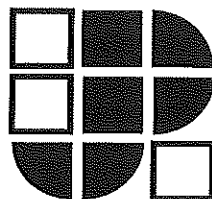


# **MEMORANDUM**

**MOTIVATION OF MERIT OF  
PROPOSED RESIDENTIAL  
TOWNSHIP ON HOLDING 78,  
WILLOWGLEN AGRICULTURAL  
HOLDINGS  
-PROPOSED WILLOW PARK MANOR  
EXTENSION 92-**



*J PAUL VAN WYK*

*URBAN ECONOMISTS  
& PLANNERS CC*

# **MEMORANDUM**

## **MOTIVATION OF MERIT OF PROPOSED RESIDENTIAL TOWNSHIP ON HOLDING 78, WILLOWGLEN AGRICULTURAL HOLDINGS -PROPOSED WILLOW PARK MANOR EXTENSION 92-**

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SEPTEMBER 2020

TSHWANE

# INDEX

<b>CONTENTS</b>	<b>PAGE</b>
<b>1. INTRODUCTION</b>	<b>1</b>
1.1 APPLICATION	1
1.2 PURPOSE	1
1.2.1 Land development application	1
1.2.2 Memorandum	1
1.3 APPLICANT	1
1.3.1 Owner / developer	1
1.3.2 Authorized agent	1
1.3.3 Specialist consultants	1
1.4 JURISDICTION	2
<b>2. PROPERTY PARTICULARS</b>	<b>3</b>
2.1 DESCRIPTION	3
2.1.1 Current	3
2.1.2 Future	3
2.2 EXTENT	3
2.3 LOCALITY	3
2.3.1 Urban context	3
2.3.2 Local context	4
2.3.3 Street address	4
2.3.4 Global positioning	4
2.4 SHAPE AND DIMENSIONS	4
2.5 OWNERSHIP	4
2.6 CONDITIONS OF TITLE	5
2.6.1 Mineral rights	5
2.6.2 Agricultural holding	5
2.7 SERVITUDE	6
2.8 MORTGAGE BONDS	6
<b>3. ZONING AND LAND-USE</b>	<b>7</b>
3.1 CURRENT ZONING	7
3.2 PRESENT LAND-USE	7
3.3 FUTURE LAND-USE	7
3.4 ZONING REQUIRED	7
3.4.1 Use zone	7
3.4.2 Primary use-rights	7
3.4.3 Secondary use-rights	7
3.4.4 Zoning control parameters	8
3.4.5 Draft Amendment Scheme Map & Annexure T	11
<b>4. DEVELOPMENT PROPOSAL</b>	<b>12</b>
4.1 CONCEPT	12
4.2 TOWNSHIP LAYOUT	12
4.2.1 Name and reference	12
4.2.2 Layout plan	12

## INDEX (CONTD)

CONTENTS	PAGE
4.2.3 Street names	12
4.2.4 Official erf-numbers	12
4.2.5 Floodlines	13
4.2.6 Contours	13
4.2.7 Extent	13
4.3 DEVELOPMENT DENSITY & FLOOR AREA RATIO	13
4.3.1 Development density	13
4.3.2 Floor area ratio	13
4.3.3 Official policy	14
4.4 DRAFT SITE PLAN	14
4.5 ACCESS AND PARKING	14
4.5.1 Access and vehicular circulation	14
4.5.2 Parking	15
4.6 COVERAGE AND HEIGHT-RESTRICTIONS	15
4.6.1 Coverage	15
4.6.2 Height	15
4.7 BUILDING SET-BACKS	16
4.7.1 Along Bush Road	16
4.7.2 Other site boundaries	16
4.8 OPEN SPACE	16
4.8.1 Open space and parks	16
4.8.2 Children's playground	16
4.9 SYNTHESIS	17
<b>5. PLANNING POLICY FRAMEWORK</b>	<b>18</b>
5.1 STATUTORY REQUIREMENT	18
5.2 OBJECTIVE AND PRINCIPLES	18
5.2.1 City of Tshwane Land Use Management Bylaw, 2016	18
5.2.2 Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA]	20
5.3 INTEGRATED DEVELOPMENT PLAN	28
5.4 METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK	29
5.5 REGIONALIZED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – REGION 6, 2018.	31
5.6 OTHER POLICIES / PLANS / FRAMEWORKS	39
5.7 CONSTITUTIONAL TRANSFORMATION IMPERATIVES	40
5.8 COMPACTION AND DENSIFICATION STRATEGY, 2005 (CDS)	41
<b>6. MOTIVATION OF MERIT</b>	<b>43</b>
6.1 PRECEDING SECTIONS	43
6.2 NEED / NECESSITY	43
6.2.1 Population growth and migration	43

## INDEX (CONTD)

<b>CONTENTS</b>	<b>PAGE</b>
6.2.2 Affordable housing	43
6.2.3 Need on local level	44
6.2.4 Synthesis	45
6.3 DESIRABILITY & SUSTAINABILITY	45
6.3.1 Accessibility	45
6.3.2 Development context	47
6.3.3 Land as scarce resource	48
6.3.4 Economic development and job creation	49
6.3.5 Topography	49
6.3.6 Section 42 SPLUMA Requirements	49
6.3.7 State and impact of social infrastructure.	51
6.3.8 Public transport	51
6.3.9 Geological conditions	52
6.3.10 Traffic impact	52
6.3.11 Electrical engineering service	54
6.3.12 Civil Engineering services: Water & sanitation	55
6.3.13 Civil engineering services: Roads & stormwater	55
6.3.14 Environmental considerations	56
<b>7. CONCLUSION AND RELIEF SOUGHT</b>	<b>58</b>
7.1 CONCLUSION	58
7.2 RELIEF SOUGHT	59

### LIST OF TABLES

TABLE 1	:	PROPOSED ANNEXURE T ZONING AND ZONING CONDITIONS FOR ERVEN 677 & 678, WILLOW PARK MANOR EXTENSION 92
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### LIST OF FIGURES

FIGURE 1(a)	:	LOCALITY IN URBAN CONTEXT
FIGURE 1(b)	:	LOCALITY IN LOCAL CONTEXT
FIGURE 2	:	TOWNSHIP LAYOUT PLAN
FIGURE 3	:	LOCALITY OF SITE IN CONTEXT OF HIGHER-ORDER ROADS AND EMPLOYMENT OPPORTUNITES
FIGURE 4	:	EXTRACT FROM RMSDF DENSITY MAP
FIGURE 5	:	LAND-USE MAP
FIGURE 6	:	ZONING MAP
FIGURE 7	:	LOCALITY OF SOCIAL & RECREATIONAL FACILITIES RELATIVE TO SITE

## INDEX (CONTD)

### CONTENTS

### PAGE

#### LIST OF ANNEXURES

ANNEXURE 'A' :	CLOSE CORPORATION RESOLUTION, CIPC PROOF OF MEMBERS & SPECIAL POWER OF ATTORNEY
ANNEXURE 'B' :	TITLE DEED COPY
ANNEXURE 'C' :	EXCISION CERTIFICATE COPY
ANNEXURE 'D' :	SURVEYOR GENERAL DIAGRAM
ANNEXURE 'E' :	CONVEYANCER'S CERTIFICATE
ANNEXURE 'F' :	CIPC CONFIRMATION OF CONVERSION FROM PRIVATE COMPANY TO CLOSE CORPORATION
ANNEXURE 'G' :	LETTER TO DMR FOR MINERAL RIGHTS HOLDER CONSENT
ANNEXURE 'H' :	LAND SURVEYOR CERTIFICATE & LAND AUDIT REPORT
ANNEXURE 'I' :	ZONING CERTIFICATE
ANNEXURE 'J' :	DRAFT AMENDMENT SCHEME MAP AND ANNEXURE T
ANNEXURE 'K' :	TOWNSHIP NAME RESERVATION CONFIRMATION
ANNEXURE 'L' :	ERF-NUMBER RESERVATION CONFIRMATION
ANNEXURE 'M' :	DRAFT SITE PLAN BY PROJECT ARCHITECTS
ANNEXURE 'N' :	MAPS & ARTICLES ON EMERGING TSHWANE AUTOMOTIVE CITY
ANNEXURE 'O' :	GEOLOGICAL INVESTIGATION REPORT & PREVIOUS COMMENTS BY CTMM GEOLOGY
ANNEXURE 'P' :	TRAFFIC IMPACT STUDY
ANNEXURE 'Q' :	CTMM COMMENTS ON TIS
ANNEXURE 'R' :	ELECTRICAL SERVICE REPORT AND PREVIOUS COMMENT BY CTMM ENERGY & ELECTRICITY
ANNEXURE 'S' :	WATER & SANITATION ENGINEERING SERVICES REPORT
ANNEXURE 'T' :	ROADS & STORMWATER ENGINEERING SERVICES REPORT
ANNEXURE 'U' :	ENVIRONMENTAL AUTHORIZATION BY GDARD

**TOWNPLANNING MEMORANDUM**  
**MOTIVATION OF MERIT OF PROPOSED RESIDENTIAL TOWNSHIP ON HOLDING 78,**  
**WILLOWGLEN AGRICULTURAL HOLDINGS**  
**- PROPOSED WILLOW PARK MANOR EXTENSION 92 -**

---

**1. INTRODUCTION**

**1.1 APPLICATION**

Application is hereby made for the establishment of a residential township on Holding 78, Willowglen Agricultural Holdings (A.H.). The application is being made in terms of Section 16(4) of the City of Tshwane Land Use Management Bylaw, 2016 ("Bylaw"), read with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ["SPLUMA"].

**1.2 PURPOSE**

**1.2.1 Land development application**

The application for land development approval has the purpose of procuring the necessary use-rights to develop the subject property for townhouse purposes, to be sold in the market place under sectional-title ownership. The zoning applied for is Residential 3 in terms of the provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014) ["TTPS"].

**1.2.2 Memorandum**

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

**1.3 APPLICANT**

**1.3.1 Owner / developer**

The property on which the township is being established is registered in name of a close corporation known as Lurco Trading 242 cc (Registration no 2011/028395/23), herein represented by mr Johan Hattingh, a duly registered member of the close corporation. The close corporation is the applicant in the matter.

**1.3.2 Authorized agent**

Registered town and regional planner Paul van Wyk (or nominee) of the firm J Paul van Wyk Urban Economists & Planners cc was appointed by the registered owners of the property concerned to undertake the present application on its behalf. The registered owners have signed a close corporation resolution and special power of attorney to facilitate the land development application.

