Vlakfotein (sic) 523 JR, Gauteng Province".*

The site sensitivity map has been included as Annexure 'H' to the memorandum.

[ANNEXURE 'H' : ECOLOGICAL SITE SENSITIVITY  
MAP BY RENIER F TERBLANCHE]

The conclusion of the report is hereby quoted *verbatim* as follows :

*" There are narrow relatively small rocky strips and patches at the site with typical vegetation expected at rocky patches including indigenous tree species such as Ochna pretoriensis (Magalies Plane), Englerophytum magalimontanum (Stemfruit) and, Pavetta zeyheri (Small-leaved Bride's Bush). Grass patches with no trees and with less surface rock are found between the rocky strips and patches at the site. At both the grassy patches and rocky strips a variety of indigenous grass species is found.*

*There are some areas where the savanna at and near the site has been cleared by excavations, roads or making place for buildings. Around these disturbed areas pioneer grass species or exotic weeds are conspicuous.*

*Site is part of the savanna vegetation type, Gold Reef Mountain (SVcb9) which is not listed as of particular high conservation concern according to the National List of Threatened Ecosystems (2011).*

*Wetlands appear to be absent at the site.*

*Small narrow rocky strips at the site are stepping stones of the larger rocky ridge of particular conservation importance nearby to the south.*

*Presence of Threatened or Near Threatened plant or animal species at the site is highly unlikely. One plant species of particular conservation concern which not threatened but listed as Declining *Callilepis leptophylla* is present at the site.*

*The small rocky strips and patches at the site are assessed to be of medium-high ecological sensitivity and the remainder of the site as of medium sensitivity. If the development is approved, the narrow rocky strips and patches at the site should that contain some *Callilepis leptophylla* on the edges of the rocky strips should be set aside as no-go zones for development."*  
(p35)

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

Initiating commercial businesses by entrepreneurs is a much-needed source of economic development for the area. Not only do projects such as these promote commercial activities outside of the CBD of Bronkhorstspuit but provide employment opportunities for members of the community living in these outlying areas.

Local economic development (LED) is seen as one of the most important ways of reducing poverty through aiming to create jobs and in turn making the local economy grow. This means that more businesses and factories should be started in the municipal area.

The Provincial Department of Local Government has identified several key principles underlying LED. The following are a few which are applicable in this case:

- LED strategies must prioritise job creation and poverty alleviation

- LED must target previously disadvantaged people, marginalised communities and geographical regions, black economic empowerment enterprises and SMMEs to allow them to participate fully in the economic life of the country
- LED promotes local ownership, community involvement, local leadership and joint decision making
- LED uses local resources and skills and maximizes opportunities for development
- LED involves the integration of diverse economic initiatives in an all-inclusive approach to local development

Other applicable legislation promoting economic development includes:

- (1) 2055 outcomes of the City of Tshwane Integrated Development Plan, May 2012 ; and
- (2) 2014/2015 IDP Strategic Objectives for Tshwane

It is clear that there is a dire need for economic development and opportunities in areas such as these which are remote and rural in character and require a capital injection to promote growth and development and provide employment opportunities to its community.

Several new job opportunities will be created during the construction phase and the applicant is committed to prioritise the utilization of local labour and expertise in the process. Additional employment opportunities will also be created in the operational phase of the development project, ranging from unskilled (e.g. gardener, cleaners) and semi-skilled (e.g. security staff) to skilled (e.g. counselling professionals) personnel in both the church and restoration centre operations.

#### **5.3.8. Site attributes**

The development site has been assessed for physical adequacy and found to be entirely suitable for the intended purposes:

- \* The site sponsors a slight north / northeastwards gradient of around 1:20 (or 5%), which is sufficiently shallow for erosion not to occur during high rainfall

occurrences and to allow for normal operations of gravitation-led services.

- \* The site is sufficiently large to accommodate the proposed development in all its facets, despite the inhibiting building set-back along the adjacent Provincial Road affecting the eastern parts of the subject property. The access road servitude registered along the northern and western boundaries of the site also do not inhibit the development potential of the site detrimentally.
- \* Portion 123 is not affected by the 1:100 or 1:50-year floodlines of any river or watercourse traversing the area. There are no such watercourse or river situated on the Property.

