

**MEMORANDUM IN SUPPORT OF AN APPLICATION  
FOR THE ESTABLISHMENT OF A TOWNSHIP  
IN TERMS OF SECTION 96 OF THE  
TOWN PLANNING AND TOWNSHIPS ORDINANCE 1986  
(No. 15 OF 1986) ON THE REMAINDER OF PORTION 40 OF THE FARM  
WITKOPPEN 194 IQ – PROPOSED MAGALIESSIG EXTENSION 12  
TOWNSHIP**

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March 20088  
6938**

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**1. GENERAL INFORMATION**

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**1.1 Introduction and Property Description**

**1.1.1** The application seeks to establish a township, subject to certain conditions, in terms of Section 96 of the Town-Planning and Townships Ordinance 1986 (No. 15 of 1986) on the Remainder of Portion 40 of the farm Witkoppen 194 IQ (hereinafter referred to as "the site"). The proposed township is to be known as Magaliessig Extension 12.

**1.1.2** Details of the application are set out under Section 2 hereof.

**1.2 Locality (See Plan 6938/1)**

The site is located on the south-eastern side of Monte Casino Boulevard in the Magaliessig Township area.

**1.3 Ownership**

The property is registered in the name of **LONGLAND INVESTMENTS (PTY) LTD** in terms of Deed of Transfer No. **T52135/1995**.

**1.4 Size**

The property is approximately 3,2995 hectares in extent.

**1.5 Existing Zoning and Surrounding Developments**

**1.5.1** The site is currently zoned "Undetermined" in terms of the Sandton Town Planning Scheme, 1980 and is vacant at present.

**1.5.2** To the south of the site is Portion 178 of the farm Witkoppen 194 IQ which is zoned "Undetermined" and which has been developed with a dwelling house and the necessary outbuildings.

**1.5.3** To the west of the site is Magaliessig Extension 38 which has been developed with town houses.

**1.5.4** To the east of the site, the properties are zoned "Undetermined" and are vacant.

**1.5.5** To the north of the site, across Monte Casino Boulevard, is the Monte Casino Entertainment, Office and Hotel Complex.

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**1.6 Legal Aspects**

**1.6.1 There are no restrictive conditions in the Deed of Transfer which need to be removed by means of the Removal of Restrictions Act, 1996.**

**1.6.2 The property is not subject to a mortgage bond.**

**2. THE APPLICATION - PROPOSED DEVELOPMENT (See Plan 6938/L1)**

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- 2.1** In terms of this application it is the intention of the applicant to establish a township with mixed land use rights on the site.
- 2.2** It is proposed that there will be two erven in the township. The two erven are to be zoned “Special” including offices, showrooms, motor showrooms, workshops, shops and retail, liquor store, residential buildings, residential dwelling units, places of refreshment, places of amusement, places of instruction, institutions and businesses.
- 2.3** The proposed development controls are as follows:

**Use Zone 9 Special**

- Primary rights:** As per Scheme - including offices, showrooms, motor showrooms, workshops, shops and retail, liquor store, residential buildings, residential dwelling units, places of refreshment, places of amusement, places of instruction, institutions and businesses.
  - Consent uses:** As per Scheme
  - Uses not permitted:** As per Scheme
  - Servitude:** -
  - Height:** As per Scheme – 6 storeys, provided that only three storey structures shall be constructed on the southern boundary of the site fronting onto Portion 178 of the farm Witkopp 194 IQ.
  - Coverage:** As per Scheme – 60% provided that basements may cover 100% of the site. Further provided that basements may protrude above the average natural ground level of the site.
  - Floor Area Ratio:** As per Scheme – 1,0, provided that the following restrictions shall apply:
    - A maximum of 10 000m<sup>2</sup> shall be developed for residential dwelling units and residential buildings**
    - A maximum of 14 000m<sup>2</sup> shall be developed for offices and retail**
    - A maximum of 10 000m<sup>2</sup> shall be developed for institutional and medical consulting rooms**
  - Parking:** As per Scheme - provided that the parking may be relaxed on the shared parking principle basis in terms of an approved Site Development Plan
  - Density:** As per Scheme – unlimited for residential dwelling units
  - Building lines:** As per Scheme – all building lines to be relaxed in terms of
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**an approved Site Development Plan****General:**