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

**1.3.3 Specialist consultants**

The firm is being assisted by various specialist consultants, the role of which is to inform the township application and development proposal from different

perspectives as will become evident in particular subsections to follow. These consultants are the following:

- |   |  |
|---|--|
| (1) Environmental assessment practitioner | : Lokisa Environmental Consulting                                  |
| (2) Civil engineers                       | : PVA Consulting Engineers & Project Managers cc                   |
| (3) Electrical engineers                  | : Pienaar & Erwee Engineers (Pty) Ltd                              |
| (4) Conveyance attorneys                  | : Prinsloo Bekker Attorneys, Notaries & Conveyancers               |
| (5) Land surveyors                        | : CPLS Professional Land Surveyors & Sectional Title Practitioners |
| (6) Geotechnical engineers                | : Conic Consulting Engineers & Project Managers (Pty) Ltd          |
| (7) Transportation engineers              | : Trafftrans (Pty) Ltd   |
| (8) Architects                            | : E & E Architects   |

#### **1.4 JURISDICTION**

Holding 78, Willowglen Agricultural Holdings is located in the municipal confines of the City of Tshwane Metropolitan Municipality (CTMM) with decision-making authority on land development applications in terms of the Bylaw vested in the Metropolitan Council, devolved to an Authorized Official's Committee (AO-Com) and a Municipal Planning Tribunal (MPT) for unopposed and opposed applications respectively.



## 2. PROPERTY PARTICULARS

### 2.1 DESCRIPTION

#### 2.1.1 Current

The description of the property at the base of the land development application for township establishment in title deed T64626/2007 reads as follows:

*"HOLDING 78 WILLOWGLEN AGRICULTURAL HOLDINGS. REGISTRATION DIVISION JR, THE PROVINCE OF GAUTENG" (P2)*

Reference in the balance of the memorandum to this property will be as 'Holding 78', 'subject property', 'Property', 'site' or 'development site'.

[ANNEXURE 'B' : TITLE DEED COPY]

#### 2.1.2 Future

Approval for the excision of Holding 78 from the Agricultural Holdings Register had been granted previously by the relevant decision-making authorities and an Excision Certificate issued which confirms the future farm description of the Property to be Portion 573 of the farm The Willows 340-JR. The new property description will however only originate officially upon registration of the excision by endorsement against the deed of transfer of the Property at the Deeds Office.

[ANNEXURE 'C' : EXCISION CERTIFICATE COPY]

### 2.2 EXTENT

As evident from deed of transfer T64626/2007 (p2) Holding 78 extends to 2,0304 hectares.

### 2.3 LOCALITY

#### 2.3.1 Urban context

The subject property is located in the central-eastern parts of the former Pretoria municipal area of Tshwane in the northern parts of the Willowglen Agricultural Holding complex. Located in the western half of the area bounded by Bronkhorstspuit Road (R104) (north), Solomon Mahlangu Drive (M10) (east), the N4-National Road (south) and Simon Vermooten Road (M12) (west), its locality is further defined by:-

- North : Willow Brae and Willow Park Agricultural Holdings;
- West : La Montagne residential townships;
- South : Equestria residential townships; and
- East : Portion 149 of the farm The Willows 340-JR, currently still undeveloped.

[FIGURE 1(a) : LOCALITY IN URBAN CONTEXT]

### 2.3.2 Local context

On a more localized scale the Property is located in the street block defined by Ouklipmuur Avenue (north and northwest), Libertas Avenue (east) and Bush Road (south) with its southern boundary abutting Bush Road. The following adjoining properties serve to define its locality more concisely, *viz*:

- North / northwest : Holding R/76, Willowglen A.H.
- North / northeast : Holdings 1/77 & R/77 Willowglen A.H.
- Northeast : Holding 1/80, Willowglen A.H.
- East / southeast : Holding 1/79, Willowglen A.H.
- South / southwest : Bush Road and opposite: Holdings 254 and R/245, Willowglen A.H. and Erven 179 & 180, Willow Park Manor Extension 47.
- West / northwest : Holding R/75, Willowglen A.H.

### 2.3.3 Street address

The street address of Holding 78 is 540 Bush Road, Willowglen A.H.

### 2.3.4 Global positioning

The Global Positioning System (GPS) coordinates of the approximate centrepoint of the development site are as follows:

- Latitude : 25° 45' 02,31" South
- Longitude : 28° 20' 30,43" East

[FIGURE 1(b) : LOCALITY IN LOCAL CONTEXT]

## 2.4 SHAPE AND DIMENSIONS

The property is configured in a rectangular shape, with its sides measuring as follows:

- North / northeast & south / southwest : ± 148 metres; and
- West / northwest & east / southeast : ± 137 metres

The orientation of the site is north / northeast which is ideal for maximization of solar access during winter months to habitable rooms of the dwelling-units to be erected in the development project.

[ANNEXURE 'D' : SURVEYOR GENERAL DIAGRAM]

## 2.5 OWNERSHIP

The Conveyancer's Certificate prepared by mr Anton Bekker of Prinsloo Bekker Attorneys confirms the registered owners of the Property to be a close corporation, registered at the Companies and Intellectual Property Commission (CIPC) as Lurco Trading 242 cc (Registration no 2011/028395/23). This close corporation was formally converted at the CIPC from a private company to a close corporation, i.e. the former Lurco Trading 242 (Pty) Ltd (Registration no 2006/006184/07).

[ANNEXURE 'E' : CONVEYANCER'S CERTIFICATE]

[ANNEXURE 'F' : CIPC CONFIRMATION OF CONVERSION FROM PRIVATE COMPANY TO CLOSE CORPORATION]

## 2.6 CONDITIONS OF TITLE

### 2.6.1 Mineral rights

In terms of Condition (a) of deed of transfer T64626/2007 the mineral rights to the subject property have been reserved to the South African Townships, Mining and Finance Corporation Limited – a public company which has been deregistered at the CIPC a long time ago. This is however irrelevant since all mineral rights have subsequently, pursuant to the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002) ("Act") reverted to the state (if not timeously protected). With the Department of Mineral Resources (DMR) now being the custodian of these rights it is required of the applicant to apply to the DMR for consent in terms of Section 53 of the Act to ensure that the surface rights for the proposed development would not impede any latent mineral rights on the subject property. The applicant has already applied to the DMR for the required consent, as evident from Annexure 'F' hereto.

As recommended in the Conveyancer's Certificate (refer Annexure 'E') this matter has been dealt with under the Disposal of Conditions subsection of the draft conditions of establishment for the proposed township.

[ANNEXURE 'G' : LETTER TO DMR FOR MINERAL RIGHTS HOLDER CONSENT]

### 2.6.2 Agricultural holding

The balance of the conditions of title were imposed by virtue of the Property being registered as an agricultural holding pursuant to the provisions of the former Agricultural Holdings (Transvaal) Registration Act, 1919. These include Conditions (b) to (o) and the definitions under (i) to (iii) in deed of transfer T 64626/2007. These conditions are restrictive in nature and serve to *inter alia* limit any form of development on the subject property.

The excision of Holding 78 from the Agricultural Holdings Register and incorporation of same in the Farms Register at the Deeds Office will see to the expunging of all these conditions appertaining agricultural holdings from the title deed of the subject property. It is for this reason that the applicant has already commenced with the excision process and obtained an Excision Certificate from the relevant authorities. The only remaining step is to register the excision at the Deeds Office, which will be done in due course (refer Annexure 'C' to view copy of Excision Certificate).

In the meantime it is required of the applicant to demonstrate how these conditions will be dealt with *vis-à-vis* the erven in the future township. In this regard the Conveyancer's Certificate advises these to be dealt with under cancellation of conditions in the draft conditions of establishment, where it has been incorporated as such.

**2.7 SERVITUDES**

The project land surveyors messrs CPLS Professional Land Surveyors on 10 December 2019 issued a Land Surveyor's Certificate (Land Audit Report) for the subject property confirming *inter alia* that:-

*"(t)he Holding is not subject to any Servitudes registered in terms of approved Diagrams lodged at the Surveyor General's Office."*

[ANNEXURE 'H' : LAND SURVEYOR CERTIFICATE & LAND AUDIT REPORT]

**2.8 MORTGAGE BONDS**

There are at present no mortgage bonds registered against the subject property, as evident from the absence of any appropriate endorsements against its deed of transfer and confirmed in the Conveyancer's Certificate (refer Annexure 'E').

### 3. ZONING AND LAND-USE

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

#### 3.1 CURRENT ZONING

The CTMM in a Zoning Certificate issued on 25 September 2020 confirms the Property to be Zoned Agricultural at present, under Use Zone 17 of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [TTPS]. The current zoning has bestowed the following use-rights on the Property:

- Agriculture
- Farm stall (area of building 35m<sup>2</sup> maximum)
- One dwelling-house.

[ANNEXURE 'I' : ZONING CERTIFICATE]

#### 3.2 PRESENT LAND-USE

The subject property is presently vacant and not being put to any productive use.

#### 3.3 FUTURE LAND-USE

The applicant envisages the establishment of a townhouse complex on the subject property at a development density of 36 dwelling-units per hectare. This will allow a total of 70 dwelling-units in the township. The units will be designed and implemented along a uniform design theme to form a harmonious whole and in which ownership of the individual units will be held under sectional-title (for more detailed information refer Section 4 *infra*).

#### 3.4 ZONING REQUIRED

##### 3.4.1 Use zone

The zoning required and herewith applied for as integral component of the township establishment process is Residential 3 (Use Zone 3) read with Schedule 3 of the Tshwane Town Planning Scheme, 2008 (Revised 2014).

##### 3.4.2 Primary use-rights

A Residential 3 zoning will bestow the use-rights for the following land-uses on the erven in the township as evident from Clause 14, Table B, Column 3 of the TTPS:

- Duplex dwellings
- Dwelling-units (Subject to Schedule 3 or a customized Annexure T)

##### 3.4.3 Secondary use-rights

A Residential 3 zoning pursuant to Clause 14, Table B, Column 4 may include the use-rights for the following land-uses which can only be activated through a prior consent-use approval process in terms of Clause 16 of the TTPS:

- Institution
- Parking site
- Place of instruction

- Place of public worship
- Residential building
- Retirement centre
- Social hall
- Sport & recreation club
- Sports & recreation ground
- Wall of remembrance (in conjunction with a place of public worship).

#### 3.4.4 Zoning control parameters

Based on COT: F/21 of the City of Tshwane Land Use Management Bylaw, 2016 the applicant herewith puts forward the following proposed zoning and zoning controls for approval on the erven in the township.

