

MOTIVATIONAL MEMORANDUM

**APPLICATION FOR TOWNSHIP
ESTABLISHMENT ON A CERTAIN
PART OF PORTION 117 OF THE
FARM GROENKLOOF 358-JR, IN
TERMS OF SECTION 108 OF THE
TOWNPLANNING AND TOWNSHIPS
ORDINANCE, 1986 (ORD 15 OF
1986) READ WITH THE RELEVANT
PROVISIONS OF THE SPATIAL
PLANNING AND LAND USE
MANAGEMENT ACT, 2013 (ACT 16
OF 2013)**

**PROPOSED
GROENKLOOF EXTENSION 13**



J PAUL VAN WYK

**URBAN ECONOMISTS
& PLANNERS CO**

MEMORANDUM

APPLICATION FOR TOWNSHIP ESTABLISHMENT ON A CERTAIN PART OF PORTION 117 OF THE FARM GROENKLOOF 358-JR, IN TERMS OF SECTION 108 OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORD 15 OF 1986) READ WITH THE RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013)

-PROPOSED GROENKLOOF EXTENSION 13-

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DECEMBER 2015

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MEMORANDUM

APPLICATION FOR TOWNSHIP ESTABLISHMENT ON A CERTAIN PART OF PROPERTY UNDER LEASE OVER PORTION 117 OF THE FARM GROENKLOOF 358-JR, IN TERMS OF SECTION 108 OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORD. 15 OF 1986) READ WITH SECTION 2(2) AND OTHER RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND-USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013).

- PROPOSED GROENKLOOF EXTENSION 13 -

1. INTRODUCTION

1.1 APPLICATION

Application is hereby made for township establishment on a certain part of the property under lease over Portion 117 of the farm Groenkloof 358-JR, in terms of Section 108 of the Town-planning and Townships Ordinance, 1986 (Ord 15 of 1986) [‘the Ordinance’] read with Section 2(2) and other relevant provisions of the Spatial Planning And Land-Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] as set out more fully in the balance of the memorandum.

1.2 TOWNSHIP NAME & REFERENCE

The City of Tshwane Metropolitan Municipality (CTMM): City Planning and Development: Land Use Legislation and Application Management: Toponymy has reserved the township name and extension number for the proposed township to be **Groenkloof Extension 13**.

[ANNEXURE ‘A’ : TOWNSHIP NAME AND NUMBER RESERVATION]

1.3 PURPOSE

1.3.1 Application

The application has the ultimate purpose of subdividing and servicing the land and obtaining the necessary use-rights for certain specific land-use activities for each subdivided erf by means of the township establishment process.

1.3.2 Memorandum

The purpose of the memorandum is three-fold, viz to:-

- collate all relevant information in a single document;
- formulate a township development proposal and layout plan; and
- motivate the merit of the development proposal from a need and desirability perspective, in accordance with Regulation 18 of the Ordinance, and from a sustainability perspective in accordance with the provisions of SPLUMA, notably in terms of the development principles contained in Section 7 as well as the objects of SPLUMA contained in Section 3 as well as the responsibilities of the Municipality in terms of Section 42.

1.4 APPLICANT

1.4.1 Land owner / lessee

The Property (Portion 117 of the farm Groenkloof 358-JR) belongs to the CTMM but is currently leased by the Pretoria Sports Union.

The CTMM have resolved to extend and amend the current lease with the Pretoria Sports Union to allow for the sublease of a part of the property / lease area to a developer as well as to authorise the Pretoria Sports Union and / or any other person / body to act on its behalf with regards to the statutory requirements for the establishment of the proposed township.

The resolution dated 27 June 2013 reads as follows:

"RESOLVED:

- 1. That the Lease Agreement on Portion 117 of the Farm Groenkloof 358 JR be amended in order to allow a Commercial development.*
- 2. That the lessee be granted permission to sublease a portion of the property for commercial development subject for successful Town Planning processes.*
- 3. That the Property with its improvements should revert back to the Municipality after expiry of the current lease agreement.*
- 4. That the City Manager be authorised to finalise the Lease Agreement with the Pretoria Sports Union."*

[ANNEXURE 'B' : COUNCIL RESOLUTION DATED 27 JUNE 2013]

As per para 4 *supra* of the resolution, the municipal manager of the CTMM (mr Jason Ngobeni) had been authorised, to sign a special power of attorney authorising the Pretoria Sports Union and / or any person or instance appointed by them to apply to the CTMM for establishment of a township on the parent property. Such Power of Attorney was issued by the Municipal Manager on 26 June 2014.

[ANNEXURE 'C' : POWER OF ATTORNEY FROM CTMM MUNICIPAL MANAGER DATED 26 JUNE 2014]

1.4.2 Developer / sub-lessee

- Menlyn Corporate Park 3 (Pty) Ltd (MCP3) (Reg 2007/016070/07) (a subsidiary of the Feenstra Group (Pty) Ltd) is a registered private company at the Companies and Intellectual Property Commission (CIPC) established for the purposes of developing a certain part of the property that is the subject of the Pretoria Sports Union lease area for a period of 99-years, as well as having the right to establish and operate the proposed office, clinic and medical suites complex on the property concerned.

[ANNEXURE 'D' : MENLYN CORPORATE PARK 3 (PTY) LTD
CIPC COMPANY REPORT]

- The developer of the township will be the company known as Tshwane Corporate Park (Pty) Ltd [TCP], another subsidiary of the Feenstra Group (Pty) Ltd. This company is also a registered private company at the CIPC.

[ANNEXURE 'E' : TSHWANE CORPORATE PARK (PTY) LTD
CIPC COMPANY REPORT]

1.4.3 Consultants

The firm J Paul van Wyk Urban Economists & Planners cc, herein represented by J Paul van Wyk (Pr Pln A089/1985) and / or Ulrike Ohland-Schumacher, has been appointed by the Pretoria Sports Union to undertake the application for township establishment on its behalf.

[ANNEXURE 'F' : SPORTS UNION RESOLUTION AND SPECIAL
POWER OF ATTORNEY]

1.5 SPECIALIST CONSULTANTS

The firm is assisted by a multi-disciplinary professional team, comprising of the following firms / individuals:

- | | |
|------------------------------------|------------------------------------|
| (1) Land-surveyor | : Buckley & Strydom Land Surveyors |
| (2) Environmental practitioner | : LEAP Environmental Practitioners |
| (3) Architects | : Boogertman & Partners Architects |
| (4) Traffic engineer | : EDS Engineers (Pty) Ltd |
| (5) Civil and structural engineers | : BVI Consulting Engineers |
| (6) Electrical engineers | : SVR Consulting Engineers |
| (7) Attorneys / conveyancers | : Bredell Attorneys |
| (8) Engineering geologists | : Louis Kruger Geotechnics cc |
| (9) Market specialist | : Demacon Market Studies |

1.6 JURISDICTION

The development site being situated in the municipal area of the CTMM, renders decision-making authority on the present application the responsibility of the Tshwane Metropolitan Council.

2. PROPERTY DETAILS

2.1 DESCRIPTION

2.1.1 Parent property

As mentioned in para 1.4.1 *supra*, only a certain part of the overall property described in title deed T62282/2003 will be utilized for township establishment purposes. The official description of the overall property as described in the title deed, is as follows:

"PORTION 117 (A PORTION OF PORTION 2) OF THE FARM GROENKLOOF 358 REGISTRATION DIVISION J.R. PROVINCE GAUTENG"(p2)

[ANNEXURE 'G' : CONVEYANCER'S CERTIFICATE]

[ANNEXURE 'H' : WINDEED REPORT AND TITLE DEED COPY]

It is important to note that the parent property is leased by the Pretoria Sports Union from the City of Tshwane Metropolitan Municipality in its entirety.

2.1.2 Subject property

The part of the parent property which here forms the subject of township establishment forms part of the property being leased by the Pretoria Sports Union from the CTMM as will be subleased to the developer.

Reference to the part of the parent property affected by the township establishment will be as "the site", "development site", "the Property", "subject property", or "township property".

2.2 EXTENT

2.2.1 Parent property

The overall property extends to 10,1841 hectares.

2.2.2 Subject property

The proposed township will be established on an area extending to approximately 3,5642 hectares (subject to final survey).

2.2.3 Remainder

The proposed Remainder of Portion 117 of the farm Groenkloof 358-JR on which the existing Pretoria Sports Union will continue functioning, will after township establishment extend to approximately 6,6199 hectares.

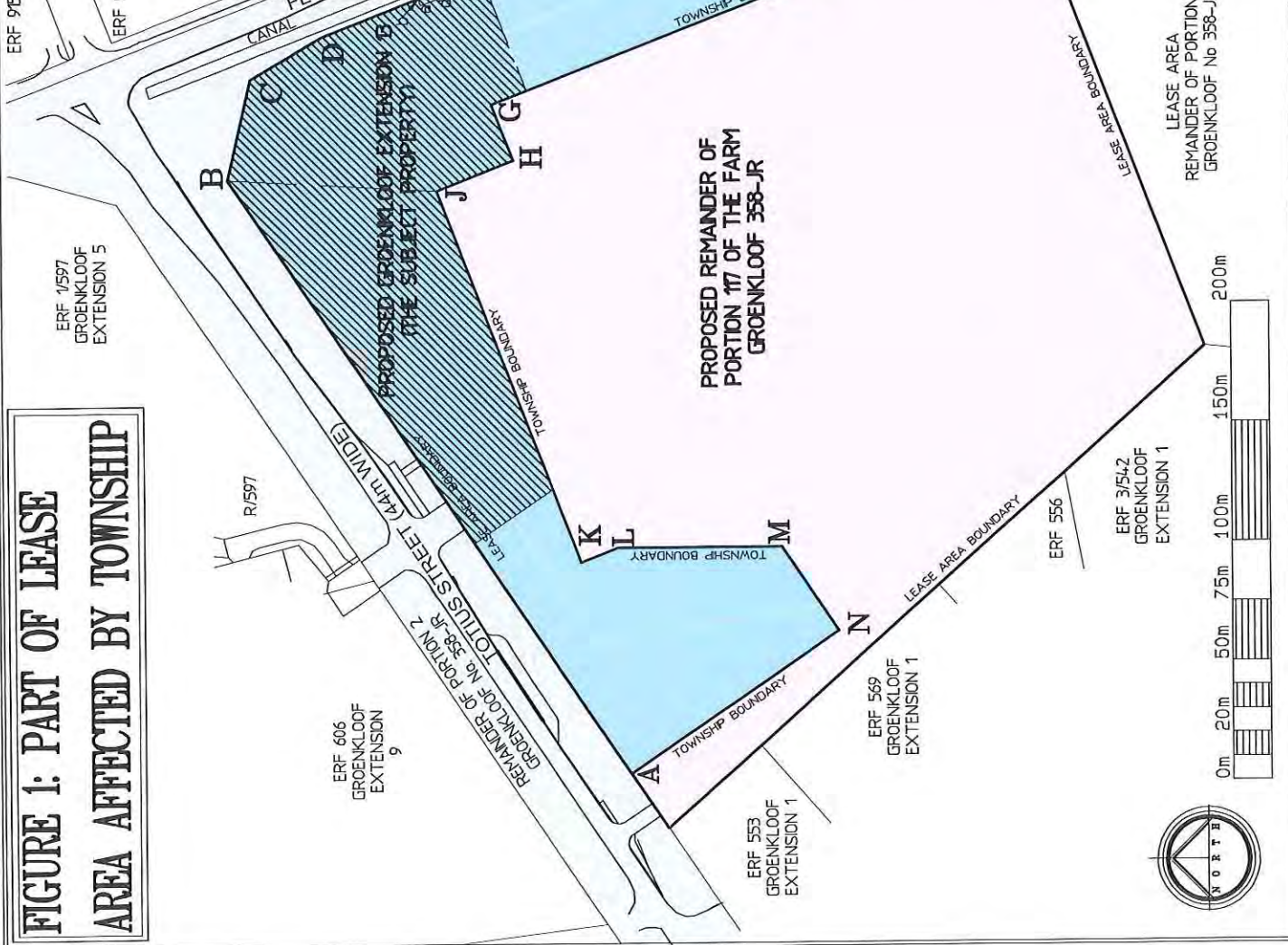
Figure 1 shows the part of the lease area that will be affected by the proposed new township.

[FIGURE 1 : PART OF LEASE AREA AFFECTED BY TOWNSHIP]

[ANNEXURE 'I' : SURVEYOR GENERAL DIAGRAM]

FIGURE 1: PART OF LEASE AREA AFFECTED BY TOWNSHIP

LAND USE TABLE		AREA	FUTURE USE	ZONING
ERF NUMBER	1600	35,00	Office (including staff restaurant, medical consulting rooms, etc.)	Special
TOTAL TOWNSHIP	1600	65,00	Sport, a centre for sport science, sport medicine and sport psychology, a health centre and ancillary rehabilitation centre, ancillary offices and shops, a hotel with ancillary and subservient conference facilities, place of refreshment and places of amusement	Special
TOTAL PROPERTY	1600	100,00		



PROJEK / PROJECT:
PROPOSED TOWNSHIP ESTABLISHMENT:
A CERTAIN PART OF PORTION 17 OF THE FARM GROENKLOOF 358-JR (GROENKLOOF EXTENSION 13)

LOCALITY MAP: 150 000



NOTES:
 1. THERE ARE NO EXERCISE WORKS WITHIN A 30m RADIUS OF THE SITE
 2. NO AERODROME NOISE ZONES APPLICABLE

LOCAL AUTHORITY: CITY OF TSHWANE METRO-POLITAN MUNICIPALITY
 P.O. BOX 3242
 PRETORIA 0001

APPLICANT: Pretoria Sports Union
 P O BOX 17165
 Groenkloof 0027

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DRAWN	OJA	OJA	FIGURE
SCALE	DATE	CAD NO.	1
1:2750 (A4)	2015-12-08	ruddy/15/06/1 DIVISIONA	
DESIGN	CONTOUR INT.	PLAN NUMBER	
J.P. van Wyk	1.0m	-	

2.3 LOCALITY

2.3.1 Urban context

The subject property is situated in the central parts of the metropolitan borders of the City of Tshwane Metropolitan Municipality. It is surrounded by the suburbs of Lukasrand (north), Groenkloof (south), Baileys Muckleneuk and Nieuw Muckleneuk (east) and portions of the farm Groenkloof 358-JR to the west. The following major roads serve to explain its locality in urban context in more detail.

- **East** : Florence Ribeiro (previously Queen Wilhelmina) Drive (M9-route)
- **South** : George Storrar Drive (M7-route)
- **West** : Nelson Mandela Drive (R21-route)
- **North** : Justice Mahomed (previously Walker / Charles) Street (M11-route)

[FIGURE 2 : LOCALITY IN URBAN CONTEXT]

2.3.2 Local context

The locality of the subject property on a more localised scale is defined more concisely by the following elements / landmarks:

- **East:** The western edge of the road reserve for Florence Ribeiro Drive (M9-route) on the Remainder Portion R/2, farm Groenkloof 358-JR, and opposite, the Nieuw Muckleneuk Trim Park (on Portion 410, farm Elandspoort 357-JR), Erven R/600 and 921 (Baileys) Muckleneuk.
- **West:** The Pretoria Sports Union lease area on the proposed Remaining Extent of Portion 117, farm Groenkloof 358-JR.
- **North:** Totius Street on Portion R/2, farm Groenkloof 358-JR, and opposite, Erf 615 Groenkloof Extension 5 and Erf 606, Groenkloof Extension 9.
- **South:** The Pretoria Sports Union on proposed Remaining Extent of Portion 117, farm Groenkloof 358-JR.

[FIGURE 3 : LOCALITY IN LOCAL CONTEXT]

2.4 SHAPE AND DIMENSIONS

The subject property displays an irregular shape, approaching the shape of an inverted "J". Its longest sides align with the southern boundary of Totius Street and the western boundary of Florence Ribeiro Drive respectively, measuring approximately 300 metres each.

(For more information on the shape and dimensions of the subject property refer to township layout plan figure 6).

A CERTAIN PORTION OF PORTION 117, FARM GROENKLOOF 358-JR

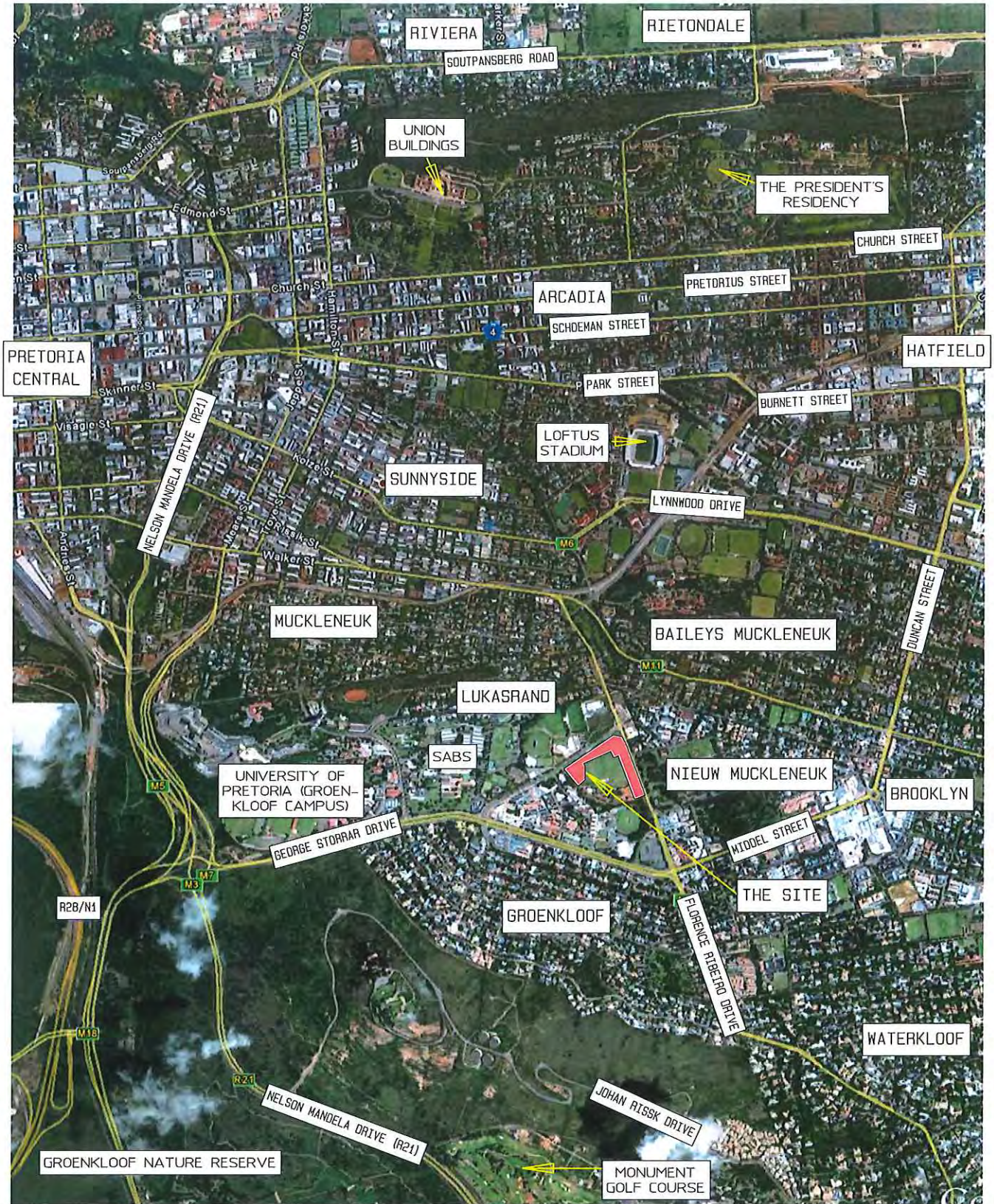


Image courtesy of Google Earth

FIGURE 2: LOCALITY IN URBAN CONTEXT

PROPOSED GROENKLOOF EXTENSION 13 ON A CERTAIN PORTION OF PORTION 117, FARM GROENKLOOF 358-JR



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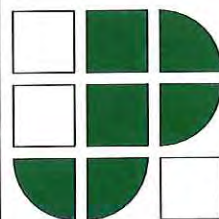
A CERTAIN PART OF PORTION 117, FARM GROENKLOOF 358-JR



Image courtesy of City of Tshwane

FIGURE 3: LOCALITY IN LOCAL CONTEXT

PROPOSED GROENKLOOF EXTENSION 13 ON A CERTAIN PART OF PORTION 117, FARM GROENKLOOF 358-JR



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The shape of the subject property was informed by the draft site development plan prepared by the project architects. The proposal takes cognisance of the requirements of the Pretoria Sports Union to continue their operations and make more economical use of the existing lease area. Therefore, the shape and dimensions of the site have been tailored to suit the particular purpose of the proposed new development.

2.5 OWNERSHIP

2.5.1 Registered owners

The title deed to the overall property (T62282/2003) reflects the current owners registered at the Deeds Office as being the "City of Tshwane Metropolitan Municipality". The subject property forms a part of Portion 117 which is currently being leased by the Pretoria Sports Union in its entirety.

The Pretoria Sports Union is currently fully operational on the parent property and will continue to rent the lease area (the entire Portion 117) from the City of Tshwane Metropolitan Municipality.

2.5.2 Long term lease

As mentioned in para 1.4 *supra*, the Pretoria Sports Union applied to the City of Tshwane Metropolitan Municipality for the amendment of the existing lease agreement to allow for the long-term sublease of the subject property to the developer in terms of which the necessary development rights will be obtained and the subject property be developed and leased from the Pretoria Sports Union for the remaining approximately 60-years of the agreement (originally 99-years refer Annexure 'B'). For all practical purposes ownership of the subject property will be deemed to vest in the developer for the remaining duration of the lease agreement.

2.6 MORTGAGE BONDS

Neither the parent, nor the subject property is subject to a mortgage bond.

2.7 MINERAL RIGHTS

The registered Title Deed (T62282/2003) does not make mention of the separation and reservation of mineral rights to the property. All mineral resources resort however under the custodianship of the State by virtue of the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002), unless protected timeously (by means of an application for retention of ownership) by the mineral rights holder(s) at the time.

In view of the above, an application has been made to the Department of Mineral Resources (DMR) for consent to proceed with the proposed township development.

2.8 SERVITUDES

There are no servitudes described on the approved S G diagram of the parent property that might affect the proposed township.

All other servitudes mentioned in the title deed have been dealt with under Section 3 *infra*.

3. APPRAISAL OF REAL RIGHTS

3.1 PURPOSE

The purpose of this section is to present the salient features of the findings of the Conveyancer's Certificate prepared for the township application by mr L M Bredell, a conveyancer of the High Court of South Africa.

The importance of these findings and recommendations have a direct bearing on the way in which each of the conditions of title, servitudes and endorsements against the title of the subject property needs to be dealt with in the conditions of establishment for the proposed township on the property.

The balance of this section serves to identify the existing servitudes and conditions of title to be cancelled / suspended, those to be ignored / omitted from future title deeds in the township due to e.g. locality, and others to be incorporated in the title deeds of erven in the future township.

3.2 CONDITIONS AND SERVITUDES TO BE SUSPENDED

There are no conditions recorded in the title deed to be suspended / cancelled.