[ANNEXURE 'I' : RSDf MAP – REGION 7]

#### **5.3.9. Civil engineering services and refuse removal**

The firm VIP Consulting Engineers has prepared a services availability report (civil) to inform the present land development application titled:

*"Outline Scheme Report for the Construction of Water, Sewer and Stormwater Systems for the Proposed Development Lewende Woord Bronkhorstspuit," September 2016.*

The balance of this subsection repeats information gleaned from this report.

- (1) Water: There is no municipal water available to the area and site, which has necessitated the sourcing of water for the project from groundwater sources. Two boreholes on the Property will be used for such water abstraction and the water will be stored in elevated storage tanks. Water supply from the boreholes has been tested under the professional guidance of a geohydrological specialist (Geo-logic), to determine the available quantity and quality. The safe yield of the two boreholes was determined to be 103,68 kl/day. The storage capacity of the water tanks will be 285 kl/day, which allows for 48

hours plus emergency water requirements for the project. The water quality for human consumption is presently still being tested.

The report provides a detailed breakdown of the projected demand for water by the proposed development project. The aggregate demand totals 94,67 kl/day, spiking to 160,94 kl/day including the peak factor.

- (2) Sanitation: The absence / unavailability of a municipal waste water treatment plant in the area has necessitated the implementation of a sewerage purification package plant on site. It will sponsor a capacity of 120m<sup>3</sup>/day. A Beacon Bio-Filter Rotating Biological Contractor Sewage Purification Plant is being proposed (for more information refer to Annexure 'J').

The report confirms that the resultant effluent from the purification process will meet with standards of the Department of Water and that it would be possible to use same for irrigation of gardens purposes. The report finally contains a detailed breakdown of the effluent source linked to the future land-use activities for the site.

- (3) Stormwater: A detailed pre-development and post-development stormwater run-off model was undertaken using industry-accepted simulation modelling techniques, incorporating particular precipitation data for 1:5 and 1:25 event occurrence intervals. The report concludes with the following summation:

*"A minor stormwater reticulation system for the development will consist of standard grid inlets and underground stormwater pipes. The parking area will be designed to form part of this system and will intercept the major part of surface water for rainfall events of up to a 1:5 year occurrence interval."*



*Intercepted run-off is conveyed through the underground pipe system (and along the paved surfaces) and will discharge into a retention pond that will be situated on the lowest portion of the development.*

*The rate of discharge from the retention pond will be at a rate as specified by the relevant local municipality.”(p12).*

- (4) Roads: This aspect has been dealt with by the project transportation engineer (refer para 5.3.11 *infra*)
- (5) Solid waste management: Solid waste generated by the on-site activities will be stored in appropriate bins on designated areas on site, and removed at yet to be determined frequencies (e.g. once a week) by either the CTMM or a private contractor operating in the nearby Bronkhorst Bay area, and disposed of at the nearest licensed land-fill site with available capacity.

[ANNEXURE 'J' : CIVIL SERVICES AVAILABILITY REPORT]

#### **5.3.10. Electrical engineering service**

Messrs A J Services have investigated the supply of electricity in bulk to the proposed new church and restoration centre and prepared an Electrical Service Report dated August 2016 to inform the present land development application.

[ANNEXURE 'K' : ELECTRICAL SERVICE REPORT]

The report confirms that since the CTMM does not have any bulk supply installations in the area and since ESKOM is presently serving the wider area, electricity to the project will *ceteris paribus* be sourced from ESKOM.

It has been confirmed that the Property is presently being served by a 25 kVA 3-phase ESKOM connection which will be utilized towards the first development phase of the project. The total load for the entire project is estimated at approximately

390 kVA which will require a standard 415 kVA connection. The report furthermore recommends as follows:

*"Due to the shortage / limitations of electricity capacity in South Africa it is recommended that energy saving methods and installations be introduced for the development which should include solar geysers, gas stoves and energy saving light bulbs"(p3)*

Eskom has been approached to confirm availability of the required bulk demand.

#### **5.3.11. Traffic impact assessment and access**

Traffic and transportation engineer mr Pieter Wilken has prepared a comprehensive traffic impact assessment report for the project titled:

*"Rezoning of Ptn 123 of the farm Vlakfontein 523-JR. City of Tshwane Metropolitan Municipality. Traffic Impact Assessment Report," August 2016.*

The report deals with a variety of roads, stormwater and transportation issues in an appropriate and professional way. Industry norms and standards, including CTMM and GPDRT requirements applied serve to inform the study and underpin the recommendations. The amount of detail and the highly technical analyses contained in the report substantiate a truly expert endeavour adding much value to the present application. It is strongly recommended that the full report be read for a better understanding of the matters at hand.