TABLE 1 (a): PROPOSED ANNEXURE T ZONING AND ZONING CONDITIONS FOR ERVEN 677 & 678, WILLOW PARK MANOR EXTENSION 92

1	Use-zone	3: RESIDENTIAL 3
2	Uses permitted	Table B, Column (3): Duplex dwellings, dwelling-units
3	Uses with consent	Table B, Column (4)
4	Uses not permitted	Table B, Column (5)
5	Definitions	Clause 5
6	Density	36 dwelling-units per hectare; provided that not more than 70 units may be erected on the erven
7	Coverage	50 percent; provided that an additional 10 percent may be allowed for solar power installations and covered parking.
8	Height	Two storeys (10 metres)
9	Floor area ratio	0,6; provided that the gross floor area shall not exceed 11 770m <sup>2</sup>
10	Site development plan and landscape development plan	<p>(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the site development plan is evaluated, special attention must be given to elements such as residential character, communal and private</p>

		<p>open space, exterior finishes and style in order to create a special character which is harmonious with the surrounding residential area.</p> <p>(4) An approved site development plan shall only be amended with the permission of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.</p>
11	Street building-lines	Two metres (2m)
12	Building restriction areas	<p>(1) Northern boundary : Three metres (3m)</p> <p>(2) East &amp; western boundaries : One metre (1m)</p>
13	Parking requirements	<p>Clause 28, Table G: Demarcated parking spaces, together with the necessary paved manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three dwelling-units for visitors.</p>
14	Paving of traffic areas	All parts of the erf upon which motor vehicles are allowed to move or park shall be provided with a permanent dust-free surface, which shall be drained and maintained, to the satisfaction of the Municipality.
15	Access to the erf	Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
16	Loading and off-loading facilities	The loading and off-loading of goods shall only take place within the boundaries of the erf.
17	Turning facilities	Shall be provided on the erf to the satisfaction of the Municipality.
18	Physical barriers	In accordance with the approved site development plan
19	Health measures	<p>(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 any costs to the Municipality.</p> <p>(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.</p>

20	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first obtained in terms of Municipal By-laws for Outdoor Advertising.
21	Detrimental soil conditions	An engineer shall be appointed before building plans, who shall 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 shall certify that all his specifications have been met.
22	Open Space	Clause 14(3)(a)
23	<p>General:</p> <ol style="list-style-type: none"> <li>(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area, which area may be a patio on ground floor or on the upper floors in accordance with the approved site development plan.</li> <li>(2) That portion of the erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</li> <li>(3) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant permission thereto.</li> <li>(4) No dwelling-unit may be transferred before the whole development or the phase on the property is completed.</li> <li>(5) The Municipality shall not approve any building plan which does not comply with the proposals of the approved site development plan, with particular reference to the elevation and architectural treatment of the proposed building or structure.</li> <li>(6) Subject to the provisions of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</li> <li>(7) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014).</li> </ol>	



TABLE 1(b) : PROPOSED ANNEXURE T ZONING AND ZONING CONDITIONS FOR PUBLIC ROAD SECTION OF WILLOW PARK MANOR EXTENSION 92

1	Use-zone	23: Proposed streets and widening
2	Uses permitted	Streets and widening
3	Uses with consent	None
4	Uses not permitted	Noxious industry, municipal transitional settlement
5	Definitions	Clause 5

### 3.4.5 Draft Amendment Scheme Map & Annexure T

Based on the contents of table 1 above and the requirements for a draft amendment scheme map and Annexure T in Schedule 6 read with COT: F/21 of the Bylaw, the applicant has prepared and attached the same hereto as Annexure 'J'.

[ANNEXURE 'J' : DRAFT AMENDMENT SCHEME MAP AND ANNEXURE T]

## 4. DEVELOPMENT PROPOSAL

### 4.1 CONCEPT

The development concept being pursued entails a residential townhouse complex of 70 dwelling-units, representing a development density of approximately 36 dwelling-units per hectare. The units and associated facilities will be designed along a uniform theme with materials and finishes selected to ensure a harmonious and aesthetically pleasing outcome.

The management of the townhouses will be done by means of a Body Corporate to be established pursuant to the Sectional Titles Act, 1986 (Act 95 of 1986) (as amended) and the Sectional Titles Schemes Management Act, 2011 (Act 8 of 2011), without the necessity for a Home Owners' Association (non-profit company). The Body Corporate will be responsible for owning and maintaining of *inter alia* all internal engineering services which will not be transferred to the CTMM. It will typically also be responsible to maintain the entrance gate structures and the private internal roads as well as the maintenance of any perimeter security fencing and equipment.

### 4.2 TOWNSHIP LAYOUT

#### 4.2.1 Name and reference

The CTMM has on 23 September 2020 approved the name Willow Park Manor Extension 92 for the proposed township on Holding 78, Willowglen A.H., under reference WPMX58, WPMX92.

[ANNEXURE 'K' : TOWNSHIP NAME RESERVATION CONFIRMATION]

#### 4.2.2 Layout plan

Figure 2 (overleaf) depicts the proposed township layout geographically. Great care has been taken to ensure compliance of same with the requirements of Section 16(4)(f)(ii) read with Schedule 6 Para 13 and COT: F/5 of the Bylaw.

[FIGURE 2 : TOWNSHIP LAYOUT PLAN]

The township layout comprises a two-erf township with a street-widening component along Bush Road along the south / southwestern boundary of the subject property. It should be noted that the two erven in the township will be consolidated immediately following the successful proclamation of the township in the Provincial Gazette.

#### 4.2.3 Street names

Since no new streets will be created in the township the reservation of street names through CTMM Toponymy will not be required.

#### 4.2.4 Official erf-numbers

The firm has proceeded to reserve the following erf-numbers for the township at the Surveyor General's office:

- Erven 677 and 678 for the initial two-erf township; and

- Erf 679 for the erf to result from the consolidation of the above-mentioned Erven 677 and 678 Willow Park Manor Extension 92.

[ANNEXURE 'L' : ERF-NUMBER RESERVATION CONFIRMATION]

#### 4.2.5 Floodlines

The subject property (and hence the future township) is not affected by the 1:50 and 1:100 year flood recurrence levels as calculated and certified on the township layout plan by mr Pierre Venter a duly registered professional engineer practicing under / employed by messrs PVA Consulting Engineers & Project Managers cc.

#### 4.2.6 Contours

The contour lines on the layout plan have been surveyed and mapped by messrs CPLS Land Surveyors and adhere to the requirements for township establishment as per COT:F/5 to Schedule 6 of the Bylaw:

- Datum plane : Sea level
- Contour intervals : 0,5 metres
- Geodetic grid system: WGS 29

#### 4.2.7 Extent

- (1) Road-widening: Approximately 686m<sup>2</sup> of the subject property have to be forfeited for widening of Bush Road by 4,63 metres along the full length of its south / southwestern boundary.

The road-reserve of Bush Road is presently 15,74 metres wide and will in accordance with the Tshwane Road Master Plan have to be widened to 25 metres. Half of the 9,26 metres required for the widening will have to be provided on the north / northeastern side of the road (i.e. on to Holding 78) and the other half on the south / southwestern side of the road. Thus 4,63 metres in both directions.

- (2) Residential development: By subtracting the road-widening component of 686m<sup>2</sup> from the total area of the subject property (i.e. 2,0304 ha), the remaining 1,9618 hectares represent the net developable part of the site for residential purposes. This area has for purposes of the township layout been assigned in equal proportion to the proposed two erven in the township, i.e. 0,9809 ha each.

### 4.3 DEVELOPMENT DENSITY & FLOOR AREA RATIO

#### 4.3.1 Development density

The development density applied for is 36 dwelling-units per hectare which, with due consideration to the extent of the net developable part of the township translates to a total of 70 dwelling-units to be developed.

#### 4.3.2 Floor area ratio

Based on an average area of  $\pm 165$  m<sup>2</sup> per dwelling-unit and after allowance for additional ancillary / subservient buildings it was determined that application would

be made for a floor area ratio (FAR) of 0,6. This will allow the development of buildings of up to 11 770 m<sup>2</sup> gross floor area (GFA).

#### **4.3.3 Official policy**

As alluded to in more detail in the assessment of the forward planning policies and plans of the CTMM in sections to follow, the area has been earmarked as High Density Zone where residential development densities of up to 80 dwelling-units per hectare could be supported.

#### **4.4 DRAFT SITE PLAN**

The project architects have prepared a draft site plan (DSP) to inform the present application in more detail. Although included herein it should be kept in mind that this is only a conceptual proposal which may be amended pursuant to *inter alia* the client's vision, the public participation process as well as particular comments received from the internal Municipal departments required to provide specialist inputs on the development proposal being put forward.

[ANNEXURE 'M' : DRAFT SITE PLAN BY PROJECT ARCHITECTS]

#### **4.5 ACCESS AND PARKING**

##### **4.5.1 Access and vehicular circulation**

Access to the township will be taken off Bush Road, in a central position along the south boundary of the Property. There are no restrictions on access from Bush Road, as proven by the previous township approval of Willow Park Manor Extension 58 on this Road, for a similar previous development on the subject property.

On-site vehicular circulation will be determined by a formal site development plan (SDP) to be prepared in terms of Clause 31 of the TTPS and approved by the CTMM prior to the approval of building plans for the townhouse complex. The provisional on-site circulation pattern as shown on the DSP comprises a north/south "collector/distributor" axis complemented by three east/west access roads to serve the individual dwelling-units.

The access control facility at the entrance position will be located on site in a position and configuration to ensure –

- sufficient queuing distance for vehicles entering the complex between the access gate / boom and the tarred edge of Bush Road;
- sufficient width and height for emergency vehicles (notably fire trucks) to enter the premises unobstructed; and
- sufficient in-bound lanes to prevent congestion on the adjacent Bush Road during peak hour periods on weekday afternoons.

#### **4.5.2 Parking**

The applicant will comply with the official parking ratio for duplex dwellings / dwelling-units, as laid down in Clause 28, Table G of the TTPS. The required ratio is the following:

- (1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less.
- (2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.
- (3) One paved parking space per three dwelling-units for visitors.

(TTPS, p69).

According to the DSP up to three parking spaces will be provided for each dwelling-unit, should this development scenario be implemented. If not, this proves that the required ratio of 2,3 bays per unit can be comfortably provided. No parking relaxation is therefore required.

### **4.6 COVERAGE AND HEIGHT-RESTRICTIONS**

#### **4.6.1 Coverage**

Application is being made for a basic coverage factor of 50 percent, which may be increased as necessary by a further 10 percent allowed for possible solar power installations on site as well as for covered parking.

The provision for coverage in the draft Annexure T zoning and zoning controls (Condition 7) as described above is somewhat higher than the coverage achieved on the accompanying DSP. The higher allowance however will provide increased flexibility of design in the post-approval phase of the township when the final SDP will be presented for approval.

#### **4.6.2 Height**

The applicant envisages the erection of two-storey dwelling-units with internal staircases known as duplex dwellings, as defined in Clause 5, p13 of the TTPS. This will be commensurate with the height-profile of the cluster housing complex to the southwest, across from Bush Road, known as Willow Park Manor Extension 47.