- \* **Access shall be to the satisfaction of the local authority**
  - \* **A site development plan, drawn to a scale of 1:500, or to any other scale approved by the local authority, shall be submitted for approval to the local authority prior to the submission of any building plans. No buildings shall be erected on the erf until such site development plan has been approved by the local authority and the entire development on the erf shall be in accordance with the approved site development plan and with the following provisions:**
    - a) **-the siting of buildings with particular regard to:**
      - visual focal points
      - use of existing features
      - sun and wind orientation
      - circulation pattern
      - physical environment
      - variation in building set-backs
      - building groups.
    - b) **landscaping treatment; where attention has been paid to:**
      - retention of existing trees
      - street scape
      - open areas
      - pedestrian-way treatment
      - recreation areas.
    - c) **design features, indicating the following:**
      - street sections
      - architectural styles
      - use of materials
      - parking areas broken by landscape features
      - varied use of building types, materials and architectural styles
      - perimeter walls.
    - d) **the relationship to the surrounding development (existing and proposed).**
    - e) **the planned unit development concept.**
    - f) **stormwater attenuation measures.**
  - \* **A contribution towards the provision of engineering services shall be payable in terms of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), provided that such contribution may be offset against the upgrading of wet services, roads infrastructure and electrical infrastructure to the satisfaction of the Council.**
  - \* **Private open space provided on the erf shall be regarded as to comply with the requirement for the payment of an endowment for open space, as**
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**defined in the Town Planning and Townships Ordinance, 1986 and such area shall be included for the calculation of floor area.**

- \* Floor area may be transferred across stand boundaries and future phased township boundaries, provided that the overall FAR of 1,0 may not be exceeded.**
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**3. MOTIVATION IN SUPPORT OF THE APPLICATION**

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**3.1 Locational Advantages**

- 3.1.1** The property is located to the south-east of Monte Casino Boulevard which road links William Nicol Drive to the west with Witkoppen Road to the north and also provides access to Monte Casino by means of three traffic circles.
- 3.1.2** One of the traffic circles in turn, will also provide access to the township in question, via proposed Magaliessig Extension 61 Township, which is currently the subject of a township application.
- 3.1.3** The property in question is also located in the Fourways Regional Node which covers three quadrants around the Witkoppen Road/William Nicol Drive split level intersection.

The Fourways Shopping Centre and Cedar Square Shopping Centre have been developed on the north-western quadrant.

The Fourways Crossing, Leaping Frog, Pine Slopes and The Gantry Shopping Centres have been developed on the north-eastern quadrant.

Monte Casino Entertainment Complex has been developed on the south-eastern quadrant.

- 3.1.4** To the south and east of Monte Casino Boulevard is land which falls within the designated Fourways Regional Node, all of which is located adjacent to and has access to Monte Casino Boulevard.
- 3.1.5** To the east and north of the property in question, is proposed Magaliessig Extension 61, which application has been lodged and makes provision for a development which would include offices, showrooms and hotels.
- 3.1.6** To the south and south-west is land which has been developed for single rural residential purposes and which would be the subject of medium to high density residential developments in the form of townhouses.
- 3.1.7** To the west is Magaliessig Extension 38 Township, which has been developed as a townhouse complex.
- 3.1.8** Further to the west, also along Monte Casino Boulevard, is the proposed township of Magaliessig Extension 64 which application was submitted simultaneously with the application in question and which also applies for similar rights.
- 3.1.9** Clear from the aforementioned, is that the proposed township is located in an advantageous location as it eminently forms part of the existing Fourways Node and has a prominent location fronting onto Monte Casino Boulevard and overlooking the Monte Casino Entertainment Complex.

**3.2 Motivation for Land Use Rights**

- 3.2.1** Clear from the proposed zoning definition is the fact that application has
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been made for a mixed land use township, in order to obtain a basket of rights.

- 3.2.2** The reason for this is that the property, as previously mentioned, is located in a very prominent location within the Fourways Regional Node and, in order to maximise the development potential of this property, it is necessary to include as many as possible land uses, so as to provide a variety of land use configurations on this property.
- 3.2.3** It is currently the intention of the applicant to, inter alia, develop the property as a diagnostic medical clinic with ancillary and related uses, which shall, inter alia, include a variety of medical consulting rooms, so as to provide a one stop diagnostic medical facility which would be regarded as a very specialised medical clinic, providing the full compliment of medical consulting services.