3.3 MINERAL RIGHTS

As mentioned in para 2.7 *supra*, the mineral rights to the parent property have not been severed from the property ownership and therefore mineral rights are vested in the State by virtue of the provisions of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). Application has been made to the Department of Mineral Resources (DMR) for consent to proceed with the proposed township development.

3.4 CONDITIONS AND SERVITUDES NOT AFFECTING THE DEVELOPMENT AREA

3.4.1 Condition "A" (p2)

It describes a right granted to ESKOM to convey electricity over a certain part of the parent property prior to the lease area being registered, *vide* Notarial Deed K 1183/1958S.

This servitude is however situated outside the area affected by the proposed township and therefore is not required to be included in the title deeds of erven in the future township.

3.4.2 Condition "B" (p3)

The condition pertains to a right granted to the erstwhile Peri-Urban Areas Health Board to convey water over the property, *vide* Notarial Deed K226/1964S.

The condition has however been cancelled by endorsement on page 6 and therefore can be omitted from the title deeds of erven in the future township.

3.4.3 Condition "C" (p3)

The condition refers to a servitude in favour of ESKOM to convey electricity over Portion 117, *vide* Servitude K368/1965S.

This servitude is however situated outside of the area affected by the proposed township and therefore is not required to be included in the title deeds of erven in the future township.

3.4.4 Condition "D" (p3)

The condition relates to a servitude for a sewerage pipeline and pumpstation, *vide* Servitude Number K90/1973S.

The servitude was however cancelled by endorsement of the title deed on page 6. The condition therefore is no longer applicable and it is not necessary to include same in the title deeds of erven in the future township.

3.4.5 Condition "E" (pp3-4)

This condition relates to pipeline servitudes, *vide* Notarial Deed of Cession of Servitude Number K3734/1977S over part of Portion 117.

By virtue of its position the township land is not affected and therefore should the servitude be omitted from the title deeds of erven in the future township.

3.4.6 Condition "F" (p4)

- The condition relates to an ESKOM servitude to conduct electricity over a part of Portion 117, *vide* Servitude K1869/87S (incorrectly referred to in the title deed as K2869/87S).

The servitude does not affect the proposed development site and therefore should not be included in the title deeds of erven in the future township.

3.5 CONDITIONS AND SERVITUDES TO BE INCORPORATED IN THE TOWNSHIP AREA

There are no conditions of title and / or servitudes which affect the part of the Property being converted to a township.

3.6 NOTARIAL DEED OF LEASE

It is important to note that, according to the conveyancer's certificate (refer Annexure 'G'), the original lease agreement between the City of Tshwane and the Pretoria Sports Union was never notarised against the registered title deed to the parent property (i.e. Title Deed T62282/2003 to Portion 117) which should have been done. This notarial deed of lease should therefore be reflected in the title deed as part of a separate legal process and can be dealt with upon the notarising of the sub-lease of the part of the Property required for the establishment of the proposed township described in the present application.

4. LAND-USE AND ZONING

In this section of the memorandum the present and envisaged land-use activities and the existing and future use-rights of the subject property forming part of the lease area, are being discussed.

4.1 EXISTING LAND-USE

4.1.1 Lease area / parent property

The property at the base of the Pretoria Sports Union lease area is home to the Pretoria Sports Union (including the Pretoria Rugby Club, as well as a number of other sports union members for netball, cricket, etc), hosting a clubhouse with associated offices, sports bar and social hall, a kitchen, change rooms and ablution facilities, storage rooms, a caretakers flat, 3 rugby fields, 2 cricket pitches and two netball courts, some paved pedestrian areas, and a parking area along its southern parts.

The unused areas of the lease area are either grassed (between sports fields and near the existing facilities) or left vacant with rocky outcrops (steeper area on south-western parts and the embankments on Totius Street and Florence Ribeiro Drive).

4.1.2 Township area

The proposed development site presently hosts or are being partially encroached upon by two rugby fields and the main cricket pitch as well as the embankments alongside Florence Ribeiro Drive and Totius Street.

Figure 4 depicts the current utilisation of Portion 117 of the farm Groenkloof 358-JR graphically in terms of the existing sports facilities (including *inter alia* rugby and soccer fields and the cricket pitch as well as the netball courts), the existing clubhouse and other structures, parking areas *vis a vis* the open space parts of the property.

FIGURE 4 : CURRENT SITUATION: EXISTING SPORTS FACILITIES

4.2 FUTURE LAND-USES

4.2.1 Lease area balance

The part of the lease area not affected by the township site will continue hosting the clubhouse, the sports fields and a parking area complemented by appropriate landscaping. The area will be redesigned and the sports fields being affected by the township site will be repositioned on the balance of the lease area property.

The end-result will represent an optimised layout configuration for the sports union predominantly on the western and southern parts of the lease area, while relinquishing the township area along the northern and eastern parts of the lease area property for the envisaged land-uses described in para 4.2.2 below.

4.2.2 Township area

The developer envisages the establishment of an office complex on the subject property which may include medical suites and / or a small day

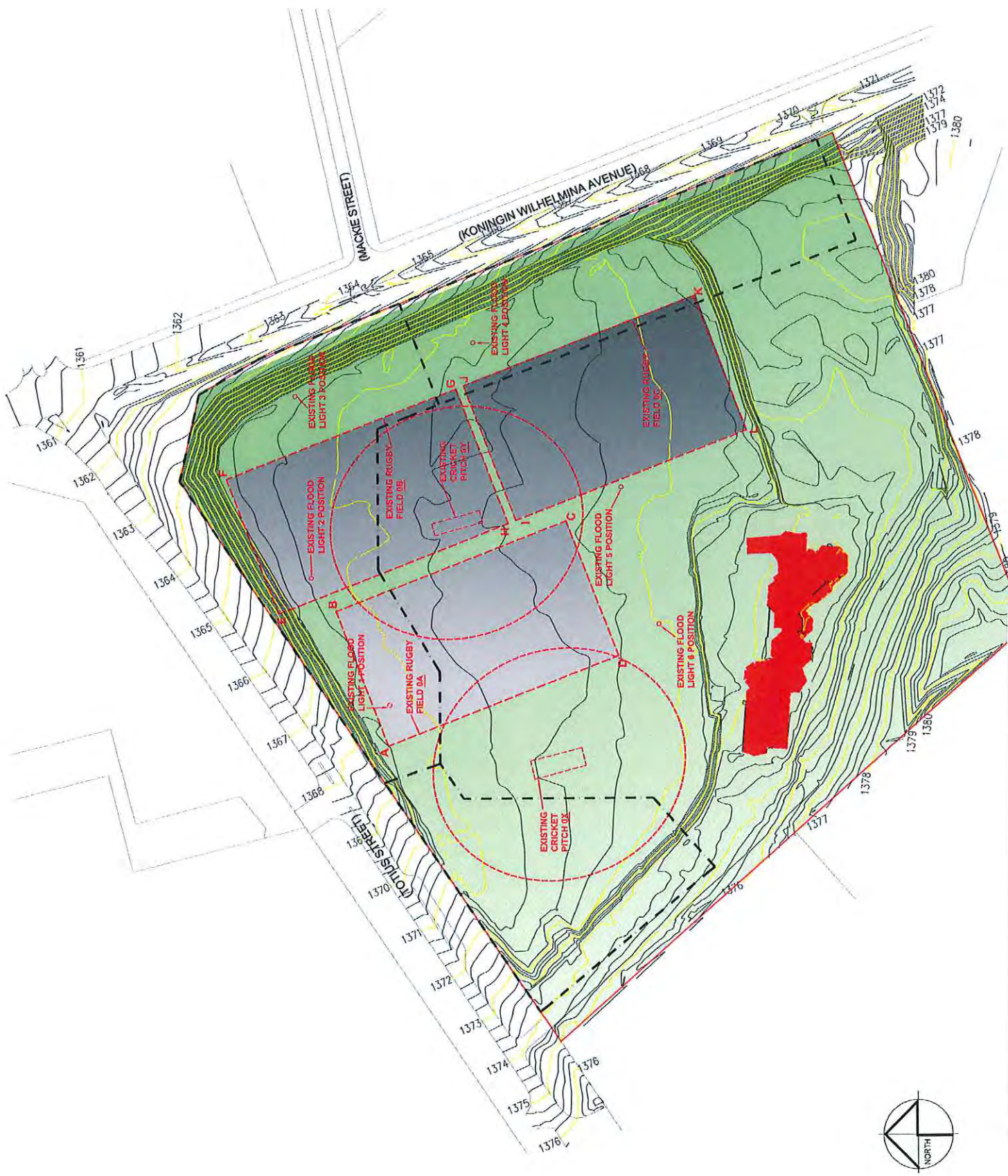


FIGURE 4: CURRENT SITUATION: EXISTING SPORTS FACILITIES

clinic. The office complex may incorporate a subservient staff restaurant facility.

Parking will be provided in the township area to serve the office and (possible) medical clinic usage of the Property.

Figure 5 depicts graphically how the existing sports fields and courts will be repositioned to better utilise the remaining part of Portion 117 of the farm Groenkloof 358-JR *vis a vis* the new buildings / structures, landscaping and parking in the proposed township, as well as the interface between these.

FIGURE 5 : FUTURE SITUATION: NEW SPORTS FACILITIES *vis a vis* THE PROPOSED TOWNSHIP

4.3 CURRENT ZONING

The City of Tshwane Metropolitan Municipality in a zoning certificate dated 13 November 2014 issued in terms of the Tshwane Town Planning Scheme, 2008 (rev 2014) confirms the current zoning of Portion 117, farm Groenkloof 358-JR at the base of the Pretoria Sports Union lease area to be Special (Use-zone 28), for purposes of land-uses described in Annexure T5079, which reads as follows:

"The portion shall be used only for the purposes of sport, a centre for sport science, sport medicine and sport psychology, a health centre and ancillary rehabilitation centre, ancillary offices and shops, a hotel with ancillary and subservient conference facilities, places of refreshment and places of amusement..."

[ANNEXURE 'J': ZONING CERTIFICATE]

4.4 FUTURE ZONING

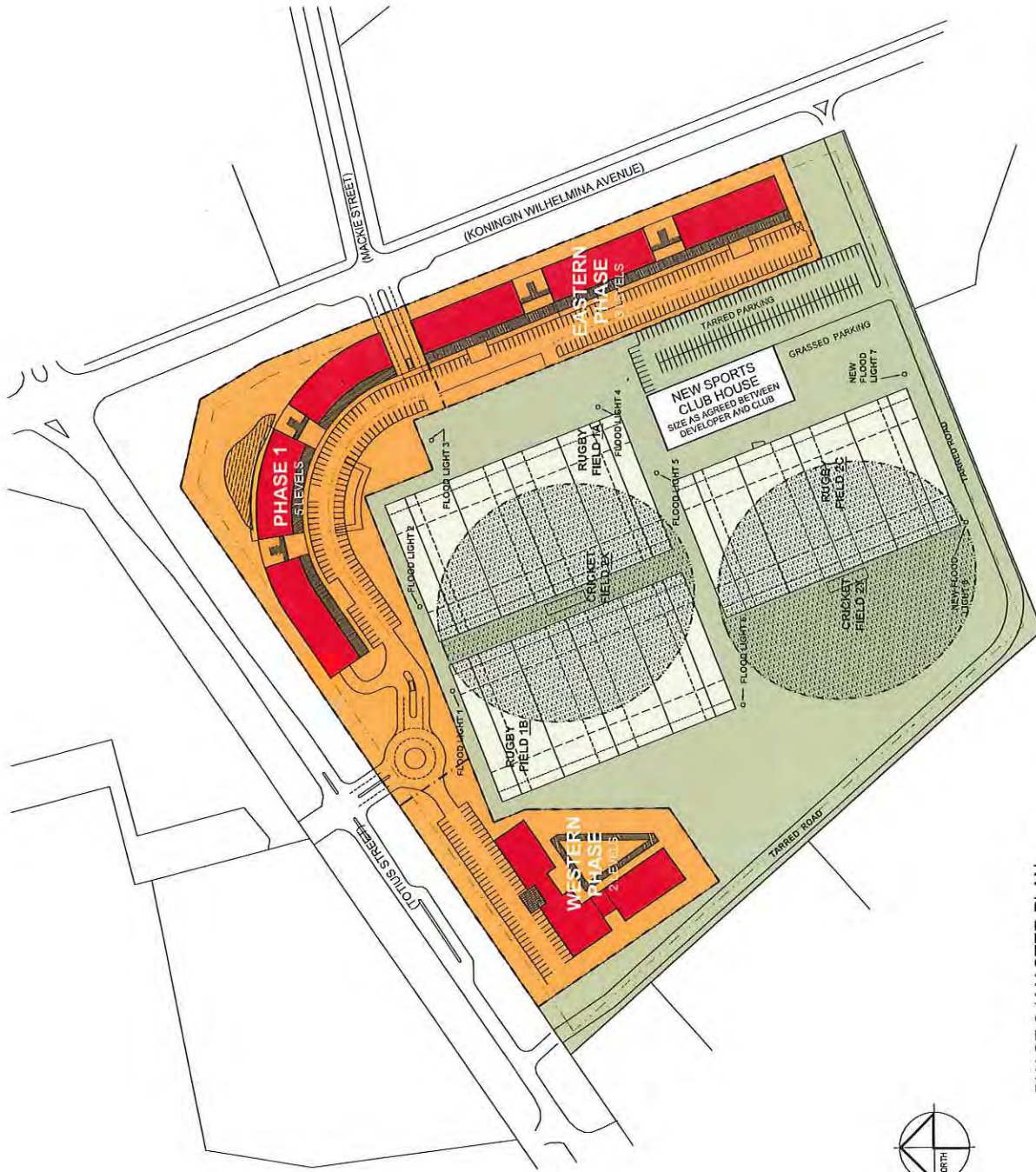
4.4.1 Township area

Since the town-planning-scheme-in-operation does not contain an appropriate use-zone with offices (including medical consulting rooms, call centre and courier service) and a clinic as the only primary uses, it was decided to apply for a customized zoning under Use-zone 28: Special, on the subject property.

The use-rights applied for and the development parameters being proposed are reflected in table 1.

TABLE 1 : PROPOSED ZONING & ZONING CONTROLS FOR ERVEN IN THE TOWNSHIP.

1	Use zone	28: Special
2	Uses permitted	Office (including staff restaurant, medical consulting rooms, call centre and courier service), clinic, and ancillary & subservient uses.
3	Uses with consent	Automatic teller machine, business building, shop, institution, place of instruction, sport and recreation club, computer centre, showroom, hotel, conference centre, and ancillary & subservient uses
4	Uses not permitted	Other uses



PHASE 2 / MASTER PLAN
SCALE 1:2000

FIGURE 5: FUTURE SITUATION: NEW SPORTS FACILITIES vis a vis THE PROPOSED TOWNSHIP

PROJECT		DESCRIPTION	
REF	DATE	DRAWN	ISSUED FOR INFORMATION
A	31.08.2014	LS	ISSUED FOR INFORMATION
B	19.05.2014	LS	ISSUED FOR INFORMATION

REVISION	



GROENKLOOF CORPORATE PARK - PORTION 117
PHASE 2 SITE PLAN / MASTER PLAN
SCALE 1:800 @ A2

GENERAL	
PROJECT NAME	GROENKLOOF CORPORATE PARK - PORTION 117
PROJECT NO.	2850
DRAWING NO.	AR
DRAWING STATUS	B
TENDER	CONSTRUCT
DATE	19/05/2014
DRAWN BY	LS
CHECKED BY	LS
DATE	31/08/14

5	Definitions	<p>(1) Office: Clause 5, including a call centre and courier services.</p> <p>(2) Medical consulting rooms: Clause 5</p> <p>(3) Staff restaurant: Place of refreshment (Clause 5) for use by staff of occupant businesses and their visitors.</p> <p>(4) Clinic: Clause 5.</p>
6	Density	Not applicable
7	Coverage	In accordance with an approved site development plan
8	Height	Six storeys; subject to Clause 26(2)(b)(i) of Scheme.
9	Floor area ratio (FAR)	<p>The gross floor area shall be restricted to 25 500 m²; provided that the gross floor area of the following uses shall not be exceeded:</p> <p>(1) Staff restaurant: 500m²</p> <p>(2) Medical and dental consulting rooms: 3 000m²</p> <p>(3) Clinic: 3 500m²</p>
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 suitably qualified person to the satisfaction of the Municipality in accordance with the requirements of Clause 31 of the Scheme, shall be submitted to the latter for approval prior to submission of building plans.</p> <p>(2) In addition to Clause 31 of the Scheme, special attention shall be given to the following elements such as, privacy of adjacent residential erven (overlooking, balconies and open passages), solar access to adjacent structures situated to the south (overshadowing), road reserve development (pedestrian walkways), communal and private open space and exterior finishes. Interface treatment of the adjacent Open Space.</p> <p>(3) 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>

		<p>(4) The street frontage of the erf and exterior of buildings shall be treated in accordance with the site development plan.</p> <p>(4) An approved site development plan may only be amended with the consent of the Municipality and no building plan which does not comply with the proposals and conditions as set out in the approved site development plan, will be approved by the Municipality.</p>
11	Building-lines	In accordance with the approved site development plan.
12	Parking requirements	<p>(1) Demarcated parking spaces together with the necessary paved manoeuvring space, shall be provided on the erf, at the ratios as prescribed in Table G of the Scheme in the following ratios:</p> <p>a) Office: Four parking spaces per 100 m² of the gross floor area</p> <p>b) Staff restaurant: Not required</p> <p>c) Medical and dental consulting rooms: six parking spaces per 100 m² of the gross floor area</p> <p>d) Clinic: one parking space per bed</p> <p>(2) The total number of parking bays may be relaxed by the Municipality as per site development plan on recommendation by a traffic engineer without requiring further advertising or public participation.</p> <p>(3) Measures shall be implemented to alleviate the possibility of parking on the verge area of any public street.</p> <p>(4) Consideration must be given to the accommodation of public transport vehicles and pedestrians.</p>
13	Paving of traffic areas	Clause 28(6).
14	Access to the erf	Clause 7.
15	Loading, off-loading and turning facilities	Clause 29.
16	Physical barriers	A permanent non-removable physical barrier, which restricts pedestrian- and vehicular movement, shall be erected and maintained on all street boundaries of the erf (approved entrances and exits excluded) to the satisfaction of the Municipality. The height, siting, design,

		materials and finishing of the barrier shall be to the satisfaction of the Municipality.
17	Aesthetic considerations	Clause 30.
18	Detrimental soil conditions	(1) Clause 19. (2) An engineer must be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of structures, according to the soil conditions prevalent on site. On completion of the structures, he must certify that all his specifications have been met.
19	Open Space	Not applicable.
20	Development conditions	(1) Clause 18. (2) A complete Site Development Plan and the Detailed Engineering Drawings indicating accesses, parking configurations and storm water drainage layout must be submitted to the Division: Roads and Stormwater, for approval prior to the commencement of any construction work, at the cost of the applicant.
21	Health measures	(1) Any requirements for air pollution, noise abatement or health measures set by the Municipality shall be complied with to the satisfaction of, and without costs to the Municipality. (2) Food premises: a certificate of acceptability must be obtained from the Municipality's Health Services Department for all food premises as required under the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, Regulation R918 of 30 July 1999 promulgated under the Health Act (Act 63 of 1977) before the commencement of any food related business.
22	Outdoor advertising	Advertisements and / or sign boards shall not be erected or displayed on the erf without the written consent of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.
23	General:	(1) Erven 1 and 2, 3 and 4 and 5 and 6, shall be consolidated respectively to function as a single site prior to the approval of any building plans. (2) The Municipality shall not approve any building plan which does not comply with the proposals in the approved site development

	<p>plan with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(3) All flood- or spot-lights installed for security purposes or to illuminate buildings, gardens or signs, shall be positioned with caution to prevent unnecessary spill-over of light on adjacent properties and roads.</p> <p>(4) The erf and buildings thereon are in addition subject to the general provisions of the Tshwane Town Planning Scheme, 2008 (revised 2014).</p>
--	---

These draft conditions have been included in Part 6 of the proposed conditions of establishment of the township applied for and will ultimately, after finalization be promulgated in terms of Section 125 of the Ordinance to incorporate the zoning of the erven in the future township in the Tshwane Town Planning Scheme, 2008 (revised 2014).

4.4.2 Remainder of lease area property

The zoning and zoning conditions of the remainder of the Pretoria Sports Union lease area property to originate upon proclamation of the proposed Groenkloof Extension 13 will remain unchanged – as per para 4.3 *supra*.

[ANNEXURE 'K' : DRAFT CONDITIONS OF ESTABLISHMENT]

5. DEVELOPMENT PROPOSAL

5.1 CONCEPT

The development concept being pursued for the Pretoria Sports Union lease area property entails a non-commercial sport and recreation club facility with sports development as the main focus and a commercial office / medical clinic development complex carefully engineered to co-exist in a mutually beneficial spatial, financial, aesthetic and functional relationship. Sport and recreation clubs are today struggling financially with huge strain on the economic sustainability of same. The Pretoria Sports Union is no exception and it can be expected that increasingly more such clubs will turn to the solution of partnering with a responsible property developer for a symbiotic relationship that will ensure and enhance the long term sustainability of the club / sports facility.

The principle of cross-subsidization between non-commercial sport and recreation entities and commercial developments constitutes the perfect solution, viewed against the centuries old economic problem of scarce resources but multiple needs. Municipalities today are developmental agencies tasked with *inter alia* the socio-economic upliftment and enhancement of previously disadvantaged individuals and communities. With persistently high unemployment rates in an under-performing economy, the Municipality's role in poverty alleviation and the provision of basic infrastructure, health and educational facilities has in the last few years shifted from investing in "nice-to-have" non-essential projects to "need to have" life-saving and changing projects.

In view of the overwhelming need for Municipal investment in, and focus on the improvement of the lives of deprived and vulnerable communities, the embracing of an alternative solution to the on-going maintenance and care of sports clubs / facilities in the City with the added advantage of sports development programmes in a variety of sports for the talented yet financially challenged youth, becomes a necessity. Not only will the commercial development serve to render the Pretoria Sports Union and its facilities economically sustainable, it will also create the opportunity for national and international sports events to be hosted locally obviating the need for club members, especially those from disadvantaged communities, to travel elsewhere at great expense, to gain experience and exposure.

These games will as such as an added advantage provide acclaim and enhancement of the status of Tshwane as the capital city of the country and the gateway to Africa.

The township development on the north-eastern approximately 36 percent of the lease area property will be a blue chip development aimed at the corporate market to lend further status to and enhancing of the image of the area and the City as a whole.

The development concept serves the aim of optimising the use of the Pretoria Sports Union lease area property, without forfeiting any of its existing facilities. The commercial development will bring financial liberation to pursue the much-desired growth and development of the South African youth in a variety of sports and to elevate the venue to national status with concomitant ensuing advantages of sports tourism and status to the City.

5.2 SITE ANALYSIS

5.2.1 Gradient

The Pretoria Sports Union lease area site portrays a 19 metre fall in a north-easterly direction over a distance of almost 500 metres. This translates to a slope of around 4 percent or 1:26.

The gradient is gradual and ideally suited for purposes a gravitation-led services like stormwater and sewerage discharge / disposal. It is also acceptable for the envisaged relocation of the sports fields from the township area and for the implementation of the proposed development project itself.