With due consideration to the fact that the local area has been earmarked for substantial densification – up to 80 dwelling-units per hectare – which can only be achieved at height-restrictions of three or four storeys, the proposed height of two storeys appears to be feasible and acceptable in context of both present and future surrounding developments.

## 4.7 BUILDING SET-BACKS

### 4.7.1 Along Bush Road

A building-line of two metres (2m) is being proposed along Bush Road. This is in line with the standard building-line for Residential 3 zoned properties, as set out in Clause 9 of the TTPS.

The reason however for specifying the 2m set-back in the draft Annexure T under Condition 11 is because Bush Road is also on the south side of the development site where Clause 12, Table A of the TTPS requires a three metre (3m) building-line for double-storey or double volume dwelling-units zoned Residential 3. Since the south boundary of the development site abuts a municipal street and not another residential development of any kind, there is no possibility of overshadowing (solar deprivation) or overlooking (privacy infringement) from future dwelling-units on the subject property southwards.

### 4.7.2 Other site boundaries

A building-line of one metre (1m) is being proposed along the eastern boundary of proposed Erf 678 and the western boundary of proposed Erf 677. This is less than the standard two metre (2m) set-back for Residential 3 zoned properties as per Clause 12, Table A of the TTPS. The relaxation of the standard set-back requirement has been necessitated by the architect's design from which it is evident that the standard building-lines along these boundaries may cause the potential loss of up to six dwelling-units in the development. The loss of so many units will have a seriously negative effect on the viability and sustainability of the project, which should be avoided at all cost.

The northern boundary is being affected by a 3m wide engineering services servitude and hence the more restrictive 3m building set-back being proposed here.

## 4.8 OPEN SPACE

### 4.8.1 Open space and parks

The applicant hereby tenders to pay a parks contribution to the CTMM *in lieu* of the provision of actual space in the township for open space or parks. This will be done in accordance with the provisions of Section 47(3), read with Schedule 16 of the Bylaw. The required area that will be used to calculate the contribution amount is 18m<sup>2</sup>/unit which equals 1 242m<sup>2</sup> for the envisaged additional 69 dwelling-units herewith applied for. The current zoning of the Property already allows the erection of one dwelling-house, which will serve as a "credit" in the mentioned calculation.

### 4.8.2 Children's playground

Over and above the open space and parks requirement for new townships as discussed in Para 4.8.1 *supra*, it is a further requirement to also provide an on-site children's playground area / facility for *inter alia* all Residential 3 zoned properties to be sold on sectional-title. The required area is calculated at 4m<sup>2</sup> per dwelling-unit in the development complex, i.e. 70 x 4 = 280m<sup>2</sup>.

This requirement stems from Clause 14(3)(a) of the TTPS, which reads as follows:

*"The owner of any property in any use zone, excluding "Residential 1" and "Residential 5", that is used for sectional title Dwelling-units or blocks of flats shall develop and maintain at least 4 square meters per Dwelling-unit with a minimum of 50 square meters on the property as a children's playground: Provided that the Municipality may grant Permission to reduce this requirement;"(p43)*

#### **4.9 SYNTHESIS**

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

## 5. PLANNING POLICY FRAMEWORK

### 5.1 STATUTORY REQUIREMENT

In terms of Section 16(4) and Schedule 6 of the Bylaw the land for township establishment is directed to address the merger proposal with regards to *inter alia* the following matters:

- "Reference to the objective and principles contained in the Principles as contained in section 7 of the Act;" (Bylaw Schedule 6 [The 'Act' refers to the Spatial Planning & Land Use Management Act 16 of 2013] ["SPLUMA"])
- "Reference to the Integrated Development Plan, Development Framework, and all its components and any frameworks with specific reference to how this application from it as well as the desirability thereof;" (Bylaw Schedule 6)
- "As required in terms of section 42 of the Act (i.e. SPLUM, (i) The public interest (ii) The constitutional and transformation imperatives and State;" (Bylaw Schedule 6, Para 3(9)(d))

The statutory policies, plans and principles adopted by the provincial and metropolitan / local level all in essence have as their main challenges of society today, viz unemployment, poverty and inequality are addressed in the balance of this section of the memorandum.

### 5.2 OBJECTIVE AND PRINCIPLES

#### 5.2.1 City of Tshwane Land Use Management Bylaw, 2016

- The objective of the Bylaw is as set out in its preamble for a uniform national approach to municipal planning instrument, *inter alia*:-

*"...to maintain economic unity, equal opportunity, government services and to promote social and*

- Also relevant is the Land Use Scheme as a practical Vision of the City as contained in the Municipal Spatial Planning and its constituent Regionalized Municipal Spatial I



*(b) The Municipality utilizes the process to ensure municipal planning finds applicability in development that is co-ordinated and harmonious in such a way as to most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of the area in which the scheme is proposed as well as efficiency and economy in the process of such development" (pp 26,27).*

- The applicant has gone to great lengths to prove compliance of the application with the objective and principles of the Bylaw, for example:
  - Co-ordinated and harmonious development: Suitability of the proposed development in this particular locality in relation to surrounding land-use activities – current and future.
  - Principle of a healthy environment through introduction of a compatible residential typology properly planned to be developed according to official norms and standards. The proposed use is clean, with no noise or air pollution and to a large degree NMT-based, with concomitant reduction in emission of greenhouse gases.
  - Safety of future inhabitants will be ensured by adoption of CPTED-principles for the township and residents will furthermore not be a threat to the safety of the surrounding community of which it will form an integral part.
  - The balance of the prevailing good order will not be disturbed. The proposed townhouse complex will contain a self-sufficient 'community' within the surrounding community, yet with certain integrative factors like sports, recreation, shopping, worshipping, etc. together.
  - Likewise will the prevailing amenity of the area not be adversely affected. The new townhouse establishment represents an infill-development that will *inter alia* contribute to an enhanced urban environment through infrastructure improvement (e.g. road upgrade, street lighting). The buildings and other structures will furthermore be architect's designed and the site and sidewalk areas fully landscaped and maintained, making a huge contribution to uplifting of the amenity of an area in process of transition from rural residential to urban in form and function.
  - Convenience relates amongst others to proximity of residents to other urban facilities like employment opportunities, places of public worship, education institutions, parks, shopping facilities and more. This has been discussed in more detail elsewhere in the memorandum.
  - The proven desirability and sustainability of the development proposal in virtually every section / sub-section of the memorandum prove unequivocally the nett contribution of same to the general welfare of the area.

- Efficiency and economy are two requirements which private sector developments automatically strive for, in pursuance of the profit motive at the base of our capitalistic system. Whereas the developer will in this regard strive to minimize inefficiency to maximize economy, it is the municipality's role to optimize the end-result of the development in favour of the general wellbeing and proper functioning of the surrounding community. This process plays itself out in *inter alia* the negotiations and conclusions of engineering services agreements between the CTMM and the developer.

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

This sub-section deals with the norms and standards on the one hand, and the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] on the other, in as far as the proposed new township is concerned.

#### (1) Norms and standards

- Section 8 of SPLUMA deals with the norms and standards for land use management and land development which are consistent with the provisions of *inter alia* SPLUMA and have yet to be prescribed by the Minister of Rural Development and Land Reform.
- With no such norms and standards having been adopted yet, it is not possible to measure the proposed new townhouse establishment in detail against same. Considering however the criteria for such norms and standards set out in Section 8(2)(a) to (g) of SPLUMA the following finds application:
  - Ad Section 2(a): This is a public sector function with no requirement from the applicant
  - Ad Section 2(b): The norms and standards must:
    - Provide for social inclusion: Accommodation in dwelling-units in the proposed townhouse development will be open and available to all families and individuals who have the financial means to acquire or rent a unit in the complex.
    - Spatial equity: With the development site situated in a High Density Zone in terms of the RMSDF, the matter of spatial equity has already been considered in this policy document the latter which serves to guide the Vision of the City from a spatial perspective.
    - Desirable settlement patterns: Once again has this norm / principle been successfully addressed and incorporated in the provisions of the RMSDF – the guideline here being that of a High Density Zone where residential development density is promoted, and where redress is promoted and previous segregation policies are countered by provision of smaller dwelling-units to allow previously

disadvantaged individuals / families to obtain a foothold in the formal urban structure and its associated advantages like water bourne sanitation, potable water on tap and more.

- Rural revitalization: Since the development site is located within the urban edge where it will serve an in-fill function, the proposed development is not foreseen to make a direct contribution to rural revitalization.
  - Urban regeneration: The proposed new townhouse development will no doubt contribute to the regeneration of the urban environment through up-scale architecture, landscaping and an enhanced sense of place, with a distinct character and vibrancy.
  - Sustainable development: Spatially sustainable development requires a balanced approach between economic, social, environmental and institutional considerations, including the protection of unique and productive agricultural land. Official future planning policies, plans and frameworks are all underpinned by sustainable development goals to ensure *inter alia* that society reaps the benefit of economic growth and development while the latter be undertaken with minimal impact on the environment and maximum social benefit to reduce the three major challenges of unemployment, inequality and poverty in the country.
- Ad Section 2(c): The principle of efficiency has been discussed under Development Principle 7(c) of SPLUMA *infra*.
  - Ad Section 2(d): This subsection relates to the responsibilities of the controlling authorities responsible for planning and development. Some aspects have nevertheless been addressed by the applicant, e.g. the analysis of existing land-use patterns in the local area.
  - Ad Section 2(d) to (g): These norms and standards criteria are the responsibility of the government sector, with no direct application here.

## **(2) Development principles**

The Section 7 development principles similar to certain "*overarching principles for spatial development*" identified in the National Development Plan, Vision for 2030 [NDP] and thus compliance with same, give effect to acquiescence with the NDP too. These principles are based on the constitutional and transformative imperatives (in compliance with Section 42(1)(c)(ii)) needed to change our country from its previous state of exclusivity to that of being integrated, inclusive and united. The principles need to be complied with by the applicant as well as the state (i.e. the "duties of the state" referred to Section 42(1)(c)(ii)).

The present application is evaluated against the principles below.

**(i) Principle 7(a): Spatial justice**

This principle has six requirements, i.e.:-

- to redress past development imbalances to improve access to and the use of land;
- state duty to prepare future planning documentation and policies to include persons and areas previously excluded, particularly informal settlements, former homelands as well as areas where poverty and deprivation are widespread;
- state duty for land-use schemes to provide for redress in access to land;
- state duty to prepare land use management systems that include all areas of the applicable municipality and to have flexible provisions for disadvantaged areas;
- accommodate access to secure tenure and incremental upgrading of informal areas; and
- officials considering the application can not limit its decision on the matter based solely on the value of the property and its related impact / effect on the area.