[ANNEXURE 'L' : TRAFFIC IMPACT ASSESSMENT]

It is evident from the report that the proposed development would not have a noticeable impact on the surrounding public roads network – neither now (2016), nor over a planning horizon, including a 3,5% growth in traffic volumes of five years (2021). Of importance however is to note that the CTMM may require the present right-of-way access between the east-lying Provincial Road D2254 and the entrance to the site to be widened to 25-metres. The GPDRT will furthermore

require the T-Junction formed by this access road and Provincial Road D2254 to be constructed to certain specific minimum standards before the use-rights (once approved) may be exercised.

Cognisance has been taken of the various recommendations on stormwater discharge requirements, throat depth requirements, road-carriageway widths, sight-distance requirements, access control standards, pedestrian access and safety considerations and more, and it is hereby confirmed that the applicant is satisfied with and will see to the implementation of the recommendations of the report.

### **5.3.12. Tshwane Regional Spatial Development Framework – Region 7, 2013 (RSDF)**

(1) Urban edge: The subject property is situated outside the urban edge as delineated around the residential and resort developments skirting the verges of the Bronkhorst Bay Dam. The proposed land-use activities on Portion 123 (i.e. church and restoration centre) are however warranted to be established and functioning outside the urban edge for reasons discussed earlier in the memorandum.

The church has a sphere of influence reaching far beyond the tight delineation of the urban edge and the restoration centre even more (national sphere of influence). As indicated, the restoration centre requires to be located as far away as possible from villages towns and cities where the presence of *inter alia* pharmacies and bottle stores serve as a major distraction and incentive for afflicted individuals to abandon their rehabilitation programmes. These individuals also need to be extracted from their communities where certain people may be present who serve to contribute to their ailment / dependency.

(2) Rural Area: Places of public worship and rehabilitation centres countrywide are known for its localities in rural areas in the countryside. These are social or public services not unlike clinics, schools, cemeteries, sports facilities and airfields that are not necessarily bound to be located in a conventional urban milieu. As long as the positioning of

these land-uses in a Rural Area takes due cognisance of, and does not encroach unduly on environmentally sensitive areas and / or high potential agricultural land (RSDF, p29).

The vision of the RSDF for the so-called Rural Component (where the subject property finds itself) is summarized concisely on pp 30 and 58, of which the following deserves mentioning:

*"The Tshwane Rural Component will promote:*

- *An effective response to rural poverty.*
- *Create vibrant, equitable and sustainable rural communities.*
- *To create employment and business opportunities for existing rural population.*
- *Accessibility to community facilities, work opportunities and housing for all.*
- *Identification of multi-purpose community centres to provide for business, medical, educational, recreational, social and other needs at the most optimum and accessible locations."*

The applicant contends that the proposed place of public worship and associated rehabilitation / restoration facility qualifies as a social / community facility that will be entirely commensurate with the Tshwane vision as quoted above. It is *inter alia* the proliferation of informal settlements where unemployment reigns that will gain from new job opportunities at the church and restoration centre:

*"Informal settlements, though small and relatively contained, are scattered through the area, forming low-income residential enclaves."*(RSDF, p36)

and

*"Unemployment is becoming and increasing concern as job opportunities for unskilled and semiskilled people in particular are diminishing, owing especially to the decline in the mining and manufacturing sectors and to the decline in the South African economy as it tries to remain internationally competitive. To this end reference is also*

*made to the very large component of the population within the area with limited levels of education.” (RSDF, p40)*

The RSDF Map (Region 7) indeed shows extensive mining areas established in the Rural Area to the immediate north of the Bronkhorst Bay Dam, in the vicinity of the subject property.