The north-eastern parts of the site sponsor fill to the effect of 6 metres, which will be removed to expose the natural ground level, on which the future buildings will be founded.

5.2.2 Exposure / visibility

The decision on which part of the lease area property to utilize for township development was primarily informed by the high level of visibility of the northern and eastern boundaries of the site from Totius Street and Florence Ribeiro Drive respectively, and the exposure that this presents for future businesses in the development complex. It is for this reason that the mentioned area was identified and further investigated for its suitability for the establishing and operating of the envisaged office / medical clinic complex.

5.2.3 Floodplains

The township area will not be affected by the 1:20, 1:50 and 1:100 year floodlines of any watercourse, stream or river, as scientifically determined and certified by the project civil engineer on the accompanying township layout plan.

There is however a stormwater channel adjacent to the eastern boundary of the lease area site which may be affected by floodlines. Such floodlines have however already been discounted in the design of this channel and are not expected to have a wider influence on the sports grounds (or township area) on which it is situated.

5.2.4 Street elevations

Currently the site is slightly elevated above both the street elevations along Totius Street and Florence Ribeiro Drive as a result of fill for the purposes of the sports fields. The mean natural ground level of the development site is however higher at varying degrees than that of both streets thereby enhancing the visibility of the latter further. The site natural ground level elevations along the northern and eastern boundaries of the subject property are not much different from the street elevations at the proposed access points to the development which will serve to facilitate "standard" access without any extraordinary engineering measures required to render it feasible.

5.2.5 Other matters

The development site has also been investigated for its suitability for the envisaged purposes from a geotechnical, environmental sensitivity and access point of view, with positive / supporting results. These aspects are discussed in greater detail elsewhere in the memorandum.

5.3 TOWNSHIP PROPOSAL

5.3.1 Township layout

The township layout proposal, duly informed by the site analysis and other specialist inputs by the multi-disciplinary professional team as well as by the requirements of the developer and the Pretoria Sports Union with due consideration to the contextual environment, is shown on figure 6 (overleaf).

[FIGURE 6 : TOWNSHIP LAYOUT PLAN]

5.3.2 Extent and configuration

As mentioned in para 2.2 *supra*, the proposed township area comprises 3,5642 hectares of the overall 10,1841 hectares of the property covered by the Pretoria Sports Union lease area. This represents a proportion of 35 percent.

The township will be configured in the shape of an inverted letter "J" to utilize the visibility quality of the site on offer by the abutting Totius Street and Florence Ribeiro Drive to the best. The north / south axis of the township site approximates 325 metres while the corresponding measurement for the east / west axis is 340 metres.

5.3.3 Draft site plan

The project architects messrs Boogertman & Partners have prepared a draft site plan (DSP) for purposes of elucidating the future development in the proposed new township. The DSP has been included as figures 7(a) to (d).

[FIGURE 7 : DRAFT SITE PLAN]

The development proposal entails seven buildings (Blocks A, B, C, D, E, F and G) of which Block C will be the main focus at the corner of George Storrar Drive and Totius Street – positioned in a "wrap around" configuration with maximum visibility / exposure from vantage points on both the mentioned streets. Proposed blocks A and B will face Totius Street while blocks D to G will face Florence Ribeiro Drive.

The DSP also shows the above and below-ground parking areas and configuration, as well as the access positions on Totius Street and Florence Ribeiro Drive, which are discussed below in more detail.

5.3.4 Nature and scale

The township will host either offices or a "medical centre" type day clinic, or a combination of both. The medical suites could be accommodated within the block(s) where the offices will be accommodated or separately with the day clinic in its own block.

TOWNSHIP LAYOUT PLAN

GENERAL NOTES

1. Approximate areas and measurements shown only, subject to final survey.
2. Township boundary: ABCDEFHJKLMN
3. Title deed no: T62282/2003
4. Minimum erf size: 0,3671 ha
5. Maximum erf size: 0,9078 ha
6. Ruling erf size: N/A
7. Total number of erven: 6
8. Minimum street gradient: N/A
9. Maximum street gradient: N/A
10. Total length of the street: N/A
11. Area of streets: N/A
12. Area of streets as percentage of total area of township: N/A
13. Area of parks and open spaces: N/A
14. Access to all erven shall be to the satisfaction of the Municipality.
15. Line-of-no-access

FLOOD-LINE

I HEREBY CERTIFY THAT THE PROPOSED TOWNSHIP IS NOT AFFECTED BY ANY 1:20, 1:50 AND 1:100 YEAR FLOOD-LINES, IN TERMS OF THE PROVISIONS OF SECTION 144 OF THE NATIONAL WATER ACT, 1988 (ACT 36 OF 1988) AS WELL AS THE PROVISIONS OF REGULATION 18 (1) (a) (xiv) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORD 15 OF 1986)

PR. No. 980544 DATE 11/12/2015

CONTOUR SURVEY:

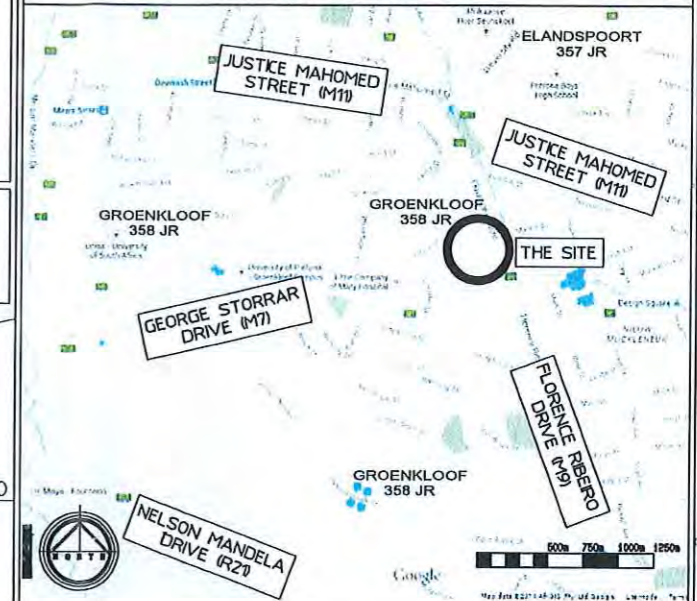
THE CONTOUR SURVEY ADHERES TO THE REQUIREMENTS FOR TOWNSHIP ESTABLISHMENT IN TERMS OF SECTION 139 OF THE ORDINANCE ON TOWNPLANNING AND TOWNSHIPS, 1986 (ORD 15 OF 1986).
 * CONTOURS SURVEYED BY BUCKLEY STRYDOM LAND SURVEYORS
 * DATUM PLANE: MEAN SEA LEVEL
 * CONTOUR INTERVALS: 1m
 * GEODETIC GRID SYSTEM: NGS 84

ERVEN 1 AND 2 TO BE CONSOLIDATED
 ERVEN 3 AND 4 TO BE CONSOLIDATED
 ERVEN 5 AND 6 TO BE CONSOLIDATED

PROJEK / PROJECT:

PROPOSED TOWNSHIP ESTABLISHMENT:
 A CERTAIN PART OF PORTION 117 OF THE FARM
 GROENKLOOF 358-JR
 (GROENKLOOF EXTENSION 13)

LOCALITY MAP: 1:50 000



NOTES

1. THERE ARE NO SEWERAGE WORKS WITHIN A 3km RADIUS OF THE SITE
2. NO AERODROME NOISE ZONES APPLICABLE

LOCAL AUTHORITY:

CITY OF TSHWANE METRO-POLITAN MUNICIPALITY
 P.O. BOX 3242
 PRETORIA
 0001

LEASSEE:

PRETORIA SPORTS UNION
 P O BOX 17165
 GROENKLOOF
 0027



URBAN ECONOMISTS & PLANNERS CC

POSBUS 11522
 HATFIELD 0028
 TEL : (012) 996-0097
 FAKS : (086) 684-1263
 SEL : (082) 893-7370

P.O. BOX 11522
 HATFIELD 0028
 TEL : (012) 996-0097
 FAX : (086) 684-1263
 CELL : (082) 893-7370

EMAIL: artaxi@mweb.co.za

DRAWN

OLA

UOS

FIGURE

3

SCALE

1:2000 (A3)

DATE

2015/12/10

CAD NO.

rugby117gnk11 township10

DESIGN

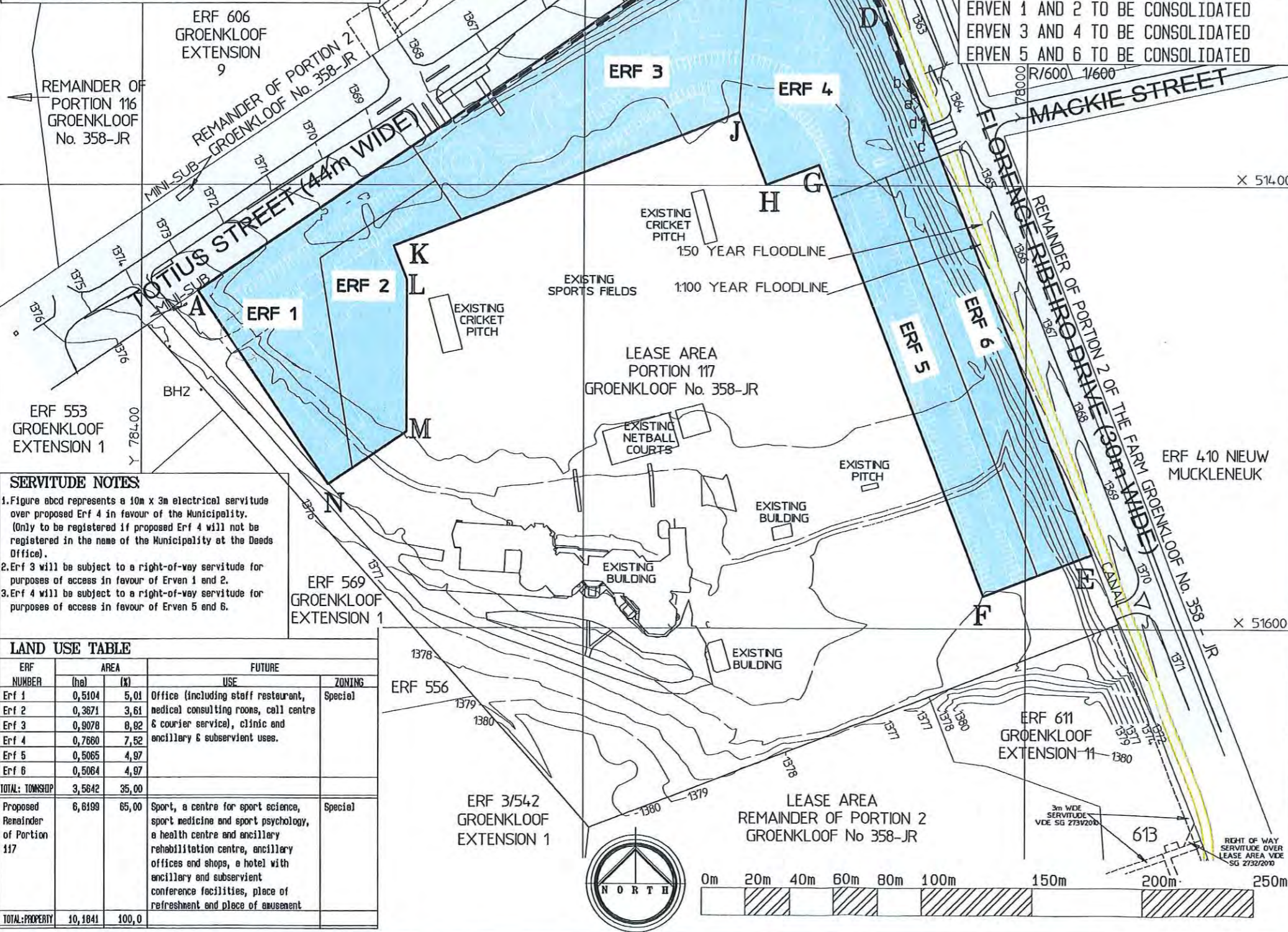
J.P. van Wyk

CONTOUR INT.

1.0m

PLAN NUMBER

CPD/GROENKLOOFX13/01



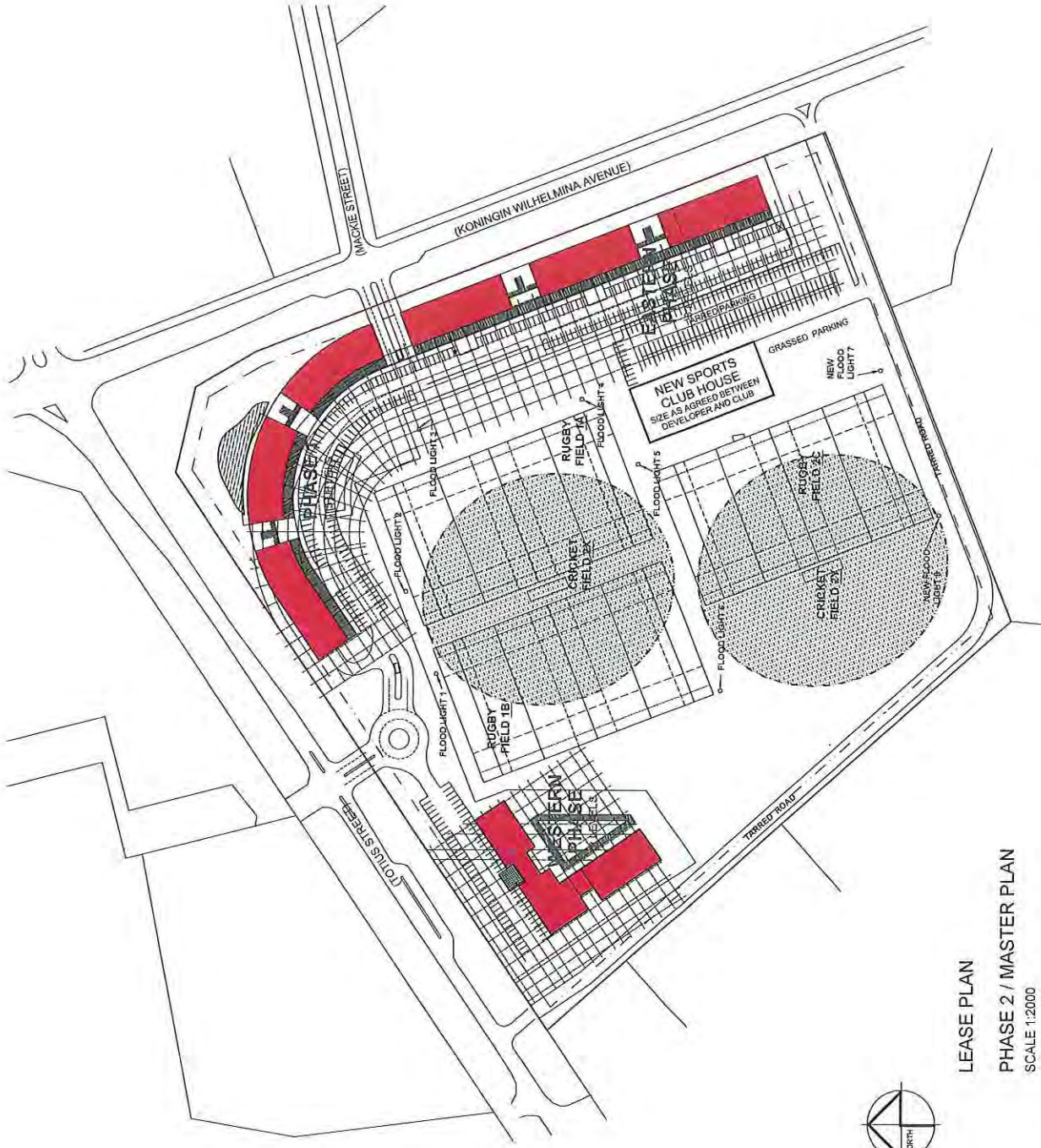
SERVITUDE NOTES

1. Figure abcd represents a 10m x 3m electrical servitude over proposed Erf 4 in favour of the Municipality. (Only to be registered if proposed Erf 4 will not be registered in the name of the Municipality at the Deeds Office).
2. Erf 3 will be subject to a right-of-way servitude for purposes of access in favour of Erven 1 and 2.
3. Erf 4 will be subject to a right-of-way servitude for purposes of access in favour of Erven 5 and 6.

LAND USE TABLE

ERF NUMBER	AREA		FUTURE USE	ZONING
	(ha)	(%)		
Erf 1	0,5104	5,01	Office (including staff restaurant, medical consulting rooms, call centre & courier services), clinic and ancillary & subservient uses.	Special
Erf 2	0,3671	3,61		
Erf 3	0,9078	8,82		
Erf 4	0,7660	7,52		
Erf 5	0,5065	4,97		
Erf 6	0,5064	4,97		
TOTAL: TOWNSHIP	3,5642	35,00		
Proposed Remainder of Portion 117	6,6199	65,00	Sport, a centre for sport science, sport medicine and sport psychology, a health centre and ancillary rehabilitation centre, ancillary offices and shops, a hotel with ancillary and subservient conference facilities, place of refreshment and place of amusement	Special
TOTAL: PROPERTY	10,1841	100,0		

REV	DATE	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION
A	11.04.2014	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION
B	19.05.2014	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION
C	02.12.2014	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION



LEASE PLAN
PHASE 2 / MASTER PLAN
SCALE 1:2000

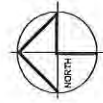


FIGURE 7(a): DRAFT SITE PLAN

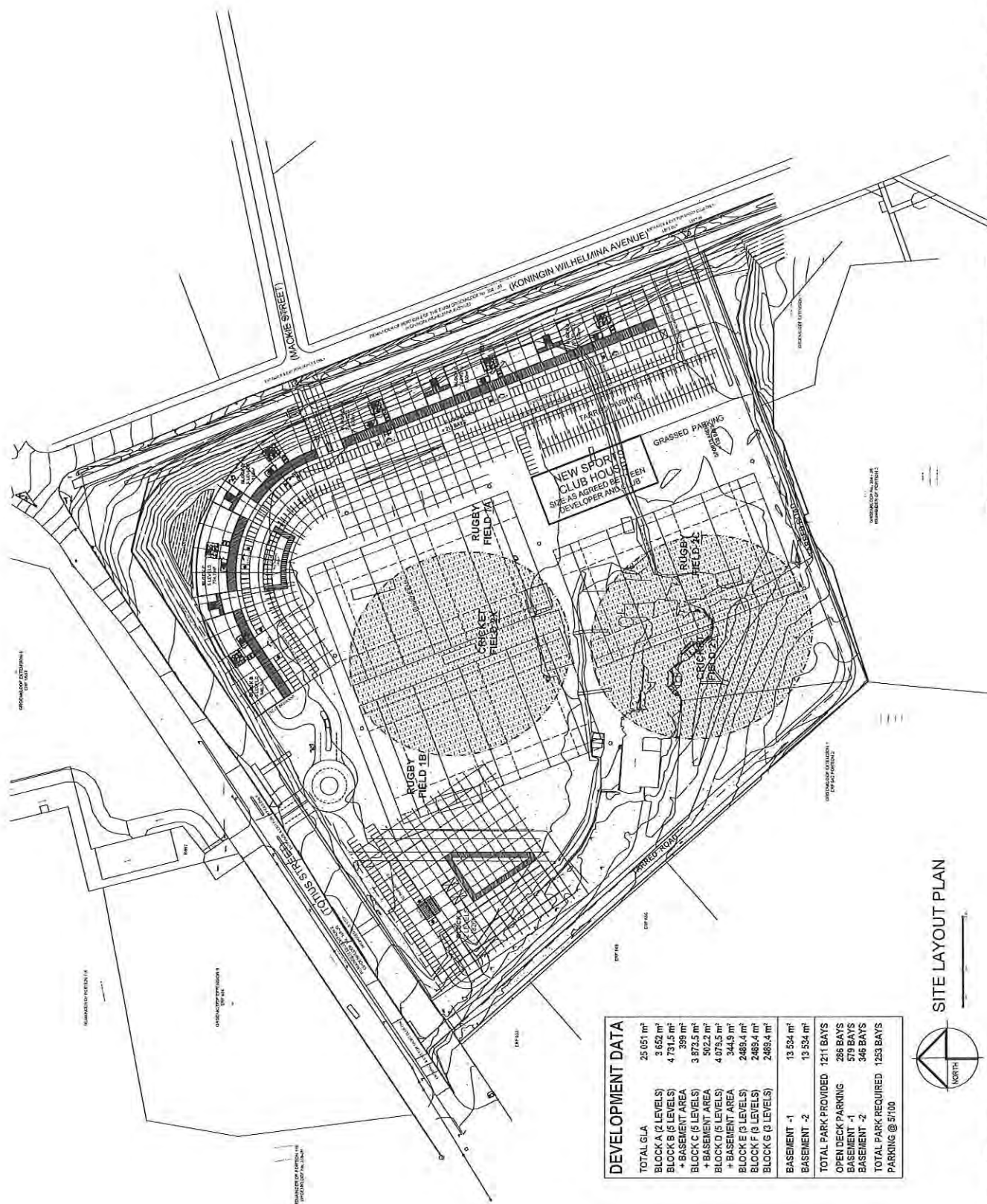
PROJECT/PHASE	DATE	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION
2850	AR	ISSUED FOR INFORMATION	ISSUED FOR INFORMATION

INFO	TENDER	CONSTRUCT
DATE	DATE	DATE
ENGINEER	ENGINEER	ENGINEER
ISSUED	ISSUED	ISSUED

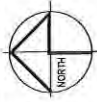
GROENKLOOF CORPORATE PARK - PORTION 117
GROUND FLOOR PLAN

SCALE: 1:500 @ A2

REV	DATE	BY/REV	DESCRIPTION
A	31.04.2014	LS	ISSUED FOR INFORMATION
B	19.05.2014	LS	ISSUED FOR INFORMATION
C	02.12.2014	LD	ISSUED FOR INFORMATION



DEVELOPMENT DATA	
TOTAL GIA	25 061 m ²
BLOCK A (2 LEVELS)	3 652 m ²
BLOCK B (5 LEVELS)	4 131.5 m ²
+ BASEMENT AREA	399 m ²
BLOCK C (5 LEVELS)	3 873.5 m ²
+ BASEMENT AREA	502.2 m ²
BLOCK D (5 LEVELS)	4 079.5 m ²
+ BASEMENT AREA	344.9 m ²
BLOCK E (3 LEVELS)	2 489.4 m ²
BLOCK F (3 LEVELS)	2 489.4 m ²
BLOCK G (3 LEVELS)	2 489.4 m ²
BASEMENT -1	13 524 m ²
BASEMENT -2	13 524 m ²
TOTAL PARK PROVIDED	1211 BAYS
OPEN DECK PARKING	286 BAYS
BASEMENT -1	579 BAYS
BASEMENT -2	346 BAYS
TOTAL PARK REQUIRED	1253 BAYS
PARKING @ 5/100	