A number of these also reflects the requirements of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (as amended), including Section 9 which requires equality; Section 22 protects the freedom of citizens to trade, occupation and profession, Section 25(5) where it is a state duty to create opportunities for its "...citizens to gain access to land on an equitable basis"; Section 27 requires the state to do all it can to ensure health care, food and social security; Section 31 protects communities that need to be supported, Section 153 directs that municipalities must be developmental and Section 195 guides public administration. Furthermore the National Development Plan Vision for 2030 highlights the need to transform society and to do so to uplift its citizens and alleviate poverty.

Section 8(2)(b) of SPLUMA refers to norms and standards for land development, spatial inclusion and spatial equity which are applicable here.

The Medium Term Strategic Framework, 2014-2019 (MTSF) finds applicability here too where one of the priorities listed is to create a diverse, socially cohesive society with a common national identity and thus address the past imbalances. Through spatial justice there are more opportunities for sharing of space across race, creed and class and also where educational and employment opportunities are closer to places of residence.

The present application will comply with the above as follows:

- The proposed residential complex is seen as a culmination of the integration of the social, economic, institutional and physical aspects of land development. The social amenities, (parks, shop, schools etc.) in the area will inherently facilitate social integration and the general sharing of lifestyle between races and creeds of all economic standings. Similarly with regards to employment opportunities that will result during the construction phase as well as during the operational phase with the employment of domestic workers, a caretaker, gardeners and security guards etc.
- It will also create diversification in the area in terms of the variety of building typologies and sizes with the proposal providing an alternative smaller living environment suited to both the sectional-title ownership and rental markets. These prerequisites are therefore present for the urban development being proposed, as part of the formal economy and spatial structure for the CTMM.
- The proposed development is based on many advantages such as the prime location close to high-order access routes which will lead to the better utilization of the land and creation of viable spaces and places for human habitation.
- This application will result in the use of land for residential development purposes by previously disadvantaged individuals and communities who will be offered equal opportunity to reside in the estate and be integrated into the socio-economic sector of the local area.
- The project is foreseen to develop, within the context of the surrounding area, into a vibrant and dynamic, multifunctional spatial urban milieu where future residents will find peace and tranquillity to live, work, pray and play. The various community facilities in the area will support the community in its social and psychological needs (e.g. religious centres, nursery schools, shopping centres, etc.).
- There is a dire need in the wider area to provide quality housing alternatives and employment opportunities, creating a liveable urban environment conducive to socio-economic upliftment and provided with proper basic services.

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

This principle has seven requirements, i.e.:-

- promote development within the fiscal, institutional and administrative means of the State;
- protect prime and / or unique agricultural land;
- be consistent with regards to environmental management;

- ensure effective and equitable function of land markets;
- consider current and future costs for infrastructure and social services and those impacted by the development;
- promote development where it is sustainable in context and limits urban sprawl; and
- create viable communities.

The above reflect certain of the rights and responsibilities contained in the Constitution, including Section 24 which speaks about the environment. Furthermore Section 8(2)(b) of SPLUMA refers to norms and standards for land development, desirable settlement patterns, urban revitalisation and sustainable development which are applicable here.

The NDP confirms the above where it indicates that it is necessary for private investment and partnerships to be encouraged to ensure that economic growth and more employment opportunities are created in a shorter space of time (creating opportunities to improve lives and living standards). The private sector involvement should be coordinated with the public sector and will act as a catalyst for further investment and competitiveness.

The MTSF finds applicability here too where one of the priorities listed is to create sustainable human settlements and improve quality of life as well as the protection of environmental assets and natural resources.

From a provincial perspective the Gauteng Spatial Perspective (GSP), 2030 (concept paper) as well as the Gauteng Growth Management Perspective, 2014 (GGMP) and the Gauteng Spatial Development Framework, 2016 (GSDF) discuss the province's vision for sustainability based on other overarching policy frameworks. Some examples are mentioned below:

*"A smart and spatially integrated City Region with high mobility where everyone enjoys equal access to quality basic services, reside in sustainable human settlements that are strategically located close to economic opportunities and offer a range of habitation options that enable choices to ensure quality living experience" (GSP)*

Thus the goals identified in the GSP are to:

- *"Facilitate a spatial structure conducive to shared economic growth"*
- *Decisive spatial transformation of the Gauteng City Region*
- *Ensure sustainable resource use and development*

- *... Pursue an agreed spatial vision and coordinated planning processes and tools"*

The GSDF considers the Province holistically and in broad-brush strokes with the aim for Gauteng to be a knowledge capital and the hub of innovation to Africa, it describes the vision for the province to be "...liveable, prosperous, competitive, equitable, accessible and sustainable..." as a City Region.

The GGMP goes on to say that "pro-central intensification" (p66) using smart growth is being promoted in the Gauteng City Region in order for it to compete globally and thus requires well-located economic and social opportunities (p44).

The present application will comply with the above as follows:

- The development project requires no contribution from the public sector for its implementation.
- The development will enhance the financial wellbeing of the Municipality through the additional rates and taxes, electricity consumption, sewer connection levies, water consumption and refuse removal to result from the additional dwellings on the subject property. These monies can contribute to enhancement and upgrading of which will in turn uplift the local community and benefit public interest. It may also become a catalyst for further development / improvement / regeneration.
- The new development will constitute in-fill development, as the surrounding area is in process of transformation from rural residential to higher density residential within the urban edge as part of alignment with the official RMSDF policy of the CTMM which states that the area should be promoted for higher densification (i.e. intensification of residential land-use and improvement of services infrastructure to the area) as well as the 'smart growth' principle of compaction and densification. Furthermore, the proposed development will be a brownfields development transforming the development potential of the site from being only viable for a single residential dwelling to that of 69 additional dwellings, thereby minimising urban sprawl.
- The development of the residential complex on the subject property in compliance with the TTPS will represent the optimum use of the subject property as a scarce natural resource, in the context of the surrounding development pattern / structure. The Property is currently under-utilized and ideally suited for the intended purposes.
- No appeals would be made on scarce and / or valuable agricultural land, conservation land or otherwise threatened land for the new development since it is situated within the urban edge and in process of transformation to higher density residential land-uses and surrounded by urban development and linked to municipal infrastructural support services. The proposal therefore optimises the use of land, bulk infrastructure, roads and

transportation facilities. Urban sprawl will therefore be curbed and not come into play as a result of this application.

- In addition to the comments already made, the proposed development is foreseen to add to the image of the urban communities through offering of a quality development. Furthermore by densifying an area it results in a more cohesive community than individual dwellings on large holdings. It will also be in line with constitutional transformation imperatives where a wider variety of housing typologies and ownership types will be available in the local area.
- The development is supported by various other housing, economic and public / social facilities found in the localised area and will contribute to the establishment of a most viable community. Examples include crèches, religious centres, schools and more.
- A viable community does not only consist of a single land-use in an area but a variety of land-uses for work, play and sleep and opportunities of different sizes and typologies, thus looking at the importance of public interest where the development will have many a positive spin-off to the community and area.

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

This principle has three requirements, i.e.:-

- development should optimise existing resources and infrastructure;
- decision processes by the state should minimise negative impacts on finances, social, economy or the environment; and
- application processes by the state should be streamlined and efficient. Time frames should also be adhered to.

The NDP laments the "*bureaucratic delays in approval of new development applications*" (p271) and how this needs to be addressed to prevent escalating holding costs and the impact of same on the end product. Furthermore the GGMP and Gauteng Vision 2055 highlight how sustainable development should make efficient use of services and infrastructure as well as optimise the use of land to benefit the citizens, which is in line with this principle. Section 195(b) of the Constitution also confirms that "*...efficient, economic and effective use of resources must be promoted.*"

The present application will comply with the above as follows:

- There can be no doubt that the proposed new residential estate on the subject property would optimise the use of Holding 78 in terms of fulfilling the vision of the future planning policies of the CTMM through urban residential densification. Land is a scarce resource and thus this proposal would represent a much more productive use for the Property.



- Special care has been taken during the preparation of the application to ensure a desirable outcome in terms of financial, social, economic and environmental impacts. This was done by including the necessary specialist consultants to inform the planning process (e.g. environmental practitioner, civil, traffic and electrical engineers). Impacts identified will be mitigated / minimized, if applicable.
- The applicant, in conjunction with the Municipality will strive towards the smooth and expeditious processing of the application to facilitate commencement of the implementation phase of the project in the shortest possible time. Regulations to SPLUMA indicate specific timeframes for submission of information and the process to be followed in terms of the processing of a development application. These timeframes will be adhered to.

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

This principle has one requirement, i.e. to have flexibility in spatial plans, policies and land use management systems to accommodate sustainable livelihoods for those most affected / made vulnerable by economic and environmental shocks.

The current RMSDF for the local area provides a measure of flexibility since it is regarded from a statutory point of view to guide and inform townplanning applications based on normative (as opposed to regulatory) principles.

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

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

This principle has five requirements, i.e.:-

- all spheres of government are to subscribe to an integrated approach of land-use and management guided by SPLUMA;
- all government departments must participate during the preparation of forwarding planning documentation;
- responses to land-use and / or development in terms of all laws must be dealt with timeously;

- all forward planning and land use management scheme documentation preparation should include transparent public participation processes; and
- members of public should be provided with information on policies and procedures that are clear and empowers them.

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

### 5.3 INTEGRATED DEVELOPMENT PLAN

The City of Tshwane (2017-2021) Integrated Development Plan was approved / adopted by the Metro Council in May 2017 ('Tshwane IDP').

The Tshwane IDP is one of a suite of financial and spatial planning instruments underpinning the identification and implementation of strategic projects and key programmes towards achieving the outcomes of the Tshwane Vision 2055 policy document (p43).

The contents of the IDP has been informed by *inter alia* the NDP Vision 2030, the GCR realities and vision, the G 2055 Vision and GSDF as well as the Tshwane Vision 2055. Also by the City of Tshwane Metropolitan Spatial Development Framework, 2012 (MSDF) which in essence forms an integral part of the IDP. The IDP aims to complement the National Development Plan and its vision for 2030 being "*living in a remade country*".

The document sets out the development trajectory for the CTMM based on the following principles:

- A city of opportunity: "*... making it easier to do business with and in the City*" and "*ensuring security of infrastructure services such as water and services in the economic nodes thus enabling job creating investment to be attracted and retained*"
- A sustainable city: "*... which provides infrastructure services in a manner that supports both economic and livelihood activities*"
- A caring and inclusive city: "*Reverse the spatial order of apartheid*"
- A safe and clean city: "*It requires all that live, work and play in the city to coordinate efforts*"
- An open and honest city: "*... forg(ing) developmental partnerships*"(p47)

Spatial challenges that are currently being experienced by the Municipality relate largely to the "*mono-functional neighbourhoods with limited economic and social*

*opportunities"* (p46) and in terms of human potential transformation, *"(a) society riddled with division, poverty, inequality and social ills"* (p46).