**(3) Rural Divisions:** The RSDF (p53) on the division of farm land state the following:

*"The density map for region 7 only indicates the urban and rural areas. Detail regarding the division of farm land will be determined on merit with the basic principle of division of up to 1 ha and more will be allowed in areas with Council approved piped water. Division of 5 ha and more will be supported in areas without piped water except in cases of high agricultural potential and environmentally sensitive areas. The high agricultural potential areas will be restricted to 21 ha."*

Since the subject property forms part of a subdivision complex of 5 hectare land-portions (i.e. the subdivision of the original Portion 28 of the farm Vlakfontein 523-JR) and based on the presence of a vast / extensive 1 hectare subdivision complex immediately east of the subject property (i.e. the subdivision of the original Portion 36 of the farm Vlakfontein 523-JR) it is clear that:-

- \* little or no environmental sensitivities occur in the area;
- \* the subdivided land-portions do not constitute high-potential agricultural land; and
- \* the character of the Rural Area is in process of drastic transformation from Open Space to Rural Divisions where two formidable rural residential estate complexes are presently in process of being implemented.

The RSDF regards such re-population of the Rural Area as a counter-weight to the "brain drain" phenomenon pursuant to limited opportunities in Region 7 (RSDF pp 39, 40):

*"However, the area can possibly also benefit from people that move out of the urban areas seeking a rural character...*

*... Access to municipal services is relatively high in the urban areas but should be extended to the rural areas to unlock potential where sensible development in line with the requirements of residents can be undertaken."*(p40)

- (4) Synthesis:** It is evident from the above extracts and interpretation of the RSDF that the proposed new place of public worship and the associated charitable institution on the subject property will be commensurate with the Rural Area designation of the surrounding area. This holds especially true due to the active transformation of the area presently underway towards a Rural Divisions designation. In this regard the National Department of Agriculture has already approved the subdivisions and they are in the process of being registered (if not already registered like Portion 123) at the Deeds Office.

It is clear from the spatial dynamics of the area that it would be better suited in future (at time of revision of the RSDF) if the area is designated for Future Urban Development Area (refer RSDF, p59). This assessment is indeed corroborated by the RSDF, as follows:

*"The rural-urban fringe located beyond most suburbs, where low-density suburban development meets rural and semi-rural areas often contains a mixture of land uses, including large-lot suburban residences, country estates, low-density commercial development and the remaining agricultural and rural land uses...*

*... By contrast, the small holding and agricultural potential of this zone can be planned to constitute an integral and dynamic part of the city economy."*(RSDF, p59).

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

### **5.4.1 SPLUMA 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 land development 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 at the redress of spatial and other imbalances through improved access to, and to the use of land.

This all-important development principle relates primarily to access to and the use of land for residential development purposes by previously disadvantaged individuals and communities. It may also be interpreted as pertaining to land for agricultural pursuits. Since the proposed development is non-residential in nature, the principle does not entirely find application here.

It is however confirmed that the proposed new place of public worship and restoration centre on Portion 123 will be open for all race groups and genders of all socio-economic strata of society. Living Word ministries is a fully integrated religious organization believing that all individuals have been created equal and deserve similar opportunity for the best possible life on earth. The proposed restoration centre is an example of its selfless dedication to serving society by improving the lives of future attendees of all walks of life.

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

The proposed development represents a relatively modest project that will place no financial burden on the authorities. It will comply with institutional requirements (e.g. RSDF for Region 7) and will be administratively compliant.

Portion 123 is an approximately 5 hectare subdivided land-portion which originated around the first semester of 2014

through approval of the original Portion 28 of the farm Vlakfontein 523-JR in terms of the Subdivision of Agricultural Land Act, 1970 (Act 70 of 1970) by the National Department of Agriculture, Forestry & Fisheries. It is common knowledge that this approval would not have been granted if the original farm had been considered prime or unique agricultural land. By approving the subdivision the mentioned Department acceded to the inferior agricultural potential of the land.

The development site has been scoped and assessed by an independent environmental practitioner, who is presently undertaking a process for environmental authorization for the proposed project at GDARD in terms of NEMA. The eventual record of decision will determine if the proposal is being considered a sustainable option and if approved will include certain specific conditions to be complied with. The applicant will of course adhere to all such requirements, once issued.

The proposed project is not for profit and not dependent on market circumstances or conditions. It is social / spiritual in nature with no opportunity to promote and stimulate the effective and equitable functioning of land markets.

As mentioned, the proposed project indeed entails the provision of a social service to the surrounding (and wider) community. It is therefore in support of this requirement. It will furthermore not place any additional burden on the municipal and roads authorities for the provision of infrastructure. All infrastructural requirements will be budgeted and paid for by the applicant.