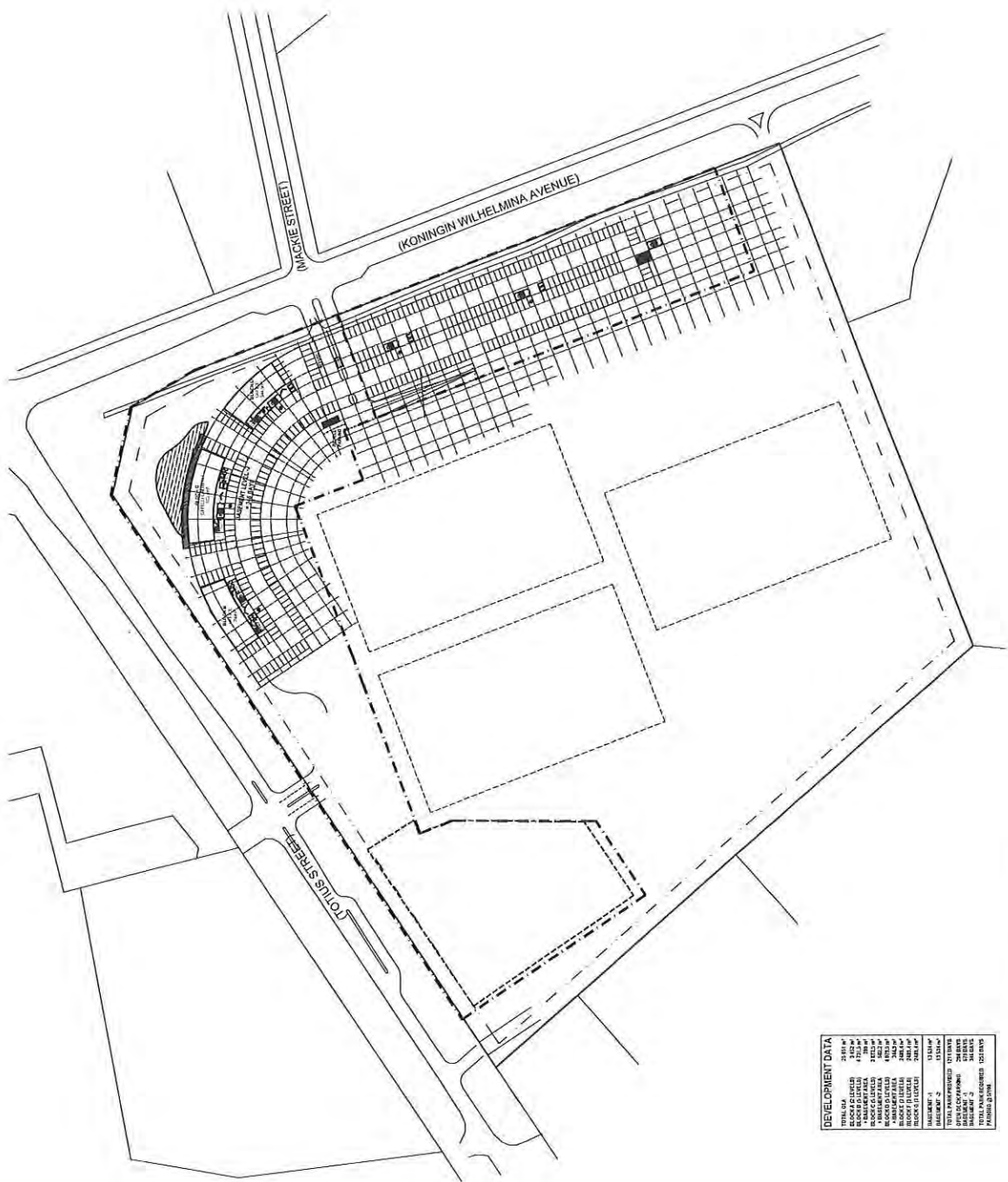
SITE LAYOUT PLAN

GENERAL	
PROJECT NO.	2850
DATE	03.12.2014
DESIGNER	BOCCERMAN PARTNERS ARCHITECTS
CLIENT	
STATUS	CONSTRUCT
REVISION	

FIGURE 7(b): DRAFT SITE PLAN

GROENKLOOF CORPORATE PARK - PORTION 117

BESSEMENT -2
SCALE 1:15000 @ A2



DEVELOPMENT DATA

TOTAL GFA	34100 m ²
RECORD #1 LEVELS	2100 m ²
RECORD #2 LEVELS	2200 m ²
RECORD #3 LEVELS	2300 m ²
RECORD #4 LEVELS	2400 m ²
RECORD #5 LEVELS	2500 m ²
RECORD #6 LEVELS	2600 m ²
RECORD #7 LEVELS	2700 m ²
RECORD #8 LEVELS	2800 m ²
RECORD #9 LEVELS	2900 m ²
RECORD #10 LEVELS	3000 m ²
RECORD #11 LEVELS	3100 m ²
RECORD #12 LEVELS	3200 m ²
RECORD #13 LEVELS	3300 m ²
RECORD #14 LEVELS	3400 m ²
RECORD #15 LEVELS	3500 m ²
RECORD #16 LEVELS	3600 m ²
RECORD #17 LEVELS	3700 m ²
RECORD #18 LEVELS	3800 m ²
RECORD #19 LEVELS	3900 m ²
RECORD #20 LEVELS	4000 m ²
RECORD #21 LEVELS	4100 m ²
RECORD #22 LEVELS	4200 m ²
RECORD #23 LEVELS	4300 m ²
RECORD #24 LEVELS	4400 m ²
RECORD #25 LEVELS	4500 m ²
RECORD #26 LEVELS	4600 m ²
RECORD #27 LEVELS	4700 m ²
RECORD #28 LEVELS	4800 m ²
RECORD #29 LEVELS	4900 m ²
RECORD #30 LEVELS	5000 m ²
RECORD #31 LEVELS	5100 m ²
RECORD #32 LEVELS	5200 m ²
RECORD #33 LEVELS	5300 m ²
RECORD #34 LEVELS	5400 m ²
RECORD #35 LEVELS	5500 m ²
RECORD #36 LEVELS	5600 m ²
RECORD #37 LEVELS	5700 m ²
RECORD #38 LEVELS	5800 m ²
RECORD #39 LEVELS	5900 m ²
RECORD #40 LEVELS	6000 m ²
RECORD #41 LEVELS	6100 m ²
RECORD #42 LEVELS	6200 m ²
RECORD #43 LEVELS	6300 m ²
RECORD #44 LEVELS	6400 m ²
RECORD #45 LEVELS	6500 m ²
RECORD #46 LEVELS	6600 m ²
RECORD #47 LEVELS	6700 m ²
RECORD #48 LEVELS	6800 m ²
RECORD #49 LEVELS	6900 m ²
RECORD #50 LEVELS	7000 m ²
RECORD #51 LEVELS	7100 m ²
RECORD #52 LEVELS	7200 m ²
RECORD #53 LEVELS	7300 m ²
RECORD #54 LEVELS	7400 m ²
RECORD #55 LEVELS	7500 m ²
RECORD #56 LEVELS	7600 m ²
RECORD #57 LEVELS	7700 m ²
RECORD #58 LEVELS	7800 m ²
RECORD #59 LEVELS	7900 m ²
RECORD #60 LEVELS	8000 m ²
RECORD #61 LEVELS	8100 m ²
RECORD #62 LEVELS	8200 m ²
RECORD #63 LEVELS	8300 m ²
RECORD #64 LEVELS	8400 m ²
RECORD #65 LEVELS	8500 m ²
RECORD #66 LEVELS	8600 m ²
RECORD #67 LEVELS	8700 m ²
RECORD #68 LEVELS	8800 m ²
RECORD #69 LEVELS	8900 m ²
RECORD #70 LEVELS	9000 m ²
RECORD #71 LEVELS	9100 m ²
RECORD #72 LEVELS	9200 m ²
RECORD #73 LEVELS	9300 m ²
RECORD #74 LEVELS	9400 m ²
RECORD #75 LEVELS	9500 m ²
RECORD #76 LEVELS	9600 m ²
RECORD #77 LEVELS	9700 m ²
RECORD #78 LEVELS	9800 m ²
RECORD #79 LEVELS	9900 m ²
RECORD #80 LEVELS	10000 m ²



REVISION

REV	DATE	DRAWN	DESCRIPTION
A	03.04.2014	LD	ISSUED FOR INFORMATION
B	02.12.2014	LD	ISSUED FOR INFORMATION
C	02.12.2014	LD	ISSUED FOR INFORMATION

PROJECT

GENERAL

PROJECT PHASE	2850	AR	DRAWING STATUS	CONSTRUCT
DATE ISSUED	02.12.2014		DATE ISSUED	
DRAWN BY			DRAWING STATUS	B
DATE				

FIGURE 7(d): DRAFT SITE PLAN

As indicated in the draft Annexure T document, the day clinic and medical suites will be restricted to a GFA of 3 500m² and 3 000m² respectively.

The scale of the development has been restricted to a total gross floor area (GFA as defined in Tshwane Town Planning Scheme, 2008 (rev 2014), p16) of 25 500m² of which (in the case of offices) a GFA of up to 500m² may be utilized for purposes of an in-house restaurant. Considering the extent of the township area being 3,5642 hectares, this translates to a floor area ratio (FAR) of around 0,72.

Although a height-restriction of six storeys and a coverage factor to be determined by a site development plan proposal have been applied for, not all future buildings in the township will necessarily extend to the full six storeys. It is however foreseen that at least the "wrap-around" building commanding the most prominent position in the township, would be the full six storeys for maximum impact as a focal feature.

5.3.5 Phasing option

Market circumstances often require the phased implementation of a development project. To allow for such eventuality the layout proposal provides for six erven in the township. This will allow the township, once approved but not yet proclaimed, to be divided in three separate townships in terms of Section 99 of the Ordinance, to comprise of Erven 1 and 2, Erven 3 and 4 and Erven 5 and 6 respectively. The two-erf minimum requirement for townships stems from the Ordinance, although the two erven in each of the two townships to result from a possible division application may be consolidated as part of the "second phase" of the township establishment process of each to arrive at a single development site.

The present application however includes the proposed consolidation of Erven 1 and 2, Erven 3 and 4 and Erven 5 and 6 to provide for three development sites, in the case where the entire township will be implemented in a single phase.

To facilitate the phasing of the implementation of the development in the township it is also necessary to ensure that each phase has access to the public street network by means of right-of-way servitudes over each phase in favour of each of the erven in the other phases, until such time that the next phase is completed when it will be cancelled.

5.3.6 Land-use table

The land-use table below serves to illustrate the number and extent of erven in the township, the proportionate allocation of land between the township and the Pretoria Sports Union facilities on the remainder of the lease area, as well as the future use and zoning of each of the erven / land-portions in the development complex:

TABLE 2 : LAND-USE TABLE

ERF NUMBER	AREA		FUTURE	
	(ha)	(%)	USE	ZONING
Erf 1	0,5104	5,01	Office (including staff restaurant, medical consulting rooms, call centre and courier services), clinic and ancillary & subservient land-uses	Special
Erf 2	0,3671	3,61		
Erf 3	0,9078	8,92		
Erf 4	0,7660	7,52		
Erf 5	0,5065	4,97		
Erf 6	0,5064	4,97		
TOTAL: TOWNSHIP	3,5642	35,00		
PROPOSED REMAINDER OF PORTION 117	6,6199	65,00	Sport, a centre for sport science, sport medicine and sport psychology, a health and ancillary rehabilitation centre, ancillary offices and shops, a hotel with ancillary and subservient conference facilities, place of refreshment and place of amusement	Special
TOTAL: PROPERTY	10,1841	100,0		

5.3.7 Servitudes

- **Electrical servitude**

There is one servitude indicated on the township layout plan, viz: a 3m x 10m electrical servitude to be registered in name of the CTMM only if proposed Erf 4 will not be registered at the Deeds Office in name of the CTMM. This servitude is shown on figure 6 by figure abcd.

- **(Temporary) right-of-way servitudes**

Two further servitudes are required and have been shown on the township layout plan as follows:

- Erf 3 will be subject to a temporary right-of-way servitude for purposes of access in favour of Erven 1 and 2; and
- Erf 4 will be subject to a temporary right-of-way servitude for purposes of access in favour of Erven 5 and 6.

The purpose of these two servitudes is to facilitate access to / from the public road network to / from the three phases of the development project during the implementation of same. As soon as Erven 3 and 4 (and / or its consolidated erf) forming a phase of the development have been completed, these two servitudes will become redundant and be cancelled.

5.4 ACCESS, CIRCULATION & PARKING

5.4.1 Access

- **Remainder**

The current access to the Pretoria Sports Union facility along the western boundary of Portion 117 on Totius Street approximately 330 metres west of Florence Ribeiro Drive will remain in place and will in future be utilised exclusively by the Pretoria Sports Union.

A further left-in / left-out access from Florence Ribeiro Drive is being proposed along the north-eastern boundary of the property for development at a later stage, for exclusive use of the Pretoria Sports Union.

- **Township**

Two new accesses are being envisaged to serve the township as confirmed in the traffic impact study by messrs EDS Structural, Civil and Transportation Engineers [‘EDS’] titled:

*"GROENKLOOF EXTENSION 13
(Certain Part of Portion 117, of the Farm
Groenkloof 358-JR)*

*TRAFFIC IMPACT STUDY (REVISION 1) REPORT 2014-193-02
APRIL 2015"*

The accesses being proposed are the following:

- (1) Access 1: An access configured to function as a full access to the township is being proposed on Totius Street directly opposite the entrance to the Harlequins Office Park and Groenkloof Extension 5. It is expected that the access will be gained off a roundabout / mini-circle. The access will have 2 lanes in and 2 lanes out to / from Totius Street.
- (2) Access 2: A full access is being proposed at a point along Florence Ribeiro Drive where it intersects with Mackie Street. The access will have 2 lanes in and 2 lanes out to / from the development site. Short exclusive turning lanes will be required.

The stacking distance requirement for outbound traffic for both accesses is recommended by EDS at six metres (one vehicle). EDS confirms that the matter of stacking distance for inbound traffic is unimportant and negligible for both accesses.

Finally is a line-of-no-access being proposed along the shared boundary of Florence Riberio Drive and Totius Street, measured 100m from the intersection of the two roads (refer fig 4).

5.4.2 Vehicular circulation

The two proposed accesses will be connected on ground level, by appropriately dimensioned road carriageways, for the most part also serving an access function to adjacent parking bays.

The onsite circulation pattern will allow for delivery vehicles to enter and exit at different access points if turning-around cannot be achieved in the circulation space available on site. All parts of the site on which vehicles will move or park will be provided with a dust-free surface to the satisfaction of the CTMM

The basement parking levels can be accessed from Access 2 (in- and egress) as described in para 5.4.1 above *via* Florence Ribeiro Drive directly. Access to the single basement level under Block A can be accessed *via* a ramp from the surface level parking located on the south-west boundary of the development site. Both accesses allow for in- and egress to / from the basement area.

The two basement levels under Blocks D to G are furthermore inter-linked *via* a ramp. It therefore follows that all parking levels will be linked to one another and both accesses will serve to provide vehicular access to every parking bay in the development complex.

5.5 PARKING

5.5.1 Below ground level

The natural topography of the site portrays a positive gradient northwards. The site has however previously been filled-in by means of cut-to-fill in order to create platforms for the development of the existing sports fields. As a result of the fill there is an approximately 8 metres from street level to the top surface of the rugby field closest to Florence Ribeiro Drive. Removing the fill and exposing the natural ground level will provide an excellent opportunity for multi-level basement parking along Florence Ribeiro Drive.

The project architects have utilized this opportunity to provide both a lower and upper basement for below-ground parking predominately along Florence Ribeiro Drive and a single-level basement parking below Block A. The basement parking will not be contained to positions underneath the buildings only, but will cover a large percentage of the subject property.

5.5.2 Surface parking

Two areas have been allocated on ground-level for parking purposes along the on-site access-road, *viz* :

- one north west of the Totius Street façade of Block A; and
- the other along the south-east / south-west façade (i.e. the façade facing the existing sport facilities) of Blocks B to G respectively.

Two parking levels are being planned for the township under most of the proposed structures i.e. two basement levels, as well as a surface parking level, with only one building / block having a single level of parking (Block A). The surface parking is foreseen to comprise of a combination of natural ground and structured parking pursuant to the gradient of the site.

The basement parking will for the most part extend up to the township boundaries and has been duly planned in "modules" if required to implement in phases at a later stage (refer to discussion on phasing of the township in para 5.3.5 *supra*).

Messrs EDS confirms in their TIS for the project that the office use for the erven in the township will require a parking ratio of four bays per 100m² gross floor area. Furthermore, parking for the proposed day clinic will be at a ratio of 1 bay per bed. The medical consulting rooms will be provided at a ratio of 6 bays per 100m² gross floor area.

The EDS report confirms that the proposed 25 500 m² GFA will therefore exert a parking demand of 1 270 parking spaces. The ratios quoted above are commensurate with the official parking requirement of the CTMM as per table G of the Tshwane Town Planning Scheme, 2008 (rev 2014).

6. STATUTORY PLANNING FRAMEWORK

6.1 PURPOSE

This section of the motivation of the merit of the application serves to identify all the applicable forward planning strategies, policies, plans and frameworks prepared by the relevant authorities on a national, provincial, regional and local level, and to evaluate these for its value as providing the contextual institutional milieu in which the proposed development will be established, developed and functioning. Furthermore, it also has the purpose of addressing certain of the seventeen assessment criteria given in order for the present application to be evaluated and fast-tracked as a strategic development project.

6.2 APPLICABLE DOCUMENTATION

The forward planning strategies, policies, plans & frameworks applicable to the present application are a function of the jurisdiction of authorities, which is determined by the specific locality of the proposed development area within the City of Tshwane. The statutory documentation available was assessed on three overall levels, i.e. National, Provincial and Municipal, where the following authorities are involved:

- National Government;
- The Gauteng Provincial Government; and
- The City of Tshwane Metropolitan Municipality.

It is important that the application is tested against the relevant policy documents in terms of its alignment with the official vision, policies and strategies of the authorities so as to determine how it will contribute to achieving the goals of same.

These documents and plans form part of the statutory base of the townplanning field which requires substantial compliance of development projects with same, to ensure:-

"...the co-ordinated and harmonious development of the area to which it relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of such area as well as efficiency and economy in the process of such development." (Section 19 of the Ordinance).

The documentation consulted are described in para 6.3 *infra* and extracts of certain of the applicable documents together with an evaluation of the annual vision of the government sphere (as outlined in the Presidential, Provincial and Municipal State Addresses) are also found here.

6.3 NATIONAL

6.3.1 Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) [the Constitution]

- Section 27 of the Constitution deals with "health care, food, water and social security" and indicates that:

- (1) *Everyone has the right to have access to ...health care services, including reproductive health care...*
- (2) *The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.*

- Section 146 of the Constitution indicates that national legislation "*... applies uniformly with regard to the country as a whole*" and "*...deals with a matter that, to be dealt with effectively, requires uniformity across the nation*". National legislation should furthermore promote "***...implementation of national economic policy.***"(own emphasis)

The township being proposed will benefit not only the local area but also the municipality, province and the country as a whole as it will create much needed employment opportunities (both during and after construction) and which are described on all levels of government as a priority and essential for a well-functioning economy. Furthermore it is located in close proximity to the core area of Tshwane, the Brooklyn Business District and at one of the gateways to Tshwane along a major road.

- The Constitution outlines the function of local government under Section 152(c) *inter alia* "***...to promote social and economic development...***" (own emphasis). This allocated function together with others are essential for municipalities to fulfil their **developmental responsibilities.**

6.3.2 National Development Plan, Vision for 2030 (11 November 2011) [NDP]

The overview of the NDP begins by stating the importance of growth and development that should happen as part of a "*virtuous cycle*". This virtuous cycle in the context of the NDP "*... has to attack the blight of poverty and exclusion, and nurture economic growth at the same time...*" and will result in "*... expanding opportunities, building capabilities, reducing poverty, involving communities in their own development, all leading to rising living standards. ...*" (p2). This demonstrates the importance of creating employment opportunities through development to benefit not only the local communities but the country as a whole.

The NDP goes on to say that the creation of job opportunities and development is not only the sole responsibility of the public sector. It asserts that through private investment and partnership opportunities, economic growth and employment opportunities will be more rapid than without. It is also in the interest of both the private and public sector to coordinate and work together for the greater good, with a long-term view (p 166).

The present application is a private / public partnership initiative for better utilization of existing scarce resources, in this case development

land as well as the existing sports facilities, the use of which will be optimized.

- *"The national development plan proposes to invigorate and expand economic opportunity through investment in infrastructure, more innovation, **private investment** and entrepreneurialism. The economy will absorb more labour - especially of new work seekers and wage moderation at all levels will contribute to rising employment. Broadening these opportunities requires faster, more inclusive economic growth and **higher levels of investment**."*(p5)

The proposed township is a private initiative with a vision of better utilising the lease area property of the Pretoria Sports Union within the changing face of the immediate area, where part of the latter will be developed for offices and / or medical clinic premises.

The magnitude of the development will result in upgrades to the existing infrastructure and thus capital investment in same. This concept is further strengthened by the fact that the NDP acknowledges the necessity for "... *shifting from a paradigm of entitlement to a development paradigm that promotes the development of capabilities, the creation of opportunities ...*"(p5).

- When preparing the NDP, the Planning Commission looked at a definition for development that focuses on "... *creating the conditions, opportunities and capabilities that enable people to lead the lives that they desire.*" At a national level this includes "... *capabilities that enable competitiveness*". (p5)

The proposed township will create these capabilities and in so doing enhance the lives of the people who work there as well as all those who will benefit on a much larger scale.

- The aim of the NDP is to set the country on the desired development trajectory to 2030 by using a new approach and influencing a change in mindset, by *inter alia*:
 - "... *creating jobs and livelihoods*
 - *Expanding infrastructure*
 - *Transforming urban ... spaces...*"(p6)

The proposal at hand will address the three criteria mentioned above, in line with the NDP.

- One of the key target areas that the NDP focuses on is the lowering of the unemployment rate through the creation of job opportunities (p28). It specifically also mentions Gauteng and the Western Cape as being where the most employment opportunities

are created (some 700 000) and has been growing since 1994, through the expansion of offshore business services (p97).

The proposed development will create a large number of employment opportunities both in the construction phase as well as once the township has been established and the office / clinic complex has been established and is operational.

Reducing the unemployment rate and creating sustainable employment opportunities will have a wider impact than on the individual only. The spin-offs will benefit the families of these persons, their broader community and the country as a whole. It most importantly gives dignity to the individual and improves overall welfare levels for his family and community (p90). By creating additional jobs in the area means that there is a potential to improve the standard of living, especially for those who were unemployed previously and now have been given dignity through a job and income to sustain their families.