The CTMM outlines the transformation goals (and each of these having specific objectives) of the City under the new local government rule as being:

- Economic by being competitive and having a growing economy as well as the promotion of *"self-actualisation"*
- Ecological sustainability.
- Institutional by encouraging partnerships
- Human potential where *"a safe, healthy environment" is created, "conducive to learning and development"*. Furthermore an *"(i)ntegrated "cosmopolitan Tshwane"*
- Spatial, where sustainable human settlements are accessible and liveable. Tshwane becomes the *"preferred home"*, a place where you can work, live and play (pp 46 and 48)

The present application complies with the requirements of the IDP as follows:

- The development of the property opens up the opportunity for more productive use of the available land for economic gain.
- The development of the property will create jobs during the implementation of the proposed township (construction of structures, installation of engineering services) and during operation of the development (security personnel, cleaners, gardeners, etc.)
- The property is located within a High Density Zone, earmarked for extensive residential densification.

The development proposal is therefore in compliance with the contents of the IDP and desirable in this location.

#### **5.4 METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK**

- The City of Tshwane Metropolitan Spatial Development Framework was approved / adopted by the Metro Council on 28 June 2012 (MSDF).
- The MSDF is a core component of the IDP, serving as a management tool that provides a spatial strategy to achieve the City's vision. The MSDF document explains the context and relevance of several policies, plans and related institutional documents on all government levels, including *inter alia* the City Vision and Strategic Objectives, the Gauteng Planning and Development Act, 2003 and the National Spatial Development Perspective (NSDP), 2006. It is influenced by various other strategic policies, like the Compaction and Densification Strategy,

Tshwane Retail Strategy, Tshwane Integrated Transport Plan as well as the Tshwane Integrated Environment Plan. The applicant will not here regurgitate the contents of these.

- This policy document identifies Tshwane as being the African Capital City of Excellence which is the gateway to Africa and provides the opportunity for investment and trade. It is seen as a major conurbation when viewed together 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.
- There is a need to reduce travel-time and costs between places of education and / or work and residence by creating areas with mixed-uses at / close to important intersections and along linking spines. This in turn creates more liveable, efficient, walkable and sustainable cities in line with smart growth principles. This also goes hand in hand with opening up opportunities for integration of previously disadvantaged societies to participate in structured city life.
- Some of the core components of the MSDF as applicable to the development proposal include the following:
  - Social needs: Increased housing stock in the Willow Park Manor area will see to the better utilization of social facilities. Examples include parks, churches, etc.
  - Restructuring of spatially inefficient City: Application for densification of the property in a High Density Zone.
  - Strategic infrastructure provision: Current infrastructure will be better utilized and upgraded (as necessary), providing benefit to the area and unlocking future investments.
  - Guiding developers to appropriate development: Consulting the current RMSDF for guidance on the vision for the area, and where the Municipality would like to encourage investment in Tshwane.
  - Creation of compact City through implementation of Compaction and Densification Strategy: Property located in a High Density Zone.
  - Higher density urban development: Application is in line with the "smart growth" principles of compaction and densification, in support of mass public transport and NMT.
  - Provision of sustainable human settlements through:
    - Liveable communities, i.e. residential accommodation along with associated sports and recreation facilities in the area.

- Provision of a range of services, amenities and typologies (varied housing typology to current predominantly low-density rural residential area).
- Housing alternative to diversify available tenure options.
- Three building blocks form the spatial directives of the spatial development concept of the MSDF, *viz*:
  - Nodes and activity areas
  - Movement and connectivity
  - Environmental structuring

The present development proposal will be in support of the movement and connectivity directive, being situated in a High Density Zone where NMT plays a primary connectivity role between the townhouse complex and employment opportunities northwards.

- The IDP, MSDF and RMSDF together provide guidance to developers of where public investment will be focused to draw private investment to particular spatial destinations in pursuance of the realisation of the spatial vision for the City. The spatial vision includes *inter alia* the achievement of the development principles of SPLUMA.
- More detail of the spatial vision for the City is found in the seven RMSDFs for same, which serve as a refinement of the aims and strategies of the MSDF. The subject property is situated in Region 6.

## 5.5 REGIONALIZED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – REGION 6, 2018.

The Regionalized Municipal Spatial Development Framework – Region 6, 2018 (RMSDF) was adopted by the Tshwane Metro Council on 27 September 2018 to guide and inform development as integral part of the Integrated Development Plan (IDP) for the City. The RMSDFs together for all seven Regions... *"is considered to be the implementation mechanism of the spatial component for the Roadmap Towards Tshwane 2030, Municipal Spatial Development Framework, as well as other strategic policies with a spatial emphasis, such as but not limited to the Council approved Densification and Compaction Strategy, Retail Strategy, Rural Strategy, Tshwane Integrated Transport Plan, the Tshwane Open Space Framework, etc."* (p1)

### (1) Urban Edge

The urban edge is a growth management tool used by the City to encourage brownfields as opposed to greenfields developments to on the one hand conserve land as an exhaustible resource and on the other to optimize the utilization of existing infrastructure through redevelopment, **infill development** and densification and intensification within the urban edge (RMSDF, p17). The development site is located inside the urban edge and the development is being regarded as infill development.

"Infill" is defined under Glossary of Terms in the RMSDF as follows:

*"The development of undeveloped or underdeveloped land within a developed urban area with infrastructure available" (p vi)*

Developing inside the urban edge will also see to the conserving of valuable environment areas and / or unique or high-potential agricultural land outside the edge, thereby achieving sustainable development (p17).

## (2) Strategic location

- \* The development site and the surrounding Willow Park Manor area bounded by Bronkhorstspuit Road (north), Solomon Mahlangu Drive (east), N4-National Road (south) and Simon Vermooten Drive (west) are strategically situated between the very high density low-income communities of Mamelodi and Nellmapius (northeast) and the much lower density, middle-income communities of Equestria and Die Wilgers (south / southwest) (Refer RMSDF pp 36, 37).
- \* The Property is situated in the Region with the highest development pressure (p36), but with no suitable land to expand in / around Mamelodi (p44). The RMSDF confirms in this regard the following:

*"Virtually all areas have developed up to the old border of the Tshwane municipal area. The only areas available for development in the south eastern section of this region are the **Willow Glen Agricultural Holdings** and the **Waterkloof Agricultural Holdings**" (p40) (own emphasis)*

- \* The strategic location of the development site is furthermore underscored by its relative proximity to employment opportunities (present and future). Examples include the Silverton / Waltloo / Despatch / Silvertondale industrial area northeastwards, the SAMCOR Park Ford Manufacturing Plant and abutting Tshwane Automotive City industrial park extensions, north / northwestwards, various industrial, commercial and other businesses flanking Bronkhorstspuit Road north / northwestwards as well as the N4-Gateway Industrial Park at the N4-National Road / Solomon Mahlangu Drive / Bronkhorstspuit Road confluence eastwards.

For a better understanding of the relative locality of these land-uses and its distance from the development site, refer Figure 3 (overleaf).

[FIGURE 3 : LOCALITY OF SITE IN CONTEXT OF HIGHER-ORDER ROADS AND EMPLOYMENT OPPORTUNITIES]

- \* The RMSDF (pp 53 – 56) classifies the higher-order roads bordering the development area where the subject property is located as follows:

- Bronkhorstspuit Road: Mobility Spine

*"A Mobility Spine is an arterial along which through traffic flows with minimum interruption (optimal mobility). Much smaller than highways, Mobility Spines are usually made of two lanes of opposite vehicle flow."* (p53).

It allows for nodal developments of a mixed-use nature at intersections – a phenomenon already manifesting along the section of Bronkhorstspuit Road between Watermeyer Street (west) and Solomon Mahlangu Drive (east).

- Simon Vermooten Drive: Transport Corridor

Its function and design are described in the RMSDF, p53 as follows:

- " ◦ *Public transport orientated – with the prioritising of public transport and Non-Motorised Transport over Private transport.*
- *Pedestrian / cyclist oriented environment with traffic calming for cars where appropriate.*
- *Road space reallocation aiming to re-balance provision between private cars and more sustainable modes such as non-motorized transport and the BRT.*
- *Limited accommodation for private cars on the Corridor.*
- *High accessibility for pedestrians."*

- Solomon Mahlangu Drive between Lynnwood Road and Bronkhorstspuit Road: Activity Spine

*"These streets are characterized by slower moving traffic due to the nature of activity along the street (activity is of paramount importance, mobility is compromised to allow the activity). The street provides a focus for various non-residential and medium to higher density residential developments that create a vibrancy and specific identity."*

A wide variety of non-residential (e.g. commercial, industrial, motor-related uses) land-use activities with enormous employment opportunity are found along the entire length of Solomon Mahlangu Drive between Lynnwood Road and Bronkhorstspuit Road.

- N4-National Road: Highway

*"No direct access to land uses"*

*"Access is restricted to the interchanges only."*

It should be noted that the N4 National Road between Rustenburg and Maputo (Mozambique) is a declared Development Corridor, along which a variety of land-use activities are being promoted, appropriate to the particular area it traverses. In the area under consideration high-density urban development of a predominantly residential nature is being promoted.

For a better comprehension of the relative proximity and distances to / from the development site, refer figure 3.

### **(3) Movement and connectivity**

- \* The RMSDF places huge emphasis on reduced dependency on the use of private vehicles for intra-urban movement and substitution of same for public transport and non-motorised transport (NMT) (p51). This aim will indeed be served well by the proposed development.
- \* Libertas Avenue and Simon Vermooten Drive are the two most important north / south connecting roads between the site and the numerous employment opportunities north / northwestwards, as discussed above.
- \* Bush Road and Stellenberg Road (with link along Libertas Avenue) are the two most important east / west connecting roads between the site and the future BRT along Simon Vermooten Drive (west) and the growing number of employment opportunities along Solomon Mahlangu Drive (east)
- \* Although perhaps not at present ideally developed for NMT purposes as yet, the directives in this regard in the RMSDF are pertinent and specific. The following extracts serve to elucidate:
  - o *"Create regions with short commutes (compact)"* (p21)
  - o *"The overall restructuring of urban functionality through the employment of an efficient and appropriate public transport system"* (p20)
  - o *"The City plans to have six TRT trunk lines operational by 2028, accompanied by complementary feeder systems"* (p22). The line along Simon Vermooten Drive (westwards) is one such trunk line and it can be reasonably foreseen due to the High Density Zone of the area around the subject property, that a bus feeder system would be implemented here.
  - o To counter spatial inefficiency public transport has to increasingly replace private transport, and an integral component of public transport is NMT.
 