Ensuing from and corroborated by the discussion on the RSDF (para 5.3.12 *supra*) it is evident that the proposed new development would not constitute urban sprawl. Its location on one of various subdivided land-portions in a wider estate, and considering the presence of another similar, yet bigger rural residential estate to the east, serve to render its location spatially sustainable.



The proposed social / religious and charitable institution land-use activity will go a long way towards a more viable community. It will look after and enhance the psychological and spiritual well-being of the community.

**(3) Principle 7(c): Efficiency**

There can be no doubt that the proposed new church and restoration centre would optimize the use of Portion 123. Land is a scarce resource and it is evident from the draft site plan which accompanies this application that it would represent the highest-and-best-use for the Property.

Similarly will existing infrastructure be put to the most efficient and productive use. This includes the self-reliance on services as discussed in paras 5.3.9, 5.3.10 and 5.3.11 earlier in the memorandum.

The application strives at overall sustainability, including financial, social, economic and environmental sustainability. Impacts identified will be minimized / 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.

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

It is believed that the RSDF for Region 7 displays sufficient resilience to allow the proposed land-use activities to proceed on the subject property (refer para 5.3.12 *supra*) in this Rural Area.

**(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 cooperative governance is already being achieved.

#### **5.4.2 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:** The applicant is a multi-racial church ministry with membership open to all believers in the Christian faith. Its mission in part requires interventions aimed at improving the lives of the less-privileged communities.

**(2) Spatial equity:** Since the development proposal entails non-residential development spatial equity in the sense of equal service delivery does not come into play. The future job opportunities created on the subject property will however serve to generate income for previously disadvantaged communities which will serve to improve their quality of life and wellbeing.

**(3) Desirable settlement patterns:** The proposed new church campus and associated restoration centre will be established on a land-portion which forms part of an approved rural residential estate. It is also situated adjacent to another similar estate of denser development grain and more land-portions. It will as such be fully compatible with the prevailing rural residential character presently emerging as the land-portions are being serviced and sold.

**(4) Rural revitalisation:** As explained earlier in the memorandum (para 5.3.12) it is foreseen that the two rural residential estates will be occupied by families leaving the hustle and bustle of the urban environment for a rural estate embracing nature and enjoying a slower, more healthy lifestyle in the countryside. These estates are expected to develop into vibrant rural residential organisms where substantial capital investment in structures and related improvements will see the dynamic and sustainable revitalisation of the rural area. The proposed church and restoration facility can be expected to play a major role in this as community facility.

**(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) Agricultural land:** Although the subdivided land-portions are generally unsuitable for cultivation purposes, other forms of agriculture will be exercised and promoted here. For example will the rural residential estate to the east be developed as an equestrian estate, with bridle trails across the properties and along internal roads.

The estate of which the subject property forms part comprises of bigger (5 ha) land-portions where it is foreseen that future owners would conduct limited agriculture activities in line with the carrying capacity of the veld and the availability of groundwater. The subject property will however be required for non-agricultural use, to serve in the spiritual and psychological needs of the surrounding community.

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

The NDP seeks to ensure a sustainable future for the city through spatial restructuring, facilitating a successful urban and rural economy and responding to the spatial concerns. In approving this application the CTMM will be positively addressing the following imperatives of the NDP:

- Social needs: Provision of sustainable employment opportunities to members of the community. Development which is inclusionary to previously disadvantaged people.
- Restructuring a spatially inefficient city: Offering opportunities to rural communities who will not have to commute to cities for employment. Ensuring economic viability of outlying areas of Tshwane which are predominantly rural in character without contributing to urban sprawl. Rural character maintained and development commensurate with its surrounds.