- The NDP describes South Africa's economy as much stronger than its immediate neighbours (p224) and therefore it is the epi-centre of economic activities of the region.
- Gauteng is seen as the fastest growing city region with its major focus on governance (p253), and Tshwane being the seat of government. Many large international corporations established in South-Africa and / or international business travellers want to be close to the seat of government as their dealings are mainly with relevant officials and politicians. This can be seen as Tshwane's comparative advantage over the rest of the Province. The NDP indicates that employment and growth should be in areas of comparative advantage.
- *"South Africa has positioned itself as key conference and sports event destination"* (p131). The location of the development property *vis a vis* the existing sports precinct of the Gauteng North Tennis Association, Pretoria Sport Union, Loftus Rugby Stadium, etc. renders it an ideal sports event destination. Sport has proven itself as enhancing social cohesion (p429).
- The NDP envisages a reduction of 6% of the unemployment rate by 2030 and this would mean that 11 million fulltime sustainable employment opportunities need to be created (p90).
- Regional development is also seen as important (p93). The present application for township establishment will benefit and grow the surrounding region.
- Health care and the promotion of healthy lifestyles (through physical activity) are also seen as key elements that need to be promoted as part of the NDP with a chapter dedicated to same. It is important that there is investment in health (p91) and is

essential to be addressed for resilience in employment creation (p183). Decentralized health care centres are preferred to serve the community where they are located (p296). Private and public partnerships are needed (p320) and are beneficial with regards to the provision of specialised clinics as well as specialist and general practices.

6.3.3 Medium Term Strategic Framework, 2009 - 2014

A number of objectives has been identified in the document, *inter alia* to:

- *"... ensure a more equitable distribution of the benefits of economic growth and reduce inequality; and*
- *improve the nation's health profile and skills base and ensure universal access to basic services ..."*(p 2).

To give effect to these objectives the Minister in the President's Office: Planning highlights a number of priority areas, the following being applicable to the present application:

- *"more inclusive economic growth, decent work and sustainable livelihoods;"* where, through *"effective and efficient urban management and development"* it will create the momentum required to create employment and economic growth opportunities. The document speaks of aligning social and economic infrastructure and land-use planning to increase efficiency; ensuring location of working people closer to areas of economic opportunity and the releasing of well-located land.
- *"economic and social infrastructure;"* by *"creatively accessing resources from various sources to continue with the economic and social infrastructure programme in a manner that supports growth and employment creation; and involve DFIs¹ and the private sector in the financing of the projects"*.
- *"...cohesive and sustainable communities;"* by supporting the development and strengthening of community organisations *"... that are meant to organise and develop the cultural and recreational life of communities."* The document suggests using arts and culture as mechanisms for promoting the cultural diversity of our society and for bringing people together. It also mentions that by promoting sport it will consolidate the community and national pride, generate positive social values as well as result in economic development (including sports tourism).
- *"creation of a better Africa and a better world;"*
- *"sustainable resource management and use"*

¹ DFI - Development Finance Institution

- *"The main objective of government is to encourage sustainable resource management and use by focusing on various interventions including the diversification of the energy mix in pursuance of renewable energy alternatives ..."*

6.3.4 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA]

This document replaces (and has repealed) the Development Facilitation Act, 1995 (Act 67 of 1995) [DFA]. Similar to the DFA, it is also based on principles to guide development rather than mechanisms of control. In the preamble to SPLUMA it explains one of its purposes as being to encourage sustainable human settlements and development of land. In order for this to take place it *"... requires the integration of social, economic and environmental considerations in both forward planning and ongoing land use management to ensure that development of land serves present and future generations"* (page 4).

Not all of the objects and development principles recorded are necessarily relevant to every land development project, and furthermore are there some principles and sub-principles listed which overlap in function and meaning. The applicant has proceeded to conduct the necessary assessment required to inform its application for township establishment on the subject property, as follows:

- **Section 3 of SPLUMA (the Objects of the Act)**

- *"The objects of this Act are to—*

- (a) provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;"*

SPLUMA provides for same due to it being seen as a framework on which each Municipality (whether it be metropolitan, district or local) can base its spatial planning and land use management systems on and will be similar throughout the country. The present application will adhere to the prevailing policies and spatial planning frameworks and is being applied for in terms of the currently applicable land-use management scheme.

- *"(b) ensure that the system of spatial planning and land use management promotes social and economic inclusion;"*

The prevailing spatial planning frameworks and Tshwane Townplanning Scheme, 2008 (revised 2014) have been prepared with due cognisance of contemporary townplanning practices and principles such as compact cities, mixed-use, sustainable development, etc. The present application has been made in terms of these documents and therefore has been designed to comply with its requirements.

The proposed new office / clinic complex will serve to reinforce and enhance the prevailing growth and development pattern of the part of the City of Tshwane where it is situated through compliance with this object of SPLUMA in the following way, *viz*:

- Increased efficiency and integration due to the close proximity of residential neighbourhoods as well as to major access routes.
- The development proposal will offer a variety of new employment opportunities, both during the construction and operational phases of the development project (refer to the accompanying marketing study as well as the 17 criteria report (Annexure 'L') for detail with regards to the number of employment opportunities that will be created. These job opportunities will also be within walking distance of a variety of residential uses in its vicinity and / or easy access *via* the many existing modes of public transport and the well-functioning road network.

The applicant intends obliging construction companies to hire and train local labour during the construction phase of the development. The skills and capacity development initiatives will empower beneficiaries to work in similar fields after completion of the building and landscaping contracts.

It is foreseen that several other similar capacity building situations would occur during the operational phase of the office / clinic complex, initiated and driven by the applicant.

- *"(c) provide for development principles and norms and standards;"*

SPLUMA contains a number of development principles and norms and standards that need to be adhered to in terms of all new developments after 01 July 2015 when it took effect. The norms and standards form part of the procedures on what applications should entail and contain. Compliance in terms of the principles of the present application against SPLUMA are discussed below.

- *"(d) provide for the sustainable and efficient use of land;"*

The sustainable and efficient use of land can only be done by looking at maximising what can be done on the development site through careful planning. One of the main aims of the proposed development is to utilise the existing Pretoria Sports Union lease area property more effectively and efficiently in order for the proposed development on part of the lease area

to create a sustainable and continuous income in support of the existing sports clubs utilising the facilities, generate additional sustainable income for the Municipality for maintaining of these facilities and expanding (both physically and fiscally) to uplift sport in previously disadvantaged communities. Furthermore the proposed development will better utilise existing engineering infrastructure, i.e. roads, water, sanitation, stormwater systems and electricity networks.

- *"(e) provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government;"*

In terms of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) all spheres of government must work together for the wellbeing of the country's citizens and the fulfilment of the Constitution. Similarly in terms of the Municipal Systems Act, 2000 (Act 32 of 2000) municipal planning should take into account planning and policies in the other spheres of government. This means that the municipal planning documents and policies on which the proposed development is based, take these into consideration.

- *"(f) redress the imbalances of the past and to ensure that there is equity in the application of spatial development planning and land use management systems."*

The imbalances of the past can only be addressed through forward planning and land-use management systems that are insightful and progressive, to create inclusive communities. The proposed development will form part of a larger mixed-use precinct with equal opportunities to be created for work, living and playing. As mentioned above, the proposed development is as a result of the vision of the Pretoria Sports Union to generate additional income to support (both physically and fiscally) sport in previously disadvantaged communities. Thus the present application will comply with this objects of SPLUMA.

- **Section 7 of SPLUMA (development principles)**
 - *"The following principles apply to spatial planning, land development and land use management:*
 - (a) The principle of spatial justice, whereby—*
 - (i) past spatial and other development imbalances must be redressed through improved access to and use of land;*

- (ii) spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former homeland areas and areas characterised by widespread poverty and deprivation;*
- (iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;*
- (iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;"*

This principle focuses on the redress of morally unfair practices of the past whereby a vast proportion of the population was denied access to, and the use of land. It therefore addresses the issue of compliance with constitutional transformation imperatives.

The proposed office / clinic complex is seen as a culmination of the integration of the social, economic, institutional and physical aspects of land development. As mentioned in the discussion under Section 3(b) and (f) above, the proposed development together with the continued use of the Pretoria Sports Union, in the context of the area, will create opportunities for work and / or play for the community as a whole, irrespective of creed, nationality, age or gender from construction, implementation all the way to the operational phase of the project. Furthermore is the development aimed at generating additional income for the Municipality through the lease of the land which can be used for the upgrade and establishment of similar sports facilities in previously disadvantaged communities. In addition the PSU will continue and expand its current sports programmes for inner city children and be funded by the proposal.

Similarly with regards to employment opportunities that will result during the construction phase as well as during the operational phase with the employment of maintenance and cleaning staff, as well as security guards and gardeners.

It will also create a diversification in the area in terms of the variety of building typologies and sizes. In the present case these prerequisites are present for the urban development

being proposed, as part of the formal economy and spatial structure of the CTMM.

- *"(v) land development procedures must include provisions that accommodate access to secure tenure and the incremental upgrading of informal areas;"*

There are no residents, permanent or otherwise presently occupying the development site. No alternative arrangements or accommodation options need therefore be considered.

The development will be owned and managed by the developer with the land being leased from the Municipality. Later the buildings will become the property of the Municipality.

- *"(vi) a Municipal Planning Tribunal considering an application before it, may not be impeded or restricted in the exercise of its discretion solely on the ground that the value of land or property is affected by the outcome of the application;"*

The proposed development is not based solely on the value of the property on which it is being proposed but due to its many advantages, location, accessibility, exposure, the benefits to the community, the better utilisation of land, the creation of viable spaces and places, etc. it is furthermore in line with the existing and emerging character of the area.

- *(b) the principle of spatial sustainability, whereby spatial planning and land use management systems must—*
 - (i) promote land development that is within the fiscal, institutional and administrative means of the Republic;*

The development is a private initiative with no appeal on public funding. It will however enhance the financial wellbeing of the Municipality through the development as it will create an alternative income to the City of Tshwane and serve to relinquish the Municipality from its maintenance obligations to the Pretoria Sports Union facility. The income generated will be in the form of the lease as well as rates and taxes that will be payable to the CTMM. This income can then be spent on the upgrading / maintenance of the services in the localised area as well as to uplift communities elsewhere.

The proceeds that will be generated from the lease of the offices will also benefit the PSU where the additional funds can

trained at the club from the wider area of Tshwane and also from its support function of clubs in disadvantaged areas through sports workshops and sponsorships.

The development of the township will be beneficial from a public interest viewpoint.

- *"(ii) ensure that special consideration is given to the protection of prime and unique agricultural land;"*

The new development will constitute in-fill development, substituting a single extensive land-use within the urban edge and fabric with an intensive land-use, and when read together with the existing fabric, will result in a diversity of individual activities / functions / services in support of a more diverse combination of land-uses. This intensification is in line with the 'smart growth' principle of compaction, densification and intensification.

The development of the office / clinic complex on the site in accordance with industry norms and standards and in compliance with the town-planning-scheme-in-operation will represent the optimum use of the subject property as a scarce natural resource, in context of the surrounding development pattern / structure. The property is currently under-utilized and ideally suited for its intended purposes.

No appeals would be made on scarce and / or valuable agricultural land, conservation land or otherwise threatened land for the new development since it is situated within the urban edge and is already completely surrounded by urban development, linked to the municipal engineering supporting services.

The proposed development will result in optimisation of the use of land, bulk civil and electrical infrastructure, roads and transportation facilities.

- *"(iii) uphold consistency of land use measures in accordance with environmental management instruments;"*

To ensure environmental sustainability of the project the development proposal and townplanning process have been informed on specialist level by an environmental practitioner and several specialist inputs and public participation. The site has low environmental sensitivity confirming high environmental sustainability (refer para 7.3.5 and Annexure 'P' of Townplanning Memorandum).

The applicant will include mitigation measures to enhance environmental sustainability.

The development will be built and operated under strict environmental scrutiny through an (yet to be) approved environmental authorisation (EA) and environmental management plan (EMP). Its on-going maintenance and management under the EA and EMP will ensure the sustained protection of the environment.

The site is not underlain by unstable ground conditions / hazardous geological sub-strata or affected by the floodplains of watercourses. Neither is it undermined.

- *"(iv) promote and stimulate the effective and equitable functioning of land markets;"*

The applicant is *ad idem* with this development principle and believes that the best way to structure the economy is through a free-market system where maximum competition will ensure the best value / price-ratio for consumers.²

- *"(v) consider all current and future costs to all parties for the provision of infrastructure and social services in land developments;"*

The development project will be efficient and well-integrated with existing social, economic and physical aspects of the part of City of Tshwane where it is situated, within the context of a well-functioning institutional establishment (can be considered as looking at the greater public interest of the area). It will *inter alia* be linked to and integrated with the existing municipal infrastructural services (roads, water, sanitation, electricity and stormwater) prevalent in the area. Furthermore will it blend with the surrounding context and will incorporate part of the rugby and cricket fields.

Existing bulk infrastructure, roads and social facilities will also be better utilized as a result of the development proposal. This is proven by the enquiries to the Municipality and the resultant studies undertaken by the project civil, electrical and traffic engineers.

² The National Development and Planning Commission in their guideline document to the now defunct Development Facilitation Act, 1995 (Act 67 of 1995) [DFA] make the following noteworthy remarks on a similar development principle contained in the DFA:

"This principle places a limit on the degree to which there can be public intervention in the market. Neither policies nor other instruments such as LDO's may exceed these limits. It is also anti-monopolistic and anti-price collusion in orientation. To the extent that any dimension of the land market is dominated and manipulated by one, or a limited number, of actors at the expense of the consumer, public authorities are required to act, in order to promote competition". (pp 54,55)

Furthermore, the proposal in this location means there is no need to install expensive infrastructure in order to service the site as would be necessary if the development proposal was located outside the urban area, therefore having a positive financial implication.

The development will reinforce the mobility spine function of Florence Ribeiro Drive, which will have the added advantage of improved public transport for which a taxi / bus layby will be provided.

The development will serve the mixed-use principle well, contributing to enhanced convenience for people with lower energy consumption and lower pollutive emissions due to shorter travelling distances. The different uses in the area are / will be broadly compatible.

Welfare levels will be enhanced through the jobs created and the benefits it will have on the communities. The development will generate revenue for the Municipality through electricity consumption, sewer connection levies, water consumption, refuse removal and rates and taxes, as well as the income generated through the lease of the property. These monies can contribute to enhancement and upgrading of social facilities and infrastructure in previously disadvantaged communities as well as that of the existing sports facilities adjacent.

- *"(vi) promote land development in locations that are sustainable and limit urban sprawl;"*

As mentioned above under the discussion of Section 7(b)(ii), no appeals would be made on scarce and / or valuable agricultural land, conservation land or otherwise threatened land for the new development since it is situated within the urban edge and is already completely surrounded by urban development, linked to the municipal engineering supporting services. Urban sprawl will therefore not come into play. As mentioned, the proposal in this location means that there is a lesser need than for a site outside the urban development boundary to install expensive infrastructure in order to service the site, therefore having a positive financial outcome too.

Furthermore, the proposed township will be developed on a certain part of the property leased by the Pretoria Sports Union and will result in the repositioning of the sports facilities (in this case, the rugby and cricket fields) to optimise the use of the property and will have the effect of minimising urban sprawl since the development will be brownfields. The proposed zoning and land-uses are in accordance with the vision of the CTMM and the mixed-use character of the area.

- *"(vii) result in communities that are viable;"*

In addition to the comments already made, the proposed development is foreseen to add to the image of the urban communities through offering of an up-scale development. In addition it will supply much needed job opportunities.

The proposal will result in a diversification of land-uses in the area making a viable and vibrant community, employment opportunities in closer proximity to an employment pool as well as to the community. It will therefore be in support of constitutional transformation imperatives.

A viable community does not only consist of a single land-use in an area but a variety of land-uses for work, play and sleep and opportunities of different sizes and typologies, thus looking at the importance of public interest where the development will have many a positive spinoff for the area. The proposed land-uses and zoning are in line with the vision of the CTMM as is evident from the forward planning documents and is also congruent with the mixed-use character of the area.

- *"(c) the principle of efficiency, whereby—*
 - (i) land development optimises the use of existing resources and infrastructure;*
 - (ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts;"*

See discussion under Section 7(b)(v).

- *"(iii) development application procedures are efficient and streamlined and timeframes are adhered to by all parties;"*

The Regulations to SPLUMA indicate the timeframes for the submission of information and the process to be followed in terms of the processing of a development application. These timeframes will be adhered to.

Planning processes in general are sometimes seriously delayed by objections against development applications, and could be stream-lined further. Without such objections the approval process is generally within acceptable duration tolerance.

- *"(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks;"*

This is a Municipal responsibility. Flexibility has been incorporated within the future planning documentation applicable to the present application. This is evident due to the acceptance of a revised and more refined sports precinct plan for this area as prepared by the Municipality and incorporated in the present application documentation as Figure 8.

- *"(e) the principle of good administration, whereby—*
 - (i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;*
 - (ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;"*

Refer to discussion under Section 3(e) above. This is largely a Municipal responsibility.

- *"(iii) the requirements of any law relating to land development and land use are met timeously;"*

This private sector initiative takes place against a conducive investment environment and an active demand for the end-product in the market place, created / supported by the public sector.

Agreed, thus resulting in the Regulations stipulating timeframes for the exchange of information as well as the processing of applications.

- *"(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and*
 - (v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public."*

The proposal is undergoing a public participation process in both the townplanning and the environmental authorization processes as well as the preceding process that has been

undergone in order to sublease part of the parent property in terms of the statutory requirements governing same.

- Townplanning:
 - The townplanning application is subject to the provisions of Section 108(1)(a) and (b) of the Ordinance and will also be advertised and brought to the attention of possible participants in the process by posting site notices in Florence Ribeiro Drive and Totius Street at the appropriate time and for the requisite duration.
 - SPLUMA allows for ample participation by the community (protecting public interest in terms of the public having an opportunity to comment on the application) in the planning approval process for the proposed establishment of a township. The proposal will thus be subjected to a public participation process as part of the application process in compliance with statutory requirements. The applicant is aware of the importance of public input in the decision-making process and intends pursuing constructive participation.
- Environmental:

This is being undertaken separately by LEAP in terms of the provisions of the National Environmental Management Act, 1998 (Act 107 of 1998) ['NEMA']. The EAP has had one public meeting already, a second one is planned to take place in the near future.

The development proposal will therefore be commensurate with the general principles for land development laid down by SPLUMA, as applicable to the present situation.

Furthermore is the Minister required to prescribe a set of norms and standards, including those that promote "*... social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development...*" (p 26)

As mentioned previously, the proposed township will be developed on a certain part of the property leased by the Pretoria Sports Union and will result in the repositioning of the sports facilities (in this case, the rugby and cricket fields) to optimise the use of the property and will have the effect to curb urban sprawl, since the development will be brownfields.

The development property is located within an existing urban area south (just outside the periphery) of the Central Business District (Metropolitan Core Area) and north-west of the Brooklyn Metropolitan Core Area. The development will realise in the intensification and better utilisation of the lease area land, as well as the existing

engineering services. Furthermore will it diversify the land-uses which make for a better functioning city.

- **Section 42 of SPLUMA (municipal responsibilities)**

SPLUMA sets out the responsibilities of the decision making body when deciding on an application and has contained these under Section 42 of same (many overlap with the discussion of the development proposals discussed above).

The following are the factors that need to be considered when an application is submitted for consideration:

"(1) In considering and deciding an application a Municipal Planning Tribunal must—

(a) be guided by the development principles set out in Chapter 2;"

Discussion: The applicant has argued each applicable development principle in Chapter 2 of SPLUMA on the preceding pages.

"(b) make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; "

Discussion: The applicant agrees that this is one of the aspects on which decisions should be made. The present application, when read in its entirety discusses the aspects of the sustainable use of land and is consistent with the contents of the relevant spatial development frameworks, policies and plans. It is important to note that government has a responsibility to ensure that the contents of the spatial development frameworks of all spheres are consistent and integrated.

"(c) take into account—

(i) the public interest;"

Discussion: The applicant has alluded to the public interest aspect under the discussion of the development principles on the preceding pages. The following is of importance here:

- The development proposal is a private initiative which will enhance the financial wellbeing of the Municipality as it will result in additional rates and taxes for the Municipality to spend in the localized area and also to uplift communities.

- The development can be considered as looking at the greater public interest of the area as it will be efficient and well-integrated with existing social, economic and physical aspects of the local area where it is located within the greater CTMM, within the context of a well-functioning institutional establishment.
- A viable community does not only consist of a single land-use in an area but a variety of land-uses for work, play and sleep and opportunities of different sizes and typologies, thus looking at the importance of public interest where the office / clinic complex will have many a positive spinoff for the area. The proposed zoning and land-uses are in accordance with the vision of the CTMM as is evident from the forward planning documents discussed. It is also congruent with the mixed-use character of the area.
- SPLUMA protects public interest in terms of the public being given an opportunity to comment on the application as part of the planning approval process. Public input and participation is constructive to the decision-making process.

"(ii) the constitutional transformation imperatives and the related duties of the State;"

Discussion: Agreed this is important and should be addressed. The applicant has alluded to same under the discussion of Principle 7(a) of SPLUMA regarding spatial justice and Principle (b)(vii) regarding spatial sustainability and especially viable communities.

"(iii) the facts and circumstances relevant to the application;"

Discussion: The present application should be read in its entirety (i.e. together with the consultant and specialist reports where the facts and circumstances of the application have been discussed in depth.

"(iv) the respective rights and obligations of all those affected;"

Discussion: The rights of the general public (from a public interest viewpoint), the decision making authority, the governing municipality in which jurisdiction the Property falls (i.e. the CTMM) as well as the applicant should be considered here.

- Members of the general public are afforded an opportunity to participate in the application process through a public participation process required in terms of the prevailing legislation. This includes ward councillors and committees at municipalities who are required to act as their agents and think about the greater good for their communities.
- The decision making authority is the CTMM in this case and has the important role to consider the application and issue a final decision on the matter. The Municipality is required to act and think about the greater good / benefit the decision will have on the area.
- The applicant who has lodged the application has rights in terms of his application being given fair and transparent consideration as well as the right to have the reasons for the decision be disclosed.

"(v) the state and impact of engineering services, social infrastructure and open space requirements;"

Discussion: The present application should be read in its entirety. Furthermore as mentioned the application will be referred to the internal departments of the CTMM (including the relevant engineering and environmental departments) for their inputs on same. Similarly with regards to comments from certain national and provincial governmental departments and parastatals including the Gauteng Department of Agriculture and Rural Development (GDARD), ESKOM, Telkom, etc.

"(vi) any factors that may be prescribed, including timeframes for making decisions."

Discussion: The Regulations to SPLUMA indicate the timeframes for the submission and exchange of information, and the process to be followed in terms of the processing of any development application. These timeframes should be adhered to.

Planning processes in general are sometimes delayed by objections against applications unless managed properly by the decision making authority.

"(2) When considering an application affecting the environment, a Municipal Planning Tribunal must ensure compliance with environmental legislation."

Discussion: During the public participation and referral process, comments will be procured from the CTMM: Environmental Management Department as well as GDARD. Furthermore, the applicant has already commenced with the environmental authorisation process that is administered by GDARD separate to the townplanning process and will culminate in a letter of authorisation.

"(3) *An application may be approved in whole or in part, or rejected.*"

Discussion: Agreed, the decision-making authority, upon considering the above may decide to approve, reject or partially approve the application. The applicant has the right, through the correct channels to appeal the decision should it not be in agreement with same and would then have an opportunity to present its case in this matter.