*"Bicycle lanes and pedestrian lanes: Effort must be put in the establishment of separate bicycle lanes (and) pedestrian walkways to allow for safe movement of the latter"* (p23)
  - o The RMSDF, p24 emphasizes the need for ... *"high-quality public spaces and streets which are pedestrian and cyclist friendly."*
  - o The RMSDF continues to promote the liveable street concept which should accommodate safe, convenient and comfortable access to and the use of streets for especially pedestrians and cyclists, and the socializing function of streets as an extension of the open space function in cities should be recognized (p25).



- Traffic calming measures to improve safety and landscaping / streetscaping should be prioritized along important connecting roads to encourage NMT (26).
- \* Although Libertas Avenue is foreseen to have an important NMT function in future it is evident from the RMSDF that NMT would be prioritized along Simon Vermooten Drive – both these streets having an important north / south connecting function. As quoted from the RMSDF, p53 above. Simon Vermooten Drive will as a Transport Corridor be –
  - public transport orientated
  - NMT will be prioritized
  - pedestrian / cyclist orientated with traffic calming for cars
  - specific road-width allocation for NMT and segregation from motorized vehicles
  - Limited accommodation for private cars on the Corridor
  - High accessibility for pedestrians

As evident from figure 3: Locality of Site in Context of Higher-Order Roads and Employment Opportunities, Simon Vermooten Road is approximately 1,3km to the west of the development site, along Bush Road.

- \* It is therefore clear that the opportunity exists for implementation of NMT initiatives along Bush Road, Simon Vermooten Drive, Libertas Avenue, Stellenberg Road and Solomon Mahlangu Drive. It is especially important for its potential in the vicinity of the site to / from the employment opportunities alluded to above – i.e. the north / south linkages. The RMSDF corroborates this on page 87 as follows:

*"Increase pedestrian permeability into and through high density precincts."*

- \* It is finally important to note that the above NMT proposals for the area find expression in the NMT (IRPTN & Integration / Region 6 – 2017) map in the RMSDF from which the following is evident:
  - Vivian Road (westwards), the western section of Bush Road, and Simon Vermooten Drive are designed "Tsoholoso Pedestrian Walkways"
  - Libertas Avenue, Bush Road, Simon Vermooten Drive and Bronkhorstspuit Road are designated NMT (Class 1) pedestrian and cyclist routes.
  - Simon Vermooten Drive is also designated as Cycle Lane.

#### **(4) High Density Zone**

- \* The entire area between Lynnwood Road (south), Solomon Mahlangu Drive (east), Simon Vermooten Drive (west) and Bronkhorstspuit Road (and further north) has been earmarked in the RMSDF as High Density Zone. This

designation allows for residential densification up to 80 dwelling-units per hectare.

[FIGURE 4 : EXTRACT FROM RMSDF DENSITY MAP]

- \* The purpose of High Density Zones is to *inter alia* achieve a compact urban form which will increase spatial transformation and efficiency, improve public transportation facilities with a concomitant reduction in greenhouse gases, improve convenience and comfort as well as social inclusion, while contributing to a varied and interesting built environment and transformed urban landscape (refer RMSDF p72).
- \* On High Density Zones the RMSDF confirms the following:

*"High Density Zones in Region 6 are focused on the Metropolitan Cores and Urban Cores. These are located at the Menlyn and Mamelodi Urban Cores.*

*Residential densification is proposed for the urban core areas surrounding the Metropolitan core areas. The High Density Zones are identified as areas which should be developed as medium to high residential developments. It is envisaged that these nodes will develop a whole range of activities on an intense scale."* (p75)

The proposed development of the subject property at approximately 36 dwelling-units per hectare will no doubt comply with the requirement for medium to high residential development density and will still be below the maximum of 80 dwelling-units per hectare.

##### **(5) Specialized Activity Zone / Area / Node**

- \* Apart from the conventional nodes like Metropolitan Nodes, Urban Cores and Emerging Nodes, the RMSDF also identifies Special Activity Areas as nodes of metropolitan significance:

*"There are **nodes** in the metropolitan area that are characterized by largely mono-functional land uses taking up large, concentrated and defined space. The character of the areas ranges from industrial to high technology smart industries, medical facilities, educational, research and conservation facilities. It is important to acknowledge these specialized activity areas not just in terms of their scale, but because of their sphere of influence in terms of generating movement, opportunities and linkages with other areas"* (p16) (own emphasis)

- \* Under Strategic Land Uses the RMSDF identify amongst others the following significant development node:

*"Silverton / Waltloo / Koedoespoort industrial which is identified as one of the Specialized Activity Areas of Metropolitan importance in terms of the MSDF. This area enjoys excellent accessibility by both road and rail and has shown*

*through the analysis that at a metropolitan level it is significant in terms of providing job opportunities (industrial related) on a large scale.”(p39)*

And furthermore:

*“The Silverton / Waltloo area can be regarded as a node with a more regional function due to the mix of land use. The motor manufacturing plant located within this node exports internationally.”(39)*

- \* The development site is located a mere 1,5km southeast of the southeastern edge of this node (refer figure 3).
- \* The significance of this node for the present applicant lies in the employment opportunities on offer here as confirmed by the following extract:

*“Presently the main job opportunities within the region are located in Waltloo and Silverton (50 000 job opportunities). Despite this, Mamelodi, Eersterust and Nellmapius are subject to large-scale poverty and unemployment. The creation of more job opportunities is therefore a high priority and a focused effort should be put into attracting investment to these areas to create more job opportunities.”(p40)*

- \* As an important element of the Growth Management Strategy of the City the RMSDF promotes the expansion of existing nodes as opposed to creating new nodes which may not have the benefit of agglomeration advantages and economies of scale. This because... *“the current needs far outweigh the resources...”(p15)*

*“The extension of existing, well located nodes should ... be encouraged before the creation of new nodes. As in the case of existing nodes, it is proposed that higher density residential uses be introduced as part of the node”(p48)*

- \* The applicant believes that it is for this reason that *inter alia* the Willow Park Manor and Willow Brae areas have been designated in the RMSDF as High Density Zone, namely to provide a band of high-density residential development in close proximity to this high-employment Specialized Activity Node as a logical extension of same, thereby also serving the mixed-use principle as promoted in the RMSDF.
- \* On the Waltloo / Silverton / SAMCOR Park node the RMSDF furthermore states the following:

*“A focused effort should be put into attracting investment to these areas to create more job opportunities”(p50).*

In this regard the RMSDF also identifies the need for a Precinct Plan for the “Silverton / Waltloo and SAMCOR Park Areas TAC Precinct”, the purpose of which would be the following:

*"Promote and encouragement of development of the Industrial area in the identified precinct for intensification of Industrial use in line with and in support of the Tshwane Automotive City Concept" (p113)*

- \* Implementation of the expansion of this highly important Specialized Activity Zone / Node has since publication of the RMSDF made huge progress. The implementation of same has gained explosive momentum in the last 6 to 8 months due to the dire need for job creation pursuant to the national lockdown necessitated by the Covid-19 pandemic. The pandemic has caused many businesses to close with concomitant job losses in the economy which have seen thousands of households losing its income, with dire consequences to the livelihoods of especially the poor and vulnerable component of the population residing the northeastern parts of the region (notably Mamelodi, Eersterust and Nellapius).

As reported on various platforms, the CTMM has availed around 204 hectares of land under its control to the immediate east and southeast of the SAMCOR Park motor manufacturing plant, of which around 162 hectares are developable as part of a Special Economic Zone (SEZ), being the Tshwane Automotive Special Economic Zone or Tshwane Automotive City.

The Immediate focus is to expand the production capacity of Ford situated at SAMCOR Park and to co-locate Ford suppliers and related services at the new development site. Investment in the Automotive City is reported as being around R3,4 billion which will be invested by both government and the private sector. Around 8 700 jobs will be created during the construction phase and 2 100 permanent jobs once operational. This excludes new employment opportunities which will be created through the multiplier effect.

The proposed new townhouse complex will serve an important function in providing suitable housing in relative close proximity of the Tshwane Automotive City for households with members employed here. Also naturally, for the households of people already employed in the Waltloo / Silverton / SAMCOR Park Specialized Activity Node.

[ANNEXURE 'N' : MAPS & ARTICLES ON EMERGING TSHWANE AUTOMOTIVE CITY]

## **(6) Synthesis**

As demonstrated in the foregoing sub-section of the memorandum, the proposed township establishment for a residential townhouse complex on Holding 78 finds support and favour in the RMSDF, for *inter alia* the following reasons:

- \* The development site is situated within the official urban edge for Tshwane.
- \* The development represents infill development with better utilization of land and engineering services as scarce resources.

- \* The provision of appropriate housing in close proximity to various strong employment opportunities, of which the Specialized Activity Node of Waltloo / Silverton / Bellevue (and more) deserve special attention, as well as the current expansion of same through the Tshwane Automotive City, all within an easy commute.
- \* Being located in a designed High Density Zone where residential development densities of up to 80 dwelling-units per hectare are promoted.
- \* The high development densities permitted will *ceteris paribus* see to the development of NMT initiatives for walking and cycling. As evident from figure 3: Locality of Site in Context of High-Order Roads and Employment Opportunities all major employment areas are located within walking distance, but more so within easy cycling distance. Declared NMT pedestrian and cycling routes through and around the area create the expectation of lower volumes of private cars on roads and increased use of public transport. In the latter regard the BRT route on Simon Vermooten Drive and associated feeder-bus services will play an important role.
- \* The strategic location of the area where the subject property is situated in wider context will through medium to high density development contribute to the spatial sustainability of the area, increased efficiency of the City and the populating of one of the last remaining under-developed areas of the Region.
- \* A supportive and most conducive movement and connectivity system, existing and future, will see to reduced travel times, increased comfort and integration of land-use activities and movement of people and goods.

## 5.6 OTHER POLICIES / PLANS / FRAMEWORKS

- The applicant is satisfied that the assessment of the development proposal against the provisions of the Bylaw, SPLUMA, Tshwane IDP, MSDF and RMSDF – Region 6 in the preceding subsections of Section 5 would serve to satisfy the obligation on the applicant pursuant to Section 16(4), Schedule 6, Paras 3(9)(a) and (b), and that no further policies, plans and / or frameworks need to be analysed for consistency of the development proposal with same. The reason for this is found in the fact that all the policies / plans / frameworks assessed above have been duly informed by an array of such related policies / plans / frameworks on national, provincial, district and municipal level. Examples include the National Development Plan (NDP), the Gauteng Spatial Development Framework-2030 (GSDF), Tshwane Vision 2055, Tshwane Compaction and Densification Strategy (CDS), Roadmap Towards Tshwane 2030, Tshwane Integrated Transport Plan, Tshwane Open Space Framework (TOSF) and more.
- The institutional sustainability through compatibility and alignment of the development proposal with the prevailing statutory planning framework applicable has been proven unequivocally. The development is also commensurate with *inter alia* the various other policies / plans / frameworks mentioned but not addressed here specifically.

