

**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 PORTIONS 109 AND 185 OF THE
FARM WITKOPPEN 194 IQ – PROPOSED MAGALIESSIG EXTENSION 64
TOWNSHIP**

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6940**

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1. GENERAL INFORMATION

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 Remainders of Portions 109 and 185 of the farm Witkoppen 194 IQ (hereinafter referred to as "the site"). The proposed township is to be known as Magaliessig Extension 64.

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

1.2 Locality (See Plan 6940/1)

The site is located on the southern side of Monte Casino Boulevard, on the south-eastern corner of its intersection with William Nicol Drive, in the Magaliessig Township area.

1.3 Ownership

1.3.1 Portion 109 is registered in the name of **LOGLAND INVESTMENTS (PTY) LTD** in terms of Deed of Transfer No. **T52135/1995**.

1.3.2 Portion 185 is registered in the name of **LOGLAND INVESTMENTS (PTY) LTD** in terms of Certificate of Registered Title No. **T37269/1999**

1.4 Size

The property measures 6,8109 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 developed with a nursery, a restaurant, offices and a temporary police station.

1.5.2 To the south of the site is Magaliessig Extension 31 Township, which is zoned "Residential 2" and which has been developed with cluster houses.

1.5.3 To the south-east of the site, is Magaliessig Extension 38 Township, which is zoned "Special" and which is developed with town houses.

1.5.4 To the west of the site, across William Nicol Drive, is the township of Fourways where the erven have been developed for single residential purposes and a guest house has been developed on the north-western corner of the intersection of Kingfisher Drive and William Nicol Drive.

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

1.6 Legal Aspects

1.6.1 There are no restrictive conditions in the Deeds of Transfer which need to be removed in terms of the Gauteng Removal of Restrictions Act, 1996, but Conditions 1, 2, 3 and 4 in Deed of Transfer No T52135/1995 and Conditions C. (a), (b) (c) in Deed of Transfer No T37269/1999, which are controlled by Act 21 of 1940 can be removed by means of an application to the Gauteng Provincial Government after approval of the rights.

1.6.2 The properties are not subject to a mortgage bond.

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

- 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 Magaliessig Extension 31 Township.
- 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 – 1,5, provided that the following restrictions shall apply:
 - A maximum of 32 163m² shall be developed for residential dwelling units and residential buildings**
 - A maximum of 40 000m² shall be developed for offices**
 - A maximum of 30 000m² shall be developed for shops and retail**
- 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 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 defined in the Town Planning and Townships Ordinance, 1986.**
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- * **Floor area may be transferred across stand boundaries and future phased township boundaries, provided that the overall FAR of 1,5 shall not be exceeded.**

3. MOTIVATION IN SUPPORT OF THE APPLICATION

3.1 Locational Advantages

3.1.1 The property is located on the south-eastern corner of the intersection between William Nicol Drive and Monte Casino Boulevard. Monte Casino Boulevard provides access to Monte Casino by means of three traffic circles.

3.1.2 Two of the traffic circles in turn, will also provide access to the township in question.

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 of the property in question, is proposed Magaliessig Extension 38, which has been developed with town houses.

3.1.6 To the south is Magaliessig Extension 31, developed as a cluster complex.

3.1.7 To the west is William Nicol Drive.

3.1.8 Further to the west, across William Nicol Drive, is the township of Fourways, developed as a full title residential township

3.1.9 Clear from the aforementioned, is that the proposed township is located in an advantageous location on the corner of William Nicol Drive and Monte Casino Boulevard and it eminently forms part of the existing Fourways Node and has a prominent location fronting onto both Monte Casino Boulevard and William Nicol Drive and overlooks 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 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 in this location.

- 3.2.3** It could be that because of the prominence of the property and the exposure thereof onto William Nicol Drive and 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.
- 3.2.4** 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.

The site's location in close proximity to Monte Casino Entertainment Complex, lends itself to the development of boutique shopping facilities, which will mainly concentrate on specialised retail facilities in the form of national and international fashion clothing and shoe boutique shops, specialised furniture and interior decorating shops, curio and gift shops, restaurants, take away facilities, coffee shops, etc., all integrated with other land uses proposed in this land use application.

There is also a strong possibility that the proposed development could be linked by means of a walkway over Monte Casino Boulevard to facilitate interaction between the entertainment complex and the proposed mixed land use development.

- 3.2.5** As mentioned above, to provide the full compliment of services, it will also be necessary to make provision for fast food take aways, restaurants and coffee shops, 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.
- 3.2.6** 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.

- 3.2.7** 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 proximity of the Monte Casino Entertainment Complex.
- 3.2.8** The proposed rights also make provision for the inclusion of residential units which could be developed in the form of townhouses and apartments, either on top of non-residential buildings or as freestanding townhouse blocks of units
- 3.2.9** The proposed development will, therefore, be construed as a true mixed land
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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 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;
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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.

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.

It was previously mentioned that the Site Development Plan is the most

effective tool to address this issue and the Site Development Plan will, therefore be amplified to indicate such interface.

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

3.7 Outline Scheme Services Report

3.7.1 A Services Outline Scheme report has been prepared by Messrs Kantey and Templer Consulting Engineers.

3.7.2 This report addresses the availability of wet services capacity and also connections.

4. SUMMARY AND CONCLUSION

- 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 Reminders of Portions 109 and 185 of the farm Witkoppen 194 IQ. The proposed township is to be known as Magaliessig Extension 64.
- 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
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service purposes.

4.5 We therefore respectfully request that the application be approved as submitted.