6.3.5 State of the nation speech, 2015

- President Zuma acknowledged that the economy needs a "*major push forward*" and indicated that the government has a nine point plan to "*ignite growth and create jobs*", this plan includes "*encouraging private sector investment*" as well as "*state reform and boosting the role of state owned companies, information and communications technology (ICT) infrastructure or broadband roll-out, water, sanitation and transport infrastructure.*" (own emphasis).
- He furthermore stated that the government is taking on a "back to basics" programme to "*...promote good governance and effective administration through cutting wastage, spending public funds prudently, hiring competent staff, and ensure transparency and accountability in municipalities.*" (own emphasis)
- He also announced that the Integrated Urban Development Framework that was spoken about during the 2014 state of the nation address has now been approved by Cabinet.

6.3.6 Draft Integrated Urban Development Framework (September 2014)

The document highlights the need to have an integrated approach to transforming the currently resource inefficient and intensive, unsustainable urban areas in order for our cities to become competitive internationally. This will also ensure that cities and urban areas generate much needed vibrancy in line with international examples. It would take a proactive approach to get our urban areas in line, but it can be done.

6.4 PROVINCIAL

6.4.1 Gauteng Growth Management Perspective 2014 (GGMP)

The GGMP mentions that the Gauteng Spatial Development Framework, 2011 indicates that between 2008 and 2018 the bulk of non-residential

growth was expected in Johannesburg and Tshwane but the lack of suitable land was hampering same.

Similar to the documents discussed above, the GGMP highlights the importance of sustainable development from the perspective of the efficient use of services, infrastructure, optimisation of land, etc. and how this will benefit the citizens and Province. These are in support of the ideals contained in the Gauteng Vision 2055, the long term vision for the Province as a whole.

The GGMP indicates that it is typical of developing countries to have cities that expand horizontally in a discontinuous and haphazard manner and growth often outstrips the ability of the government to maintain same. In the present case, the Pretoria Sports Union has approached the City of Tshwane Metropolitan Municipality to sublease part of their property for purposes of the current township establishment proposal in order to assist the Municipality with funding for sports and recreation (in the form of taxes and also funds raised through the sub-lease of the property).

The document also mentions the importance of protecting valuable land through prevention of urban sprawl, and also the better utilisation of existing land and infrastructure by Smart Growth principles. This is very important for Gauteng as it is home to the Gauteng City Region where "*pro-central intensification*" (p 66) is being promoted in order for it to compete internationally. Development should therefore create access to well-located economic and social opportunities (p44).

The document highlights the National Development Plan's goal for a healthy environment for all and the need to look at development that will not harm the health of its citizens and with ecological integrity.

6.4.2 Gauteng Spatial Development Perspective, 2007

This document should be read with the National and other Gauteng Provincial policies regarding spatial development. The challenges it identifies as being critical to be addressed are: (1) supporting economic activity and accelerating growth, (2) sharing growth and (3) ensuring sustainability.

In terms of the first challenge it explains that Gauteng is the most significant regional economy and serves as a gateway for the country and the continent linking it to the rest of the world. The second challenge looks at addressing job creation and socio-economic development. Finally it looks at the responsible use and protecting of areas and efficiency of processes and services. By addressing these challenges the Province is able to contextualize the NSDP principles in a focused manner.

It furthermore details the need to realize that "*economic growth is a prerequisite for the achievement of other policy objectives, and specifically job creation and poverty alleviation*" (p 60). It identifies the areas of spatially focused fixed investment in the centre of Gauteng with

a few corridors linking secondary areas outside and suggests investment and interventions should be focused in these areas. It warns though that development should be sustainable over the long term.

6.4.3 Gauteng 2055

The document is the vision for the Gauteng City-Region. The Gauteng City Region is not exclusively contained to Gauteng and will also have an impact on adjacent provinces, i.e. North-West, Mpumalanga and Free State in its sphere of influence.

It describes the benefits of having a long-term goal in various international examples where cities and regions were radically transformed. A long-term vision allows for generational changes to happen. It furthermore aligns with the vision for 2030 contained in the NDP as well as the Millennium Goals.

The City Region is important in terms of its role in SADC as well as in terms of the global economy and this will be enhanced should the region progress along the growth trajectory as anticipated. The main focus points are job creation, changing of the urban form to be more efficient, and optimisation as well as the proper management of the urban form. It mentions that sustainability is important at all levels and specifically describes economic, social and environmental sustainability.

The creation of a long-term vision such as this one is to ensure that the province creates an environment that is beneficial to all and includes liveability and quality of life through health, as rapid and uncontrolled / unmanaged urbanisation can have a negative effect on both.

As mentioned previously, the proposal addresses these issues.

6.4.4 Gauteng Spatial Development Framework, 2011

The document addresses the vision for the Province in terms of spatial qualities and where changes are required. It looks at the Province holistically and in broad brushstrokes for Gauteng to be a knowledge capital and the hub of innovation to Africa. It should be "*...liveable, prosperous, competitive, equitable, accessible and sustainable...*" as a City Region (extract from Council Resolution dated 27 June 2013 – refer Annexure 'B').

There is little distinction between the way Johannesburg and Tshwane are currently growing, which is positive in terms of the larger concept of a Gauteng Global City Region). Both these municipalities promote key nodes and activity corridors of key importance in their relevant policy documentation. Tshwane forms the northern end of the broader linear development form, where the majority of the economic activity is taking place in the Province.

As mentioned above, the development site is located in close proximity to the gateway to Tshwane from Johannesburg as well as on major routes connecting same.

6.4.5 Planning for 2014

The document confirms that the way Gauteng is growing at the moment, there is a "*...strong possibility of continuing to grow in to a national, continental and international economic powerhouse*"(p18)

The document also mentions that Gauteng has a wide "*...changing burden of disease...*" (p13) as a result of changing to a more western (unhealthy) lifestyle as well as diseases associated with rapid and uncontrolled urbanisation as examples. It also mentions that healthy communities result due to broadening access to economic opportunities.

The biggest areas of growth are in business and there is an increase in business and sports tourism, both important in the context of the present application.

6.4.6 Gauteng Employment Growth and Economic Strategy (GEGES, 2010)

The document created a strategy for the transformation of the economy in the province through improved efficiencies in terms of green economy, innovation and infrastructure. The document also mentions the need for sustainable communities and the enhancement of social cohesion through spatial planning, as well as better healthcare for all.

6.4.7 State of the province speech, 23 February 2015

Premier David Makhura reiterated what he said in the Provincial address of 27 June 2014, indicating his vision for the next 5 to 15 years for Gauteng to take decisive steps to develop the Gauteng City Region and so become a leading African economy. He confirmed the ten pillars forming the basis of his mandate and that he had already obtained the support of business and industry leaders who share his vision and made concrete commitments to assist.

He mentioned that in order to address the structural problems of the Province and influence the national economy it requires radical economic and decisive spatial transformation in various ways, the following being relevant here:-

- *"The development of new modern, innovation-driven industries in the areas of high-tech, biotechnology, the green economy and blue economy;*
- *Investing in skills development to change the skills profile of the citizenry in line with the new strategic sectors and modern industries;*
- *Transforming the apartheid spatial economy and human settlement patterns to integrate economic opportunities, transport corridors and human settlements;*

- *Strengthening the capacity of the state to direct economic development and enhance the competitiveness of strategic economic sectors;*
- *Significant investment in economic infrastructure as the key stimulator of growth and investment;*
- *Transformative partnerships between the private and public sector in addressing the developmental challenges outlined in the NDP."*

Gauteng is seen as the gateway to Africa and is the heartbeat of the economy of the country. It currently is the greatest contributor to employment.

Health infrastructure is seen as an integral part of the well-being of its citizens and sees to the effective functioning of the economy. Thus it is one of the focus areas.

6.5 MUNICIPAL

6.5.1 Tshwane Vision 2055

- The CTMM has aligned the Vision with the NDP with common outcomes and objectives.

The document contains six broad outcomes that represent the areas that are key for the City of Tshwane's overall development logic over the medium to long term. These include:

- *"Outcome 1: A resilient and resource efficient City;*
- *Outcome 2: A growing economy that is inclusive, diversified and competitive;*
- *Outcome 3: Quality infrastructure development that supports liveable communities;*
- *Outcome 4: An equitable City that supports happiness, social cohesion, safety and healthy citizens;*
- *Outcome 5: An African Capital City that promotes excellence and innovative governance solutions; and*
- *Outcome 6: South Africa's Capital with an activist citizenry that is engaging, aware of their rights and presents themselves as partners in tackling societal challenges.*

Most of these outcomes have already been addressed in the preceding sections of this motivating memorandum and therefore the discussion of same will not be duplicated here.

- Each outcome is detailed in a chapter of the document and sets out measurement instruments for determining progress with reaching its goals.

According to the document, to realise the medium to long term vision of CTMM, it will be implemented in the following phases:

- By 2020: Consolidating the gains of democracy and tackling the triple challenges of unemployment, poverty and inequality;
- By 2030: Managing sustainable urban growth and development;
- By 2040: Transitioning towards sustainable urban form and economy; and
- By 2050 and beyond: Consolidating the gains towards a better and prosperous life for all.

6.5.2 Municipal Spatial Development Framework, 2012

- The document identifies Tshwane as being an African Capital City which is the gateway to Africa and provides the opportunity for investment and trade. It is seen as a major conurbation when read as a whole with the Metropolitan Municipalities of Ekurhuleni and Johannesburg. In order for Tshwane to retain and improve its competitive edge as the administrative capital of South Africa, it is important to sustain its "civic collaboration" atmosphere.
- The development site is located in Region 3 the same region where the Central Business District (CBD) of Tshwane and the Brooklyn and Hatfield Metropolitan Nodes are found. It is therefore seen as part of the administrative heart of the City.

The CBD forms the Capital Core where government related uses and higher densities are encouraged. The Brooklyn Metropolitan Node has regional / provincial importance where a range of specialised services are found. These nodes are the beacons of the Municipality and tell a story about the development of the City as a whole and therefore are important to have a positive image. Creativity and originality are important when placing landmarks within and along the edges of these nodes to make these showcases to visitors and inhabitants.

Nodes like these are areas where focused economic growth and development should happen, and resources should be rationalised. It is important that there is diversity and intensity in nodes in order to create opportunities. Nodes are also areas where health infrastructure should be provided.

- The document describes the necessity to move towards a green economy where travel time and costs are reduced by allowing mixed-use developments and especially focusing on important nodes and spines. By incorporating and restructuring our City by

"greening" it, create more liveable cities and open the door for more economic opportunities and accessibility to these.

- Compact cities are promoted in both SPLUMA and the Municipal Systems Act, 2000 (Act 32 of 2000).
- Although the development property is not located within one of the eight restructuring zones identified, the site is located in close proximity to at least three of these and is also located along a major connecting route.
- As mentioned previously the site is close to the existing gateway to the Tshwane Capital Core at the Fountains Circle and may also be seen as part of the gateway to the Brooklyn Metropolitan Core due to the hierarchy of the roads on and near which it is located. This is important in terms of place-making.
- The parent property to the development site forms part of a larger precinct of sports facilities and recreational facilities. Sport is important as a tourist attraction and also in terms of social cohesion and well-being. Furthermore the purpose of the present application for a township to be established is in order to support and improve the existing sports facilities through creation of alternative income sources.

6.5.3 City of Tshwane Spatial Development Strategy 2010 and beyond (Feb 2007)

This document firstly defines what a sustainable human settlement needs to comprise of and mentions that due to limited financial resources *"...a strategic, focused approach needs to be followed in the provision of these ..."* The document mentions that areas must be identified for the investment in economic development *"...where the most benefit can be achieved for all the residents of the city collectively."*

Once again Brooklyn is identified as an extensive existing node. Other areas that match the criteria mentioned below should also be prioritised:

- *"... access to the main stream economy of the city and proximity to the Gauteng economic core*
- *opportunities for redevelopment of existing settlements (brownfields development)*
- *opportunities for economic development catalytic projects"*

The above criteria were developed from the National and Gauteng Spatial Development Perspectives.

6.5.4 City Development Strategy 2004

The Strategy focuses on issues over a 20 to 30 year term. It identifies the need for action to be taken by all role-players, including the

community, private and public sector. The document has been prepared on the basis of the concepts described in the NSDP. Similarly, it identifies seven key focus areas.

The Municipality is required in terms of this document to "*continue sound management and development of the established urban areas (Tshwane Central, ... South-East Tshwane, ...) by maintaining services and **supporting market driven initiatives** to support the overall development of Tshwane*" (Focus Area 2) (own emphasis)

Focus 3 is also applicable in the present case. Focus 3 reads as follows:

"Strengthening key economic clusters to gain leverage from growth trends in manufacturing, government and business services".

Certain elements are identified as influencing the competitiveness of the City. These include transport and communications infrastructure. This is where the document suggests that economic opportunities should be developed at important intersections. Together with these influences there are benefits where agglomeration of economic activities takes place as is evident in the immediate area around the development site.

On a larger scale, the City of Tshwane forms part of the largest urban conurbation in sub-Saharan Africa and this larger area is an area of national economic importance (also referred to as being part of the economic engine room). Therefore the City of Tshwane Metropolitan Municipality's strategies need to ensure that developments "*...connect Tshwane into the larger national and Gauteng urban economy...*" as well as benefitting the City. The document suggests that the market should be "*...allowed to sustain and grow the dynamic southern regions of the City*" (p 23) where the development site is located.

The document focuses on developing (and maintaining) partnerships with the industry / businesses in the City in order for the City to benefit (p 62). Partnerships are explored in terms of "*...the availability of national research and training institutions in the city to invest in people*", creating opportunities for investment by the foreign trade representatives located in the City; clustering "*...of professional services ... a business networking facilitation approach*" (pp 31 and 32).

As part of its strategy it suggests that "*...projects need to be well co-ordinated internally and **inter-linked with other activities** undertaken by the municipality*" (own emphasis).

6.5.5 Compaction and Densification Strategy – May 2005

This document was compiled as it was "*... necessary to enhance areas of concentration in order to correct the imbalance and increase gross density ...*" (p8) rather than continuing with greenfield developments and uncoordinated focus areas for development.

Areas of specific opportunity are identified and further detailed in the Regional Spatial Development Frameworks. Two of these areas are described below as:

- **High density zones:** "...to be upgraded to be attract(ive)" (p17) to investors. Located where major routes converge and therefore support a variety of different land-uses.
- **Activity spines:** a mix of land-uses dominate. They provide linkages to nodes and thereby attract development. These areas have a higher demand for office space (p19).

It also emphasises that private investment is required in order for the City of Tshwane to be able to develop the City to be sustainable and efficient. To encourage investment by the private sector it suggests the use of incentives and disincentives where necessary and this may include fast tracking / streamlining of land-use applications.

6.5.6 The Tshwane Integrated Environmental Policy Implementation Plan: Jan 2007 (TIEPIP)

This is an important document due to the nature of the existing developments on the property. The TIEPIP strives to "... ensure that the City of Tshwane's five key strategic priorities and eleven guiding principles are executed in an environmentally sustainable manner through continuous integration of environmental considerations therein; and to "...increase Tshwane's competitive edge – making it a city where people want to visit, live in and start their businesses in."(p 7).

6.5.7 The Tshwane Open Space Framework – Nov 2005

The document comprises of three volumes, each with a different focus. Each of the three volumes are discussed below.

Volume 1 defines the different types of open spaces and discusses the existing situation.

- Two types of open spaces are applicable here:
 - **Socio-economic Open Space:** "...includes developed parks such as ... sport facilities ..." (p 66)
 - **"Regional Parks** serve more than one neighbourhood, but are not intended to serve the city as a whole. They include a wide variety of formalised passive and active recreation facilities such as sports fields, ...ideally located on the edges of neighbourhoods at exposed or public locations close to public transport."(p67)
- The document highlights the financial constraints experienced by the City of Tshwane with regards to the maintaining of existing open spaces, as set out below:

"Apart from technical and legal restrictions on sufficient provisioning and development of Open Space, the most

important threat facing the CTMM's Environmental Management Division (and to a smaller extent the Educational Services Division: Sport and Recreation Section, as well as the City Planning Division: Streetscape Management Section) is financial. Financial limitations are preventing the development and maintenance of Open Spaces to international standard. Typically within local government budget allocation, Open Space development and maintenance receive a very small portion of that budget. The political, monetary and fiscal perception exist that Open Space is not a direct income-generating service, nor a basic service delivery imperative."(own emphasis)

- The Harlequins Club is described as one of the "...well developed Sport Stadia..." (p 80). Certain sports venues in the immediate area are identified as amongst the city's main sporting venues. It is important to note that the existing sports facilities will merely be repositioned on site as sport is the very reason that the development has been proposed, in order to allow for the funding of same through the development of the township.
- "Certain organized sporting events, such as rugby, football, running and cycling races, triathlons and similar sanctioned events can generate hundreds of thousands to millions of Rands to a local economy from a single organized sporting event." (p 83).
- Other challenges that the document highlights with regards to the providing and maintenance of sports facilities by the City of Tshwane are:
 - **"School sport:** A comparison of the quality and quantity of sport facilities at schools shows a glaring disparity between the previously white and previously disadvantaged schools. Sport facilities at schools in the township and rural areas are few, and at present the CTMM is intervening where possible, to assist in the scraping of informal soccer fields on vacant school sites. This lack of school infrastructure places increased pressure on recreational parks developed in such areas.
 - **Club Sport:** Amateur sport has felt the impact of general maintenance cost increases and decreases in the subsidisation of their sports by National Government and relevant federations. This has led to clubs exploring alternative methods of augmenting their income to remain viable entities. The identified methods of additional income generation are often not in support or related to the landuse zoning of their facilities. Income generation by means of ... the establishment of office parks and operation of restaurants / pubs on the club grounds, are some examples of alternative sources of income." (p 100-102)
- Open space is seen as being one of the "...critical components of any strategy to attract new economic development, as well as to assist

business retention and expansion efforts. Increased spending on parks and recreation-related activities can become a major economic driver and thus assist in attracting new businesses.”(P 58)

Volume 2 classifies existing open spaces in the City.

- The farm of Groenkloof 358-JR has been included in "*Region 8: Central Section*" and the area around the development site has been earmarked as a brown node comprising of the following landmarks: "*Harlequins, SARS, CBC, Old Boys, Gauteng North Tennis HQ, Virgin Active*" (ps 26-27; 38). A brown node is further described as including "*...formalised recreational Open Spaces, (such as ... sport facilities) as well as socio-economic centres (such as urban cores).*" These nodes are of value due to "*their socioeconomic function in terms of recreation, socialising and community interaction as well as their potential for economic development...*"(p 28)
- "*Regional open spaces (Community / District Parks) are defined as being "...open Space specifically designed and equipped for large-scale structured recreation. Includes ... field sport facilities"* and could include "*...both indoor and outdoor facilities*" comprising of "*cricket, rugby ...*". It has the function of being "*...externalised, public and highly visible. Essentially enhances the experience beyond the private, semi-public, and public domain...*" where it is flexible to be able to accommodate a variety of activities. It "*...attracts regional activities, events and sport matches.*" These spaces are normally located "*...on the edges of neighbourhoods at exposed, public locations and along major Roads.*"(p 16).

Volume 3 details the implementation strategies.

- "*This strategy addresses the available alternative service delivery partnerships and mechanisms, given financial resource constraints, which can be implemented to ensure the realization of the Tshwane Open Space Network...*"(p 22).
- It further highlights that "*...more and more financial demands are made on local government as cities and residents' needs grow and the focus on local government as developmental agent increases. ... In light of increasing demands and decreasing financial ability, the CTMM has to prioritise. Open Spaces are not typically seen as an essential service and therefore funding for Open Space development and maintenance remain grossly insufficient, resulting in deteriorating maintenance standards and limited, selective park development.*" The document suggests that partnerships be developed between local government and all available institutions are essential to address limited resources. It suggests approaching public, parastatals, institutional, private, NGO and CBO³ groups.

³ CBO - Community Based Organisation

6.5.8 State of the capital address, 14 May 2015

Mayor Kgosientso Ramakgopa titled his State of the Capital address as *"remaking the people's capital through radical economic transformation and spatial justice"*. He uses four themes to describe the successes and shortcomings of the Municipality, i.e. *"... (i) detailed measures to impel radical economic transformation; (ii) specific measures to forge spatial justice; (iii) matters related to equitable access; and (iv) measures to ignite and sustain the culture of excellence."*(p4)

- He highlights the importance of the adopted Tshwane Vision 2055. It is seen as the *"local expression"* of the ideals found in National and Provincial policy documents. It is also the guide to changing the trajectory of the capital in line with the *"yearnings"* of its citizens. It is aimed at breaking the cycle of *"underdevelopment"* and to *"transform, remake and build a cohesive and adaptable society"*.
- The Mayor confirms that the right to decent work is contained in the Constitution as a fundamental human right. He indicates that to address unemployment the Capital has committed to create opportunities through the attraction of investment to Tshwane.
- He recognises the need to create partnerships with the private sector *"...as the government is not the only player in the economy"* in order to share the country's wealth and the responsibility for creating work and security.
- The Mayor highlights the importance of the Municipality to be innovative in its manner to finance *"exponentially growing infrastructural deficits"*. This included the selling of council owned land so as to alleviate the pressure on the Capital's residents to fund growth.
- Another way to optimise the Capital's real estate is to ensure that property rental fees are in line with market-related rates. Currently a number of the council land that is leased is done so at a nominal fee. The Capital is continuing to explore alternative ways to dispose of or lease its land with optimal utilisation for the benefit of its residents.

The present project is being proposed as another way for the Council to generate income and share in the profits of a private sector initiative without forfeiting assets. At the same time benefit the community in terms of the enhancement of existing facilities.

- The Mayor went on to say that *"... trade and investment are vital ingredients ..."* in expanding the economy. Furthermore the Municipality has heeded the call from *"...business to create an investor friendly climate..."* to *"...catalyse growth and development across Tshwane"*.
- The Mayor also mentioned the revitalisation of the Inner City and being the catalyst for major projects in the pipeline.

6.5.9 Regional Spatial Development Framework: Region 3, 2013 (RSDF)

The document adopted by Council on 27 March 2014 reconfirms that Harlequins and the Gauteng North Tennis HQ are seen as *existing* "... significant recreational open spaces ..." (p 35). It also confirms that the areas in proximity to the Inner City and the Brooklyn Metropolitan Node are "constantly under pressure for development" and this results in the access roads leading to the CBD being subject to the "...intrusion of non-residential uses." (p 37).

The document also highlights a number of nodes that are "important on a regional and local level." (p44) Two nodes are relevant here, i.e. the:

- "Brooklyn **Expansion**: Existing node can expand up to Florence Ribeiro Street..."; and
- "Groenkloof **Renewal strategy**: Expand Upgrade, renew and revitalise existing facilities" p 45

It briefly describes the Local Spatial Development Frameworks applicable in this area and mentions how these fit into the RSDF.

- Groenkloof Spatial Development Framework (2005) which is only applicable to the area south of George Storrar Drive and therefore not applicable to the development site. Furthermore it has been withdrawn and replaced with the contents of the RSDF.
- Brooklyn Node Spatial Development Framework – is currently a draft "to be used as a guideline". This document is also not applicable to the development site but discussed in broad terms in para 6.5.9 *infra*.

In support of the MSDF discussed above certain principles are highlighted. These include:

- Mobility spine
These serve intra-metropolitan traffic by linking the Metropolitan Activity Areas with each other and "...trends indicate pockets of mixed use developments locate alongside" (p 53) but developments are more concentrated at intersections. Traffic flow should not be hampered as it serves inter-regional and metropolitan movement. Infrequent direct access is permitted but service roads are preferred, excluding sections through the Brooklyn Node.