Such a facility will not replace the normal hospital facility, but would provide an additional service and medical practitioners, specialists and medical staff would, in fact, make use of facilities at hospitals to operate, treat and keep patients over night and for longer periods. The presence of the Fourways Hospital is, therefore, important, as the diagnostic medical clinic would require the nearby presence of a hospital to be able to fulfil its role in the medical fraternity.

- 3.2.4** Because of the prominence of the property and the exposure thereof to Monte Casino Boulevard, a part of the rights will be devoted to the development of showrooms and motor showrooms and workshops to cater for either the display of commodity goods such as for instance furniture, or to allow for the development of a motor showroom and related workshop.

Showrooms and related workshops have proved to be a popular nodal use and most of the existing similar facilities are located within shopping centres which impacts on the success thereof, as a result of a lack of exposure.

Showrooms, because of its nature, requires to be seen by patrons and, therefore, need to be located in exposed locations.

- 3.2.5** A component of the proposed development would also be devoted to the development of shops and retail and, mainly as a result of the extent of the proposed development, where shops and retail would be associated with certain of the main uses on the property, such as the proposed medical clinic, which may require the presence of a pharmacy and other retail facilities such as florists, clothes and shoe shops, etc, to support the demand of such retail facilities as a result of the presence of the medical clinic and other office related uses.
- 3.2.6** To provide the full compliment of services, it will also be necessary to make provision for fast food take aways and restaurants which resort under the definition of places of refreshment and also to include places of entertainment to accommodate live music to be played in such restaurants and bar facilities, if so required. It is common cause nowadays for restaurant and bar facilities to create a special atmosphere by presenting live background music in restaurants and bar facilities.
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These facilities can be patronised by the office park employees and visitors to the offices and medical facilities.

- 3.2.7** The place of instruction can take the form of a gymnasium and can also make provision for a conference facility which can be used for conferencing, lecturing, courses and general meetings.

A need for these types of facilities has been identified and, due to the fact that the Fourways Node has also attracted office developments in general, conference facilities have proved to be in healthy demand in the area. This is a typical nodal use and is present in all the major nodes in the greater Johannesburg area.

- 3.2.8** The definition of residential buildings will make provision for the development of an hotel on the property and also accommodation establishments to cater for accommodation needs that may arise as a result of the presence of medical clinic facilities and the office and medical consulting room uses, which may attract the business traveller, patients and family members of patients who may need accommodation whilst awaiting the treatment of patients.

- 3.2.9** It may also be possible to provide a different type of hotel to service the medium to lower end of the tourist market which patronises the Monte Casino Entertainment Complex. This has currently not been made provision for in the existing facilities present at the Monte Casino Entertainment Complex.

- 3.2.10** The proposed rights also make provision for the inclusion of residential units which could be developed and rented out on a shorter to longer term basis to cater for the requirements of the tourist and business traveller who does not wish to live in hotel surrounds and prefers a more home like environment in the form of a townhouse or flatlet.

In recent years, units like this have become popular with corporate business where such establishments have bought up units to be used by employees and clients, when visiting Johannesburg. If the unit is not used by the owner then it is rented out by an hotel on a short term basis.

- 3.2.11** The proposed development will, therefore, be construed as a true mixed land use facility, which land uses would compliment the Fourways Regional Node and would make it possible to develop the site to its fullest potential in terms of Council policy.

### **3.3 Integration of the Node with the Rest of the Urban Fabric**

- 3.3.1** After numerous discussions with the Urban Planning Department of the Council, it was indicated that it is of importance to the Planning Department that the integration of the southern boundary of the Fourways Node, as defined in the Regional Spatial Development Framework policy, should be attended to in much detail.

- 3.3.2** In this regard, the applicant is of the opinion that the Site Development Plan
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will be the best tool to utilise to make sure that the boundary treatment is acceptable to the Council.

**3.3.3** The applicant has indicated that the following measures would be implemented to address this issue:

- 3.3.3.1** A control of height
- 3.3.3.2** Provision of building lines
- 3.3.3.3** Provision of landscaping
- 3.3.3.4** Architectural design.

**3.3.4** The implementation of the aforementioned measures will ensure that the Nodal Boundary would blend in with non-nodal land uses to the south of the property in question.