- Creating employment: Jobs available to rural community members

#### **5.4.4 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**: With the proposed development project being compatible with the rural milieu outside the urban edge its positioning on Portion 123 will relinquish more land within the urban edge for other *bona fide* urban activities.
- **Green economy**: As recommended in the electrical service report the project will to a large degree rely on 'green energy' to supplement mainstream electricity by ESKOM. The building design will also focus on appropriate orientation and materials / finishes to optimize heating / cooling of strategic components.
- **Rural management**: The service of the church ministry and restoration centre to the community is a huge positive for the rural (and nearby urban) community. Furthermore will the new development contribute to the coffers of the CTMM through monthly rates and taxes payments and will nearby communities have the advantage of new employment opportunities in relative close proximity.
- **Urban design and quality of environment**: The design theme chosen for the development project is aimed at rendering buildings and other structures compatible with the rural surroundings. Blending of the built environment component with the natural environment is a high priority.
- **Movement and connectivity**: This aspect has been dealt with extensively under accessibility (Para 5.3.2 *supra*). The subject property is strategically located to appeal to both the local members of the church as well as the members further afield. It is also highly accessible for patrons to the future restoration centre on the Property.

#### **5.4.5 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 in a social service to members of the community that will contribute to the physical and psychological as well as spiritual wellbeing of individuals and families. 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 its citizens.

As discussed earlier, the proposed development project is regarded as being the highest-and-best use for the subject property, enhanced to the maximum through green technologies and design. The social and spiritual needs of the community will be taken care of, thereby ensuring continued peace / tranquillity, social cohesion and upliftment, joy and happiness.

- (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 opportunities for communities in rural areas to gain skills and employment closer to place of residence.
- Promoting shared economic growth through economic opportunity and prosperity for the

Property owner, Municipality as well as future employees in the church and restoration centre.

- Promotion of good governance by promoting initiatives which lead to positive change in the area.
- Improving the financial sustainability of the Bronkhorstpruit rural area by creating economic opportunity which may lead to further sustainable investment in the area.
- Creation of economic growth and development as well as job creation for Bronkhorstpruit.

(4) **IDP Focus areas:** Here the present application will assist in economic development of the area which is currently mostly vacant unused land. In this way stimulation of productive use of available land as well as other natural resources for economic gain will be achieved.

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

- Decent employment through inclusive economic growth
- Skilled and capable workforce
- Vibrant, sustainable and equitable rural community
- Environmental assets and natural resources protected and enhanced

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

- Unemployment
- Spatial patterns which marginalise the poor through development of rural areas closer to previously disadvantaged communities.
- Reduction in inequality as possible employment available to all with invaluable social service rendered which will be available to all citizens.

#### **5.4.6 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 7, MSDF and IDP for Tshwane;
- The application will follow the new public participation process as per official requirements of Section 16(1)(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;
- Promotes development of residential and work opportunities near to each other by offering employment opportunity to members of rural and previously disadvantaged communities near-by; and
- 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 religious centre and restoration centre will make a most valuable contribution to the upliftment and sustained spiritual and physiological wellbeing of the community and society as a whole. It is in the public interest to have a solid norms and values system in place which can provide and / or contribute to peace, positive outlook, care and support for each other and especially for the more vulnerable members of society, increased self-worth, skills development and production enhancement. There can be no doubt as to the value of the proposed new development project from a public interest perspective.

#### **5.4.7 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 5.4.1 *supra*. The applicant contends that these principles will be heeded through implementation of the development proposal, to the benefit of all.

#### **5.4.8 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: Jobs available to previously disadvantaged and economic development for area and all who reside in it.
- (2) Safe and healthy environment: No environmental impacts, development to be done in a sustainable and responsible manner.
- (3) Health and social security: Rendering of a much needed and invaluable social service to the people.
- (4) Community: Economic development of rural 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.

#### **5.4.9 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.

#### **5.4.10 Impact on neighbouring properties**

The overall impact of the proposed place of public worship and restoration centre on Portion 123 is foreseen to be positive. It will play an uplifting role in social context and will contribute positively to the aesthetics of the built environment in the area, considering the future development of the two approved rural residential estates in which it will be semi-embedded.

#### **5.4.11 Environmental sustainability**

Messdames LEAP Environmental Consultants have been appointed and is in process of undertaking a basic assessment process of the site, and envisaged land-use activities in terms of the requirements of NEMA. A copy of their report will accompany this application to the CTMM to inform the proposed rezoning from an environmental perspective. Suffice it to confirm here that the applicant of the present application liaised with and developed the eventual development proposal in close conjunction with LEAP.

## **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 Portion 123 of the farm Vlakfontein 523-JR. 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 place of public worship and associated restoration centre 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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J Paul van Wyk Pr Pln (A/089/1985)  
in conjunction with  
Silvia T Ankiewicz MTRP (Cum Laude)  
AUGUST 2016