The nodal and corridor map indicates Florence Ribeiro Drive as an example.

- Florence Ribeiro Drive is described as being part of the public transport network and having a mobility function and connects nodes. Non-residential land-uses are recommended along it at nodes and selected intersections.

- Florence Ribeiro Drive is furthermore described as being located in a linear zone for linear residential densification. The Pretoria Sports Union lease area is also demarcated as being a mixed-use zone. The present application is therefore in line with the provisions of the RSDF.

6.5.10 Local Spatial Development Plans

- **Sports Precinct Plan**

The CTMM City Planning Department has prepared a Sports Precinct Plan for the area around the subject property to inform its decisions on applications like the present one.

[FIGURE 8 : SPORTS PRECINCT PLAN]

The essence of the Precinct Plan has been incorporated and reiterated in the current RSDF for Region 3.

- **The Brooklyn Node SDF, June 2007**

"A plan for the Brooklyn Node was commissioned by the CoT in terms of which development applications are considered. The plan is generally accepted as being supportive of the broad goals and objectives of the Regional Spatial Development Framework."(p 75 of the RSDF).

The Brooklyn node is viewed as being a very important high-order activity node *"...comprising of retail, offices, entertainment, open space and residential uses which mainly developed around the Brooklyn circle as focal point. Over time the node has evolved and expanded both to the east and to the west. Expansion opportunities to the east are however limited, hence there is increasing pressure for the node to expand to the west..."*(p 4). This specific node is fast becoming the second largest financial zone of Gauteng and is seen as part of the educational heartland of the metropolitan area, according to the RSDF. Furthermore is it a decentralised node that supports the Inner City and the other Metropolitan Cores. Due to its nature it has become the focus of large-scale public investment *"... as identified in the City Strategy, the Urban Development Zone and the Tshwane Inner City Development Strategy..."* (p 16).

Currently the study area is bounded by Florence Ribeiro Drive to the west, excluding the development site. *"...The western border links onto Groenkloof to the south and Lukasrand to the north, while the central part of the western border links to the Harlequins Sports Club, Pretoria Sports Club and the CBC Old Boys sportsfields."*(p24)

The document recommends that the area *"...between the existing Brooklyn node and west of Queen Wilhelmina Drive (New Muckleneuck) could be considered for future mixed use."*(pp 16 and 17). It also recognises that office uses occur outside the demarcated Brooklyn Node *"... in the new office node between the Austin*

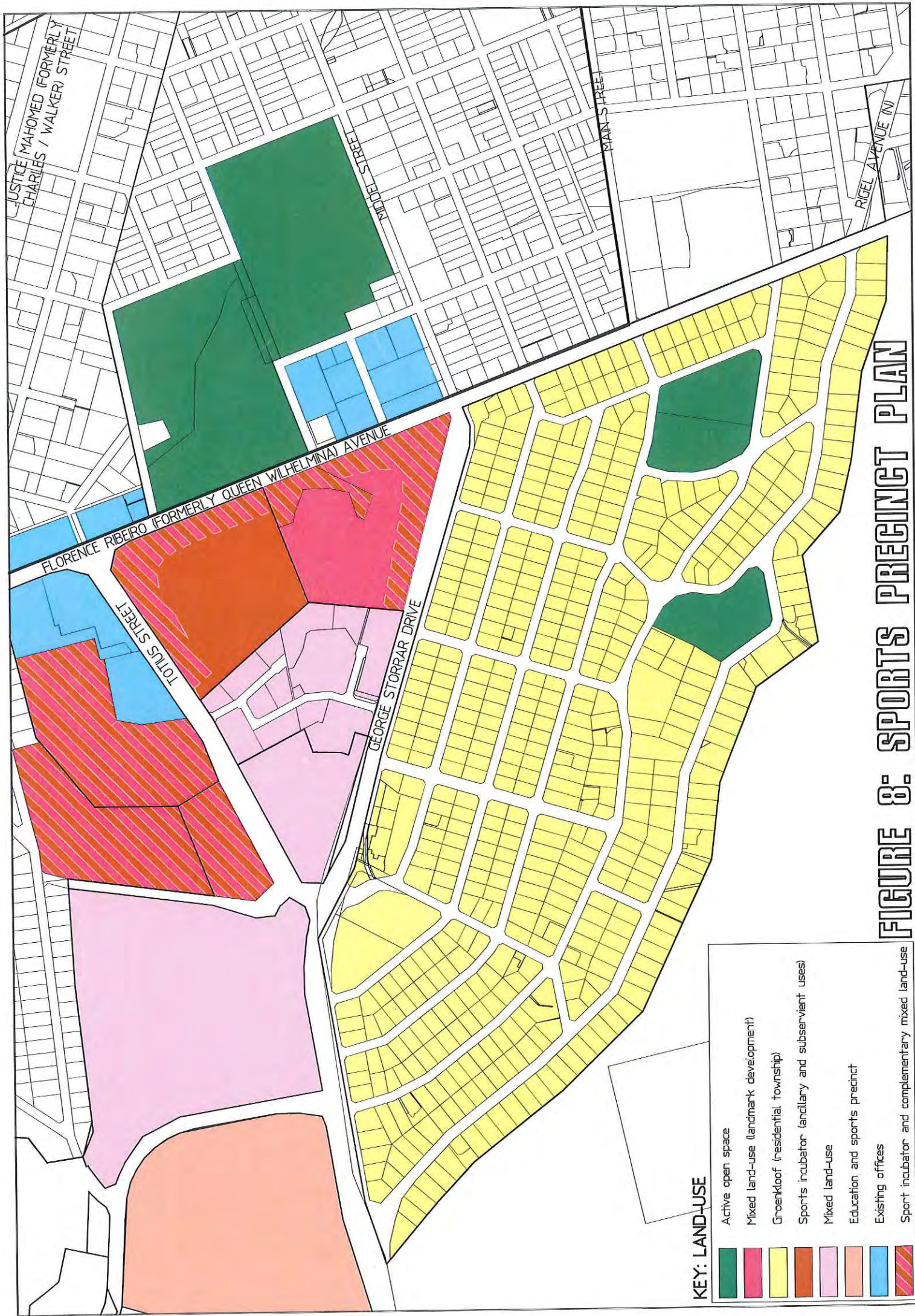


FIGURE 8: SPORTS PRECINCT PLAN

Roberts Bird Sanctuary and Queen Wilhelmina Drive towards the west.”(p 25)

Interestingly it mentions that Tshwane is in the process (at the time of compiling the document) to alienate *“...the Sports and Recreation facility on the corner of Tram Street and Middel Street (the Magnolia Runners Club and the Muckleneuk Tennis Club). The facilities are to be re-established in the area between the Blue Crane restaurant and the Diving Centre on the Trim Park premises. The existing Sports and Recreation site is earmarked to be redeveloped for a mixture of retail, office and residential uses.”* (p 26). Although the present application is dealing with the proposed redevelopment of a portion of the existing sports facilities, it is important to note that the development will not comprise of the alienation of the Property.

The document goes on to mention that *“...the demarcated Brooklyn Node is almost developed to its full capacity. Office ... uses ... also occur widely around the node, with the main concentrations being between Tram Street and Queen Wilhelmina Drive to the west”* (p 27). *“Mixed uses have been approved for part of the CBC Old Boys Club...”*(p 29). This confirms the changing character of the area.

From an engineering services provision viewpoint the document also indicates that *“...there are no significant constraints pertaining to the future expansion / intensification of the node from a water, sanitation and electricity provision point of view.”*(pp 40 and 41)

As part of its development framework it recommends the consolidation and integration of partial / full inclusion of the three existing high pressure areas into the Brooklyn Node as well as suggesting that land-uses be intensified in the node based on the existing infrastructure capacity. Furthermore it promotes the *“...active / optimum utilisation of the Open Space System in the study area in order to protect it from surrounding land use pressures...”* and facilitation of office uses *“...along the major transportation routes where there is a natural propensity towards development, e.g. Queen Wilhelmina Drive”*(p 42). By incorporating the high pressure area along Florence Ribeiro Drive and recommending it for office development it is proposed that it would facilitate an easier process for the traffic engineers to be in a position to consolidate and manage accesses and access standards.

Most importantly, two areas are highlighted in the document that are applicable to the present application:

- *“... although this area falls outside the official Brooklyn Node, it is suggested that the principle of allowing office development along the eastern side of Queen Wilhelmina Drive also be applied to the row of erven abutting Queen Wilhelmina Drive between Mackie Street and Magnolia Dell. The main motive would be to protect the residential areas across the Walker Spruit to the east, and to strengthen*

*Queen Wilhelmina Drive as a metropolitan corridor. This row of erven can be developed as offices or high density residential developments. ... The aim is to ensure that Queen Wilhelmina Avenue gains the appearance of a boulevard **spatially defined by stately buildings.**" (p 44). (own emphasis)*

- *"Rather than alienating publicly-owned land, complimentary (sic) uses could be considered to ensure optimal utilisation of parks and recreational areas. This could include hospitality uses such as sport clubs, coffee shops, restaurants, conference centres, ... or similar uses permitted by the local authority. These uses should only be permitted with the consent of the local authority and should not limit public access to parks and recreation areas. Coverage of buildings should be limited (a guideline of 20% is proposed) to ensure that the function of open space is retained" (pp 55, 56).*

6.6 SYNTHESIS

It may be concluded from the review of the above-mentioned documentation that the development as proposed in the present application can be supported and is in line with the goals and strategies of the different spheres of government with regards to *inter alia*:

- The need to create additional opportunity areas of highest-potential similar to existing nodes and surrounding areas;
- Integration of office developments with other land-uses to create a diversified and sustainable city;
- Allowing development in an effort to conserve and support land-uses such as sports and recreation;
- The development of partnerships with government and promotion of investment by the private sector in order to grow the economy;
- In-fill development where similar or compatible land-uses already exist in order to support each other and to strengthen identity and legibility;
- There is a need to accommodate business and sport-related tourism;
- To create sustainable employment opportunities; and
- Containing development and better utilisation of existing land and other scarce resources.

7. MERIT OF APPLICATION

7.1 PRECEDING SECTIONS

Many of the aspects underpinning the merit of the application have already been dealt with in earlier sections of the memorandum. It is therefore important that the memorandum be read in its entirety for a full comprehension of the need / necessity, desirability and sustainability of the development proposal and the township establishment application as vehicle for approval of same.

7.2 NEED / NECESSITY

7.2.1 Pretoria Sports Union

The Pretoria Sports Union has identified the need for the development of a part of the lease area property for a variety of reasons. Some of these are the following:

- * The maintenance and care function of the sports facility of the CTMM has over the years diminished due to the developmental responsibilities of Municipalities and more important priorities to *inter alia* provide basic infrastructural services, health services and housing to indigent, vulnerable communities.
- * With the Pretoria Sports Union's sport and recreation facility deteriorating it became increasingly difficult to attract high-level provincial and national competitions.
- * The Pretoria Sports Union's mission and desire to elevate South African sport, rugby and cricket in particular are thwarted due to persistent financial constraints.
- * It's desire and responsibility to embrace the promotion and development of sport in marginalised and poor communities could never be achieved satisfactorily and the Pretoria Sports Union simply had to find a way to finance these very important socio-cultural actions. Developing part of its lease area property in a responsible and beneficial way ultimately proved to provide the solution.

Not only will sports development programmes be championed by the proceeds of the township development project, but also will the twinning of sports clubs in affluent and less well-off areas receive priority attention, with concomitant skills transfers and skills development in the coaching and other related fields of cricket and rugby in particular.

- * The improvement of the Pretoria Sports Union's facilities and the raising of awareness levels of its mission and vision will be for the general good. The hosting of national academies has the potential to not only enhance the image of Tshwane as capital city of the country and gateway to Africa, but to also induce the injection of substantial sports-tourism spending in the economy of the City.
- * The improvement of facilities on the Pretoria Sports Union's lease area property, increased awareness levels and a repositioning of focus will see the Pretoria Sports Union becoming one of the

prominent key sporting components serving to reinforce the wider sports precinct in which it finds itself. This will only be possible through financial liberation of the Pretoria Sports Union by way of the anticipated proceeds of the partial development of its lease area property.

- * The locality of the Pretoria Sports Union lease property in close proximity to less well-off areas like parts of Sunnyside and residential uses in the CBD will serve the envisaged aims of upliftment and social integration and cohesion well. It is also centrally located in relation to the rest of Tshwane for ease of access by further-lying clubs and communities to be made part of the sports promotion and development programme.
- * With the finances of the Pretoria Sports Union under constant pressure and with a proven need and desire to invest in the development of sports to ensure mass participation by the youth of all walks of life and the establishment of vibrant, growing and sustainable clubs across the City in especially previously marginalized communities, the financial advantages to flow from the partnership between the developer and the Pretoria Sports Union (and the willingness and supporting role of the CTMM in this regard) will ensure the ultimate solution to provide in the needs of the Pretoria Sports Union to execute its mandate successfully.

[ANNEXURE 'L' : REPORT ON INVESTMENT FAST-TRACKING & INCENTIVE REQUIREMENT]

7.2.2 Township development

(1) Office use

The need for *inter alia* office space in the particular locality in Groenkloof has been investigated and reported on by messrs Demacom Market Studies ['Demacon'] in a study titled as follows:

"Groenkloof Mixed Use Development Market Study Update. Market Research Findings & Recommendations. June 2015"

The following findings serve to elucidate the need:

- * The development site was awarded a locational rating of 78,3 percent for offices, where 80 percent and higher indicates an exceptional rating and 70 to 80 percent a high rating, confirming that all the most important fundamentals for market-driven office development prevail.
- * The Gap Analysis technique has revealed high development prospects for offices locally.

- * *"Demacon's demand modelling indicated office potential ... of approximately **36 232m² office GLA over the long term (up to 2024)**. Approximately **20 000m² - 25 000m² is recommended over the short to medium term (5-8 years)**. This space includes GLA for offices and related facilities, but excludes parking, storage and basements."* (p12)

Since the present application comprises a total of 25 500m² GFA for offices it follows that there is a proven need for same.

- * Demacon advises that the property market for offices in the area would be ready to absorb the supply of up to 50 757m² GLA office space by around 2017/18. It continues stating that:-

"(t)he demand results portray forecast growth in demand, given prevalent and historic growth rates. Firm commitment from a larger tenant / grouping of tenants may increase the GLA ultimately occupied."(p12)

The study concludes by recommending the office-use of the site for implementation purposes.

(2) Medical day clinic

The mentioned study by Demacon applies to the alternative use of the subject property for purposes of the establishing and operating of a private day clinic. Their findings in this regard, with specific reference to the need / necessity for a new private day clinic in the particular area, are summarized as follows:

- * The development site was awarded a locational rating of 79,6 percent, where a rating of between 70 and 80 percent is considered to be high, confirming the prevalence of most of the important fundamentals for the successful implementation of a clinic development in the area.
- * The development prospects for a private day clinic facility in the particular area is considered to be moderate to high based on a confirmed 'effective market gap'.
- * Pursuant to its market modelling results, Demacon affirms the following:

*"Given the rate of market growth, market potential for a new private day clinic at the specific location amounts to **51 beds in 2015** increasing cumulatively to **64 beds in 2025**."* (p14)

The study concludes by indicating that a private day clinic of 50 to 65 beds is recommended within the next 10 years with optimum market entry being 2017/2018.

(3) Synthesis

The results of the Demacon study confirm the suitability of the locality of the site to be high for both of the land-use activities being proposed, *viz* offices and medical day clinic. There exists a need for both offices and the medical day clinic facility in the short term already.

The reader is strongly advised to consult the Demacon study which forms an integral part of the present application for more information on the matter of need / necessity of the proposed offices and medical day clinic uses as being envisaged.

7.3 DESIRABILITY AND SUSTAINABILITY

7.3.1 Future planning

The desirability and sustainability of the project in terms of the future planning at municipal and local level has already been addressed under para 6.5.

7.3.2 Land as scarce resource

One of the underlying realities of contemporary townplanning is the scarcity of land as a non-renewable resource for development purposes, and the necessity (and responsibility) to utilize such land to its highest-and-best potential. This has been addressed under para 6.3.4 where the development principles contained in SPLUMA are discussed.

7.3.3 Accessibility

The development site is highly accessible by means of the following high-order roads:

- * Florence Ribeiro Drive between Justice Mahommed Street (north) and Rigel Avenue (south);
- * George Storrar Drive from the Ben Schoeman Highway, Nelson Mandela Drive and Elandsport Road (west) *via* Totius Street up to the site (east);
- * Middel Street, from Stanza Bopape Street (north / northeast) *via* Jan Shoba Street through Hatfield to the Brooklyn circle, and to Florence Ribiero Drive westwards up to the site. Pretorius Street, Francis Baard Street, Burnett Street, Brooklyn Road, Lynnwood Road and Justice Mahomed Street are all crossing Jan Shoba Street, further enhancing accessibility to the site from further lying-parts of the City.
- * Totius Street as a link from George Storrar Drive and Florence Riberio Drive.

The site is furthermore easily accessible by public transport from both the nearby Brooklyn Node and Sunnyside, and with a little more effort from the Tshwane CBD.

7.3.4 Civil engineering services

Messrs BVI Consulting Engineers Gauteng (Pty) Ltd ['BVI'] have investigated and reported on the availability of bulk civil engineering services to the development project. The resultant report has been appended hereto as Annexure 'M' and is titled as follows:

"Groenkloof Extension 13. Bulk services report on the proposed office development. Revision 2, 2015"['BVI Report']

The CTMM required of the applicant to inform the township application by an investigation / report by its consulting engineers messrs GLS Consulting Engineers on the availability and adequacy of bulk water and sanitation services in the vicinity of the development site. The GLS Report forms an addendum to the above-mentioned report by BVI.

- (1) **Water:** The development site has been confirmed to be located in the Muckleneuk Reservoir Zone, with the Muckleneuk Reservoir approximately 2,2 km away, sponsoring adequate capacity to supply the proposed township with the necessary water.

The GLS Report recommends that 110mm diameter water connection for the Pretoria Sports Union lease area property in Totius Street be upgraded.

The bulk distribution network will require certain upgrades / improvements to provide in the demand for water by the proposed Groenkloof Extension 13 township. The BVI Report states that:-

"The preliminary ... AADD for Groenkloof Extension 13 has been calculated at 205 kl/d with a peak factor of 3,3. This equates to a 7.8 l/s requirement. The fire flow requirement for this development (industrial/business – moderate risk) is 50 l/s @ 15m head." (p2)

For information on the particular upgrades to the area distribution network and the preliminary costing of same, refer to p2 of the BVI Report.

- (2) **Sewer:** Based on a similar investigation / report by GLS Consulting Engineers messrs BVI reports as follows:

- The development falls in the Apies River Drainage area.
- *"A new connection point to the existing 375mm diameter outfall sewer must be installed for the*

proposed development, as well as an additional connection point for the remainder of the Lease Area used by the Pretoria Sports Union ... No servitudes would be required, as both connection points fall outside the boundary area of the proposed development.”(p4-5)

- The township development proposal will be subject to the payment of a bulk service contribution for sewer purposes.

(3) Roads: The BVI Report reiterates the accesses being proposed for the township development and refers to the TIS for the project by EDS Engineers in which the necessary road upgrades have been identified and specified.

For a full disclosure of these road improvements refer to pp 36 to 46 of the TIS by EDS, which include the schematic illustrations of each of the requisite road upgrades. The salient features of these are the following:

- Florence Ribeiro / Boshoff: Additional leg on west to accommodate Groenkloof Extensions 11 and 12
- Florence Ribeiro / Mackie: the access is operating at an acceptable level. When upgraded, an additional leg needs to be added to the west for access to the development as well as two in / out bound lanes to ensure sufficient stacking distances are obtained.
- Florence Ribeiro / Sibelius and Nicolson: Already congested without the proposed development. Recommended that upgrade and signal optimisation are undertaken by the CTMM.
- Florence Ribeiro / Totius: Already congested without the proposed development (especially in terms of the afternoon peak). Recommended that upgrade and signal optimisation are undertaken by the CTMM.
- Florence Ribeiro / George Storrar: Road-widening to accommodate projected 2019 traffic and signal optimisation.
- George Storrar / Schröder: Various options to accommodate projected 2019 traffic, including road-widening (preferred), conversion of intersection to a left-in / left-out only, or signalisation.
- George Storrar / Totius: Already congested without the proposed development. Recommended that upgrade and signal optimisation are undertaken by the CTMM.

- Totius / access to Groenkloof Extension 5: The intersection is operating at an acceptable level at this stage. On-site provision will be made for a sliplane "left-in" from the east and an acceleration lane to the west to ensure a better flow of traffic.
- Totius/ Steger: No upgrades necessary.

(4) Stormwater: The BVI Report discusses the matter of stormwater and stormwater discharge, as well as floodlines for the entire Pretoria Sports Union lease area property in general. A separate stormwater management report has been prepared by BVI dated May 2015 (refer to Annexure 'M')
Of importance to reiterate here are the following:

- * The proposed township area will not be affected by the 1:50 and 1:100 – year flood-lines.
- * Stormwater collected from the proposed township as well as the Pretoria Sports Union lease area property currently drain in the canalised Bloekombospruit situated in the road reserve area for Florence Ribeiro Drive along the eastern boundary of the development site.
- * The Canal along the north-eastern boundary is open and has been appropriately designed to accommodate the 1:50 and 1:100 – year floodlines within its confines.
- * Drainage of stormwater over both the development site and the remainder of the Pretoria Sports Union's lease area will be by means of surface drainage systems.
- * Three stormwater drainage systems will be used here,
 - An attenuation pond for the collection of stormwater which can be used for fire-fighting and irrigation purposes;
 - Earth and / or concrete channels to divert stormwater; and
 - Channeling and pumping of runoff from roofs to existing channels.

For more information on the detailed proposal for on-site stormwater handling, refer to pp 7 to 9 of the BVI Report.

[ANNEXURE 'M' : CIVIL ENGINEERING SERVICES REPORT]

[ANNEXURE 'N' : STORMWATER MANAGEMENT PLAN]

7.3.5 Electrical engineering service

Messrs SVR Consulting Engineers CC approached the CTMM to confirm whether there is sufficient capacity in terms of electricity for the development. The proposed development requires 2 040kVA. It is located in the Lynnwood substation supply area.

The CTMM: Electricity Department confirmed that it would support the proposed development concept presented to it and the network upgrades required in the area for the present and future developments.

The upgrades required includes a new satellite substation (12 000kVA) on the corner of Herbert Baker Street and Florence Ribeiro Drive and will be fed by the Aries Primary Substation. According to the report received from the electrical engineers, the developer will contribute towards the installation of the switch gear at the satellite substation and the supply cables between the new and existing substations. Certain rerouting of cables will also be done to relieve pressure on the Groenkloof network that is currently being experienced.

[ANNEXURE 'O' : ELECTRICAL SERVICE REPORT]

7.3.6 Geological conditions

An investigation by messrs Louis Kruger Geotechnics CC of the geological conditions underlying the development site titled:-

'First report on the engineering geological investigation for the proposed new township situated on a certain portion of Portion 117 of the farm Groenkloof 358-JR' (July 2011);

forms part of the application documentation and is included as Annexure 'P' to the memorandum.