### **3.4 The Relevant Legislative and Policy Framework**

The various General Principles for Land Development set out in the Development Facilitation Act (DFA), apply to all land development. These principles specify that policies, administrative practices and laws should promote efficient and integrated land development. Important issues are:

- \* the promotion of the integration of social, economic, institutional and physical aspects of land development;
- \* the promotion of the availability of residential and employment opportunities in close proximity to, or integrated with, each other;
- \* the optimisation of the use of existing resources including such resources relating to agriculture, land, minerals, bulk infrastructure, roads, transportation and social facilities;
- \* the promotion of a diverse combination of land uses, also at a level of individual erven or subdivisions of land;
- \* the discouragement of the phenomenon of "urban sprawl" in urban areas;
- \* a contribution towards the development of more compact towns and cities; and
- \* a contribution towards the correction of the historically distorted spatial patterns of settlement in the Republic, and the optimisation of the use of existing infrastructure in excess of current needs.

Clear from the general principles for land development is that the proposed development complies with all the principles for land development, the most important of which is the fact that the development of the land in question would ensure the optimisation of the use of existing resources within an identified node, in order to create employment facilities in close proximity to the existing residential areas surrounding the Fourways Node.

The proposed development of the site could be seen as infill development which

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would certainly discourage urban sprawl and contribute towards a more compact town where existing resources such as bulk infrastructure, roads and transportation could be utilised to the fullest.

### **3.5 Council Policy**

**3.5.1** The property falls within Sub-Area 2 of Administrative Region E of the Regional Spatial Development Framework policy.

**3.5.2** The Sub-Area consists of a portion of the Fourways Node. The residential component is characterised by cluster and townhouse developments and low density detached housing units.

The key Mobility Spines in the Sub-Area are Witkoppen Road, William Nicol Drive and Main Road.

**3.5.3** The first Development Objective is to enhance the accessibility and mobility within the Sub-Area.

**3.5.4** The second Development Objective is to contain and integrate the Fourways Node into the surrounding neighbourhood.

**3.5.5** The interventions propose to contain non-residential development within the Fourways Node and to support the integration and further development of the Fourways Node.

**3.5.6** As far as the Guidelines are concerned, it is stated that office developments are permitted adjacent to the eastern and southern extent of Monte Casino Boulevard and it is further proposed that an internal transportation system for the Node should be developed and supported.

**3.5.7** It is also important to note that the Development Proposal was in principle discussed with the Urban Planning Department and with Development Facilitation and both Departments have agreed on the land use proposed and have also agreed that the nodal boundary will be in line with the southern boundary of the property in question.

**3.5.8** It was, however, pointed out that the applicant shall indicate how the southern boundary will be treated, so as to minimise negative impact on the properties to the south and to show how nodal uses can be integrated with land uses outside of the nodal boundary.

This will be dealt with in terms of the submission of a Site Development Plan which shall propose the measures to be implemented to integrate the node with the rest of the Fourways residential hinterland.

### **3.6 Traffic**

A traffic report has been prepared by Messrs Corli Havenga Transportation Engineers. This report will be submitted shortly for assessment by the Johannesburg Roads Agency and Technical Co-ordination

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**3.7 Outline Scheme Services Report**

- 3.7.1 A Services Outline Scheme report has been prepared by Messrs Knutton Consulting Engineers.**
- 3.7.2 This report addresses the availability of wet services capacity and also connections.**

**4. SUMMARY AND CONCLUSION**

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- 4.1 The application seeks to establish a township, in terms of Section 96 of the Town-Planning and Townships Ordinance 1986 (No. 15 of 1986) on the Remainder of Portion 40 of the farm Witkoppen 194 IQ. The proposed township is to be known as Magaliessig Extension 12.**
  - 4.2 It has been proved that there is a need for the land uses as applied for, mainly due to the fact that the property is located within the Fourways Node and also because of the prominent location of the site adjacent to Monte Casino Boulevard.**
  - 4.3 It has been proved that the development of the site as intended is desirable in this location and that a number of measures can be introduced so as to protect the southern boundary and to integrate the Fourways Node with land uses to the south thereof.**
  - 4.4 A traffic report and outline scheme report will be submitted to address possible road upgradings and to ensure that sufficient capacities are available for water and sewer services purposes.**
  - 4.5 We, therefore, respectfully request that the application be approved as submitted.**
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