The report confirms the presence of extensive development on the site in the form of sports fields and associated infrastructure currently utilised by the Pretoria Sports Union. Consequently it was impossible to dig test-pits on site, and was the decision taken to approach the investigation in two stages, *viz* :-

- (1) Pre-proclamation stage: To utilize information gathered and analysed previously on near-by sites in the vicinity of the subject property, augmented by literature, geological maps, etc. applicable to the locality and situation, to reach a conclusion on the suitability of the site for development purposes.
- (2) Post-proclamation / development stage: Once the township has been proclaimed and preparatory site works commence (i.e. the excavating of the fill over the development site), the pre-proclamation investigation will be informed to a greater level of detail. It is foreseen that all the playing fields that are currently located on the part of the property that is subject to the present township establishment application will make way for the two

parking basements to be installed on site. With the *in situ* bedrock being exposed, more detailed site-specific soil-testing will be undertaken before finalizing the engineering design for *inter alia* the foundations of the office / day clinic complex.

The provisional NHBRC classification of the site geology is conservatively zoned "Zone P (fill, perched water table)-C2-S2" (p 7). This is as a result of the following assumptions:

- Collapsibility: Intermediately favourable – Any collapsible horizon or consecutive horizons totaling a depth of more than 750mm in thickness.
- Seepage: Most favourable to intermediately favourable – Permanent or perched water table present.
- Active soil: Intermediately favourable – Moderate soil heave predicted.
- Soil compressibility: Intermediately favourable – Moderate soil compressibility expected.
- Soil erodibility: Intermediately favourable – Intermediate erodibility expected.
- Excavation difficulty: Most to intermediately favourable – Scattered to occasional boulders less than 10% of the total volume, interspersed with rock or hardpan pedocretes between 10 and 40% of the total volume.

Due to the absence of dolomite and the presence of predominantly shale in the area around (and below) the site, the report concludes that the employing of appropriate engineering solutions to ensure safety and protection of buildings and other structures will *ceteris paribus* suffice for the purposes.

The applicant accepts the recommendations in the report and is committed to adhere to these during the implementation stage.

[ANNEXURE 'P' : FIRST GEOTECHNICAL REPORT]

7.3.7 Environmental sustainability

The part of the Pretoria Sports Union lease area property on which the township will be established sponsors no environmental sensitivities. It has been completely transformed and presently hosts a number of sports fields and associated structures positioned on localized levelled platforms.

Due to the presence of the stormwater feature along the north-eastern boundary of the overall lease area property (outside the township boundaries) an independent environmental practitioner has been appointed (LEAP Environmental Consultants) to undertake an

environmental authorization process (Basic Assessment) in terms of the activities listed in the Regulations, 2010 to NEMA. LEAP has prepared a summary on environmental matters to inform the township establishment process titled:

"Groenkloof Office Development (Pretoria Rugby Union lease area): Environmental Aspects Summary" October 2014

[ANNEXURE 'Q' : ENVIRONMENTAL SUMMARY REPORT]

The report concludes with the following:

"It appears that the proposed site as a whole has no natural habitat remaining, as per GDARD's C-Plan 3, satellite images obtained from Google Earth and the Assessment completed by Scientific Aquatic Services, and that the proposed site has been severely transformed.

It is therefore not regarded as a protected area or having high significance.

Specialist environmental studies have been conducted to confirm the aforementioned"(p4).

It is also important to note that the applicant has commissioned messrs African Heritage Consultants cc to undertake a phase 1 cultural heritage resources impact assessment. The report concludes that the sports fields and clubhouse fall outside of the jurisdiction of the National Heritage Resources Act, 1999 (Act 25 of 1999).

7.3.8 Contextual milieu

As is evident from Figure 9: Land-use Plan (overleaf), the area where the subject property is situated, is a truly mixed-use area.

[FIGURE 9 : LAND-USE PLAN]

Land-use activities vary between shops, retail, commercial, offices, and residential. A conglomerate of major shopping and commercial centres, office blocks / parks and medium / high-density residential uses are found to be concentrated in a radius of less than half a kilometre around the application site.

The applicant has assessed the desirability of the development proposal in spatial context (i.e. \pm 1 km radius around the site) and its potential impact on surrounding land-uses.

- **North-east and north-west**

This area comprises of a mixed bag of land-uses varying from public open space, single residential uses, a school, embassies / consulates, offices, local shopping centres and business premises. Directly opposite Florence Ribeiro Drive are a number of

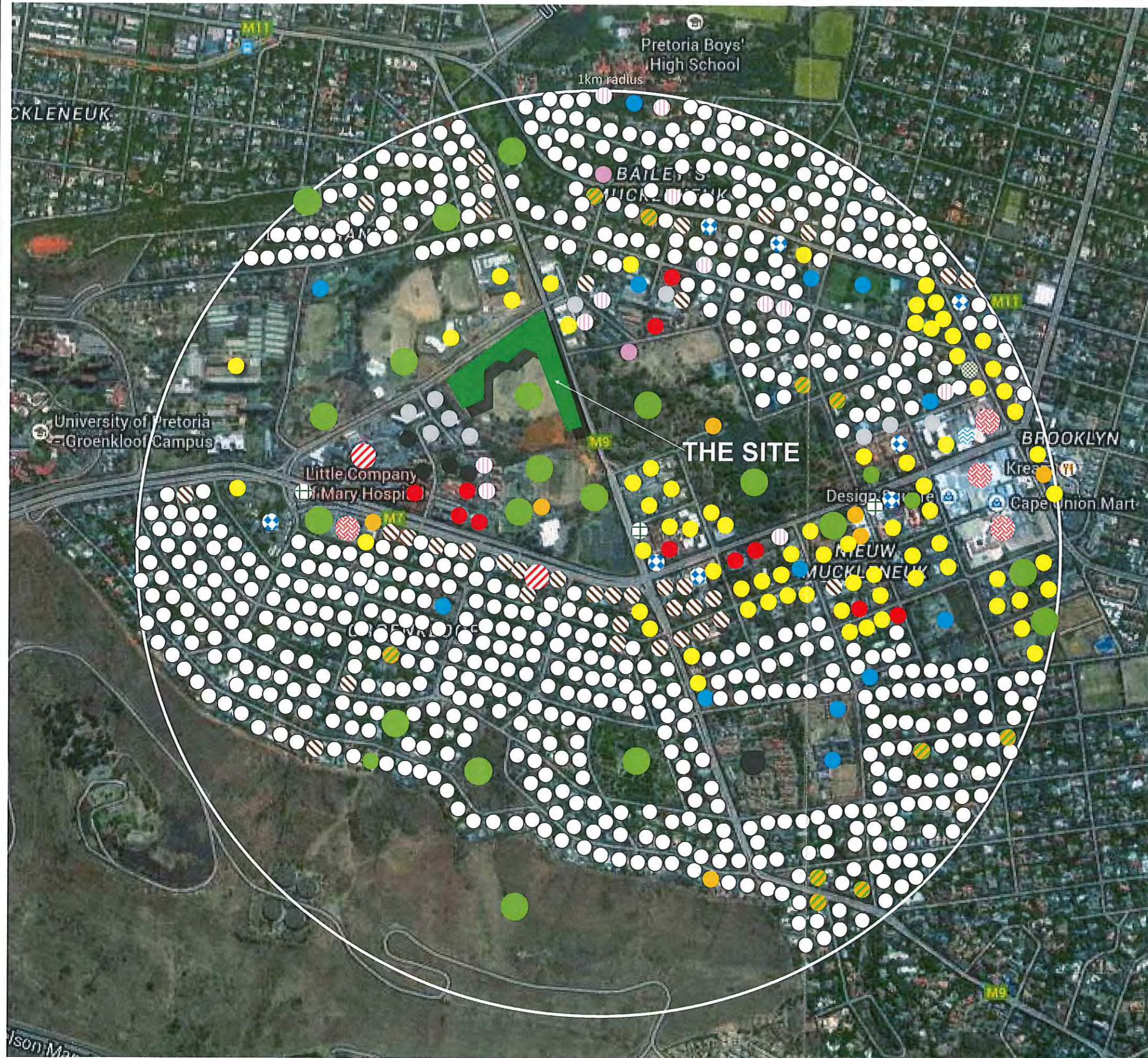
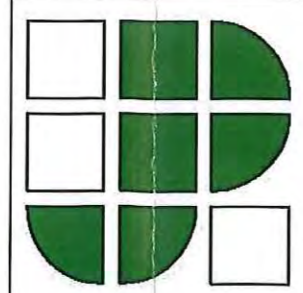
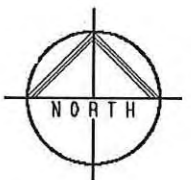


FIGURE 9: LAND-USE PLAN

PROPOSED TOWNSHIP ESTABLISHMENT ON A CERTAIN PART OF PORTION 117 OF THE FARM GROENKLOOF 358-JR

- Park / recreational area
- Offices
- School
- Embassy / consulate
- Assisted care home
- Restaurant
- Art gallery
- Flats
- Single residential
- Townhouses
- Group-housing
- Business
- Fuel station
- Shops
- Dealership
- Substation
- Guesthouse
- Clinic



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established as well as newly developed / under-construction office blocks / complexes as well as the Trim Park.

This area has been largely earmarked in the RSDF for Region 3 as open space, linear zone and suburban densification with pockets of educational, shops and mixed-use. The land-uses permitted within these predominant areas are as follows:

- Open space: recreational and sport facilities as well as nature reserves, ridges, mountain ranges and watercourses.
- Linear zones are 200m strips along public transport / strategic routes where densities up to 80 dwelling-units per hectare are supported in accordance with the Compaction and Densification Strategy.
- Suburban densification zones allow for densification of the existing suburban areas up to 25 dwelling-units per hectare with exceptions at certain nodes and intersections where densities of up to 200 dwelling-units per hectare would be permitted.

The proposed development is foreseen to have a negligible impact on land-uses within this area. The area is already in a process of change especially along Florence Ribeiro Drive where offices are proliferated and interspersed with community facilities. It is expected that the proposed development will enhance the area in terms of creating a landmark at an important intersection and will complement the business node.

The impact of existing and future uses in the area up to a kilometre north of the development site will not have any noticeable impact on the proposed development. Special care will in any event be taken to ensure the street facing facades are aesthetically pleasing and appropriate landscaping will be used to complement same along the street with pedestrian walkways.

Florence Ribeiro Drive is already a busy road with a mix of commercial and residential traffic. Thus the proposed development will have minimal impact in terms of the additional trips generated and the associated noise and air pollution. Accesses have been carefully planned to ensure that ingress and egress will be safe. Currently the streetscape along Florence Ribeiro Drive at this position does not create a positive sense of place or identity and the proposed development will change that where the structures will have an aesthetically pleasing interface as well as through proper landscaping of the sidewalk area.

- **South-eastwards**

The south-eastern parts of the area in which the proposed township is located comprises of offices, single residential, shops and a school, similar to the area to the north-east.

The south-eastern part of this area is the subject of the draft Brooklyn Spatial Development Framework which looks at this area in more detail. According to this document the areas adjacent to Florence Ribeiro Drive and the southern part are seen as the core area where densities of 80 dwelling-units per hectare would be supported. It also indicates open space and demarcates it specifically as Public Open Space. A density of 40 dwelling-units per hectare are encouraged along Justice Mohamed Street and along Nicolson Street (suburban densification at a minimum of 25 dwelling-units per hectare). A few smaller pockets of medium density exist where 20 to 40 dwelling units per hectare can be erected.

The proposed development is foreseen to have a negligible impact on land-uses within this area. The area is already seen as a core area where mixed-use and business premises are permitted and has a certain vibrancy which is attractive to a cosmopolitan lifestyle. It is expected that the proposed development will enhance the area in terms of creating a landmark and will complement and round off the business node.

The impact of existing and future uses in the area up to a kilometre south-east of the development site will not have any noticeable impact on the proposed development.

Special care will in any event be taken to ensure the street facing facades are aesthetically pleasing and appropriate landscaping will be used to complement same along the street with pedestrian walkways.

- **Southwards**

The area to the south of the development site (up to a kilometre) is predominated by residential uses, limited public / community facilities (Virgin Active gym, sports fields and tennis courts) and business premises (converted dwelling-houses), a local shopping centre. The proposed development will support the mixed-use principle in a sensible way, i.e. being situated along a high-order road adjacent to an office corridor.

The area immediately south of the property is earmarked in the RSDF for Region 3 as mixed use and south of George Storrar Drive as linear zone with suburban densification further south and a line of low density residential along the public open space / nature reserve property. The area south of George Storrar Drive was also the subject of the Groenkloof Spatial Development Framework which has subsequently been withdrawn and replaced by the principles and recommendation in the RSDF.

Due to the distance between the residential neighbourhood of Groenkloof south of George Storrar Drive and the development site, these residential properties will not be impacted in anyway by

the proposed development. The existing residential properties south and west of the development site, which are in closer proximity, will also not be detrimentally affected by the proposed hotel / clinic / office complex as the latter will be located along the road-reserve boundary areas and the existing sports facilities (although repositioned on the lease area / remaining part of the property) will act as a buffer to the residential land-uses.

- **South-west / westwards**

The area south-west / westward of the development site comprises of the following land-uses:

- Gymnasium (Virgin Active);
- Restaurant (Tuscan BBQ);
- Children's home;
- Old age home;
- Hospital; and
- Offices (SABS).

The adjoining sports and recreational land-uses (on Municipal land) will remain as is unless redeveloped in the future. The Municipality as well as the residents in the area are keen to have these facilities kept as is, for their recreational benefit. The applicant is also keen that these land-uses remain, improved to comply with international requirements and standards.

The privately owned properties in this area can be expected to come under increased pressure for redevelopment purposes, either for non-residential purposes to capitalise on the advantages of a locality within a short distance of the highly accessible Ben Schoeman Highway and for the agglomeration economies on offer in support of the recommendations and vision for the area.

There will be no additional traffic generated by the development which will traverse the residential area and potentially threaten the amenity and safety of the area.

- **North-westwards**

The immediate area is characterised by a mix of sports / recreational facilities as part of the larger sports precinct over Municipal property and office parks as well as a school. Further westward is a single residential area.

The proposed development will have little or no impact on the adjacent land-uses as it is located along the road-reserve boundary of the development site with the majority of the development along Florence Ribeiro Drive and being developed at natural ground level, i.e. on a much lower elevation to the adjacent land-uses to have an impact.

From a sense of place perspective the current sports fields are only visible from Totius Street at the current access point and this will remain. The proposed development will create a positive visual

experience at the intersection of Totius Street and Florence Ribeiro Drive. The sense of place created by the sports fields at this stage is not unique and will be altered in a way befitting of the area – also from a future planning vision perspective.

Figure 10 confirms the zoning of properties in the area to largely correspond with actual land-uses, confirming the support of the City of Tshwane Metropolitan Municipality for the on-going and escalating re-development of the area in which the application site is situated.

[FIGURE 10 : ZONING MAP]

It can be concluded from the above that neither the proposed office / clinic complex nor the existing land-use activities in the surrounding area would have a detrimental impact on each other. The advantages outweighs the potential disadvantages by far, and furthermore can the latter be mitigated to reduce any such impacts to an absolute minimum.

7.3.9 Spatial sustainability

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

- compliance of the envisaged development with the Development Guidelines of the applicable RSDF (pp 57 to 58); and
- the principles of SPLUMA contained in Section 7 which requires the applicant to demonstrate how the application complies with these.

The RSDF Development Guidelines (pp 57 to 58) state that:-

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

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

The evidence and / or argument for most of these requirements has been provided in Section 5: Development Proposal earlier in the memorandum and para 7.3.4 and 7.3.5 *supra* regarding the provision of engineering services to the township. The development principles contained in Section 7 of SPLUMA along with the objects of SPLUMA and the responsibilities of the municipality and how this impacts on the application proposal are discussed in detail under para 6.3.4 *supra*.

7.3.10 Traffic impact

The traffic impact study by EDS Engineers has investigated eight key intersections around the subject property to determine the impact that

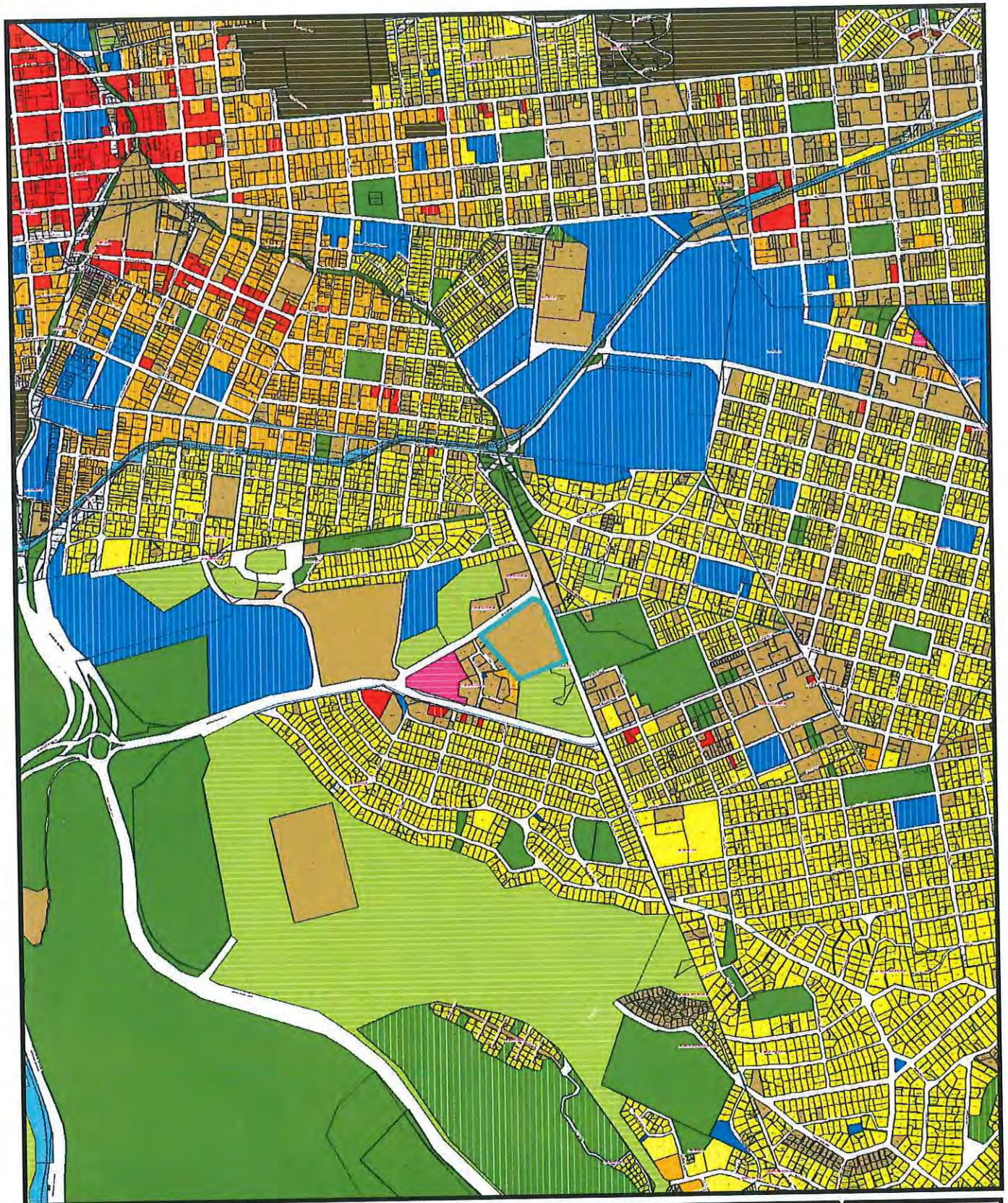


FIGURE 10: ZONING MAP

	Residential 1		Business 3		Municipal		Existing Streets
	Residential 2		Business 4		Government		Proposed Streets and Widening
	Residential 3		Industrial 1		Agricultural		Aerodrome
	Residential 4		Industrial 2		Public Garage		S.A.R.
	Residential 5		Commercial		Undetermined		Cemetery
	Business 1		Educational		Public Open Space		Infrastructure Works
	Business 2		Institutional		Private Open Space		Special



0 100 200 400 600 800
Meters



Compiled by : B Smit
Date : 2014/11/21
Scale : 1:25 000

the proposed new township would have on its level of service. The study also addressed proposed accesses to the development project and the required stacking requirements for queuing vehicles at each.

The cumulative impacts of certain latent development rights were taken into consideration, as well as the existing background traffic and traffic growth over the horizon period adopted for the study. With the future traffic then projected the impact of the proposed development on the surrounding road system and the levels of service of same, serve to inform the recommendations on the required upgrades and road improvements to ensure an acceptable level of service on each in future, after implementation of the project proposal. Section 9 (pp 34 to 43) of the TIS Report deals with the specific road improvements for which the applicant will be responsible, as summarized earlier in the memorandum in para 5.4.1.

The developer will enter into negotiations with the CTMM for a credit against the bulk engineering service contribution payment requirements *in lieu* of the installation of services and upgrading and improvement of roads and traffic control mechanisms, as recommended.

The TIS in Section 10 (pp 44, 45) also deals with the matter of public transport and explains in detail how the site is serviced by taxi & mini-bus taxi services, the Tshwane Metro Bus Service, the Gautrain Service (rail plus feeder bus system) and the Tshwane Rapid Transit Service. It is recommended that the developer construct a public transport drop-off / pick-up layby on the downstream side of the Florence Ribeiro Drive and Mackie Street intersection. It is also recommended that the existing layby at Totius Street near the entrance to the Harlequins Office Park be retained and that the developer constructs public transport drop-off / pick-up layby at the Mackie Street / Florence Ribeiro Drive intersection in the road-reserve of the latter.

A further recommendation requires the implementation of pedestrian sidewalks in the adjacent road-reserves of Florence Ribeiro Drive and Totius Street. The developer will comply with all these requirements and will negotiate a financial off-set against bulk service contribution payments.

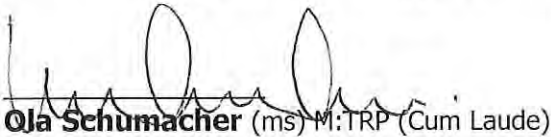
8. CONCLUSION AND RECOMMENDATION

8.1 CONCLUSION

It is evident from the information provided, the findings of specialist consultants and argument offered that there is a proven need for the development proposal on the subject property and that the implementation of the project would be desirable from a townplanning perspective. The applicant has therefore successfully discharged its responsibility in terms of Regulation 18 read with Section 19 of the Townplanning and Townships Ordinance, 1986 to prove the need / necessity and desirability of the development proposal, as well as the sustainability of the project. Furthermore, the application complies with the provisions of SPLUMA, in particular the development principles contained in Section 7 as well as Sections 3 and 42 of SPLUMA, confirming its sustainability unequivocally.

8.2 RECOMMENDATION

In view of the proven need, desirability and sustainability of the proposed township development on a certain part of the Pretoria Sports Union lease area property, the CTMM is hereby urged to award its positive consideration to the application and to approve it as applied for.



Oja Schumacher (ms) M:TRP (Cum Laude)

in conjunction with

J PAUL VAN WYK Pr Pln (A/089/1985)

J PAUL VAN WYK URBAN ECONOMISTS & PLANNERS CC

DECEMBER 2015