## 5.7 CONSTITUTIONAL TRANSFORMATION IMPERATIVES

In compliance with Section 42(1)(c)(ii) of SPLUMA cognizance should be taken of the so-called constitutional transformation imperatives to be derived from land development applications.

- In essence the future planning policies and plans discussed earlier, have a recurring theme in common, being the plight of the poor and vulnerable and the pressing need for socio-economic upliftment of previously disadvantaged families and communities. The dire need for improved living conditions and a better quality of life forms a golden thread throughout these.
- The heart of the problem lies in the enormous challenges today facing society, namely poverty, human dignity, freedom, safety / security, education, health and more.
- Although the term 'transformation' is nowhere to be found in the Constitution, the Constitutional Court has coined the phrase 'constitutional transformation imperatives' to deal with the Bill of Rights issues, to *inter alia* heal divisions of the past, enhance social justice, weed out unfair discrimination and redress imbalances of the past.
- Constitutional transformation imperatives find application mostly in the public sector and bigger private business concerns where e.g. affirmative action policies have been devised to increase owner / employee representivity in line with the race and gender composition of the population. It thus essentially relates to more black ownership and more efforts towards employment equity.
- The on-going dire circumstances of the majority of the population have in recent months led to a call for so-called radical transformation which has created the public perception that everything "white and / or colonial" should be replaced by "black and indigenous", currently serving to increase socio-political tension and divisions.
- In the People's Guide to the 2017 Budget, the National Treasury on radical economic transformation for inclusive growth however stated the following:

*"The alternative to raising taxes is faster economic growth. This will require economic transformation. Government's objective is to transform the economy, not simply transfer ownership or hand out tenders. Transformation must aim to **build a new economic momentum, mobilize new investments, create new jobs and create new resources to support social change.**"* (p1) (own emphasis).

- Unfortunately redress through representivity has in many public bodies and parastatals led to a reduction in efficiency and effective service delivery, as evident by a multitude of dysfunctional municipalities today countrywide. This state of affairs is in stark contrast to the Constitutional role of municipalities which should be that of developmental agencies in pursuance of growth development.

- Economic growth and development is seen as the ultimate prerequisite for socio-economic transformation, i.e. the catalyst to propel transformation into an achievable goal to culminate in job and income creation, enhanced dignity / pride, increased welfare and a better quality of life for all.
- The proposed new townhouse complex on the subject property is in essence a support facility for people to "live and play" while working in one of the many employment opportunity locales in the surrounding area. It is evident that the pro-active initiatives around the Tshwane Automotive City will see to the creation of numerous new jobs, which will in turn draw many households to the area. The dwelling-units in the proposed new township will be available for all races, genders and people with varying socio-economic backgrounds where social inclusion and integration will be in the order of the day.

## 5.8 COMPACTION AND DENSIFICATION STRATEGY, 2005 (CDS)

- \* The CDS is a "smart growth" initiative aimed at the sensible restructuring of the City's spatial dimension towards a more efficient space economy, increased liveability and less pressure on horizontal expansion around the urban periphery. The curtailment of urban sprawl holds numerous advantages, including preservation of valuable agricultural and conservation land as well as optimising the cost of providing infrastructure for intra-urban expansion.
- \* With the RMSDF as grassroots level policy for spatial direction on giving effect to the Vision of the City as embodied in *inter alia* the Roadmap Towards Tshwane 2030 already duly informed by amongst other the CDS as foundational policy instrument, an extensive elaboration on the CDS here again would be unnecessary / superfluous.
- \* The CDS has been informed by *inter alia* the Housing Strategy for the CTMM (Draft) and the Densification Study for the Identification and Evaluation of Land for Institutional Housing Development (p7) from which was gleaned the need for residential development to be undertaken on a... "*more focussed, sophisticated and efficient manner.*"
- \* The CDS identifies as "key legislative directives" *inter alia* the following:
  - " *Ensure that residents have access to a range of choices with regards to **housing typologies as well as locations***" (own emphasis)
  - *Integrate residential development, movement systems, social facilities, employment opportunities and activity areas.*" (p 7)
  - One of the reasons for densification is

"... creating the necessary population thresholds for economic growth and healthy business in specific areas." (p 9)

- The document highlights the need to create more compact cities which are well designed. Densification should take cognisance of surveillance, diversity, social integration and mixed-use supporting densification.
- Four zones of densification are identified in the CDS and these have been incorporated in the RMSDF for the Regions too. The subject property is located in a High Density Zone, which in the CDS (p16) appears to be a sub-component of a Concentration Zone. On this matter it confirms the following:

*"The High Density Zones are the primary focus areas for high density, medium to high-rise residential developments and are centred around nodes of metropolitan importance."* (p17)

Presumably the "node of metropolitan importance" referred to here refers to the northeast-lying Silverton / Waltloo/ SAMCOR Park / Koedoespoort / Despatch Specialised Activity Node (which incorporates the new Tshwane Automotive City) as discussed in detail in Para 5.7 (5) *supra*.

- The development site is furthermore located in relative close proximity to Simon Vermooten Drive – a designed Linear Zone destined to accommodate a strategic trunk route of the TRT in future (before 2028).
- The typical housing typologies envisaged for High Density Zones include townhouses, group housing and low-rise walk-ups (i.e. stacked simplexes) (CDS, p21)



## **6. MOTIVATION OF MERIT**

### **6.1 PRECEDING SECTIONS**

Various aspects related to the merit of the application have already been discussed in preceding sections of the memorandum. For a full understanding of the merit it is therefore important that this section not be read in isolation but the memorandum as a whole, along with the applicable annexures, figures, tables, maps and plans to understand the need, desirability and sustainability of the project.

### **6.2 NEED / NECESSITY**

#### **6.2.1 Population growth and migration**

The National Development Plan (p266) confirms the urgent need for the provision of housing in urban areas, especially those metropolitan cities sponsoring high levels of employment opportunities. It predicts that by 2030 7,8 million more people will be living in South African cities and a further 6 million by 2050, and that a large proportion of these will be poor. This will cause an enormous demand for appropriate housing and tenure alternatives, over and above the existing backlog in the provision of housing.

On the matter of the huge and growing demand for affordable housing the National Planning Commission in the NDP (p 272) confirms the backlog in housing (2011) to be around 2,1 million units which would require a capital outlay of an estimated R300 billion to eradicate. The Commission criticizes Municipalities for its lack of proactive infrastructure provision and for the bureaucratic delays in the processes of planning approvals (pp 271, 272).

The Gauteng Spatial Development Framework, 2011 – 2055 (GSDF) estimates the population of Gauteng in 2011 as being around 11,5 million people with approximately 9,5 million living in towns and cities (p24). Rapid population growth would see the Gauteng population increasing to between 18 and 28 million people by 2055. It confirms that the three metros of Tshwane, Ekurhuleni and Johannesburg are home to just under 90 percent of all households living in informal settlements in Gauteng (p 10).

The City of Tshwane IDP (2016 to 2021) confirms the total population of Tshwane (2011) to be 2,9 million people (p 38). The projected figure for 2020 is between 3,5 million (low forecast) and 4,2 million (high forecast) (p96). A large proportion of the population is unemployed (21,1% in 2014 – p50) and is likely to remain high. This means that a high proportion of the projected population will be dependent on the City to provide "adequate housing as a basic right" in accordance with the Constitution.

#### **6.2.2 Affordable housing**

The prevalence of informal settlements is the physical evidence of a major shortage in housing for the less affluent component of the population.

The Tshwane Vision 2055, adopted by Council in 2013 confirms that Tshwane has approximately 51 850 informal dwellings (shacks / shanties) in the backyards of

erven in informal townships and a further approximately 112 170 informal dwellings on farms.

The Tshwane IDP (2016 – 2021) states that the demand for housing is huge as evidenced by the 150 informal settlements in the City's area of jurisdiction. It estimates the housing backlog to be around 220 000 units for currently deprived households (p98). It states furthermore that although the City has already formalized 47 informal settlements by June 2015, the migration of people from other African countries and from other parts of South Africa in search of employment and a better life, leave the City with a daunting task to provide affordable housing to the ever-increasing number of people (pp 37, 38).

Regular land invasions by the homeless poor further serves to confirm the dire need for affordable housing.

### 6.2.3 Need on local level

- The RMSDF confirms that Region 6 where the subject property is located accommodates approximately 40 000 informal units – mostly situated on serviced stands (p41).
- Importantly furthermore, the RMSDF confirms the following:

*"The demand for housing in Region 6 is about 6 000 units per year."* (p41)

The demand is higher in the northeastern parts of the Region, where the only available developable land for residential purposes is located in the Willow Brae and Willowglen A.H. areas (RSDF, p40).

- In anticipation of the accommodation of the need for housing in the area the CTMM has in the RMSDF earmarked the area where Holding 78 is located for High Density development. This was indeed necessitated by *inter alia* the projected high demand for appropriate housing in the area (i.e. townhouses, group housing, low-rise walk-ups) with due consideration to the limited land available for same.
- With cognisance to the socio-economic profile of future households in the area as derived from *inter alia* the nature and extent of nearby employment opportunities in the industrial sector, it can be expected that there will be an active demand for appropriately sized townhouses here, as being proposed for development on Holding 78.
- Developers have in recent months responded positively to a strengthening demand for smaller dwelling-units in particular localities and started moving away from low-density single erf developments on the urban periphery. There is a strong market demand for the former by members / families of the upwardly mobile previously disadvantaged component of the population close to their place of work and with high accessibility to other essential functions, including education, religious centres, parks and recreation, sports facilities etcetera.

- The demand for housing alternatives is a function of *inter alia* population growth and urbanization, but also of the disposable incomes and credit-worthiness of households. High debt levels of especially households in the middle to higher income brackets are contributing to the lacklustre demand for new housing of the historic, conventional low-density variety.
- The concept being mooted here is for a medium-density townhouse complex. The townhouses will attract middle-income groups, which will accommodate homeowners who prefer privacy and their own garden but can not afford purchasing a single residential stand or prefer the security of being in a residential estate. The land-use typology of townhouses attracts young families as well as older persons who are looking at downscaling pursuant to their stage in the life cycle of a family.

#### 6.2.4 Synthesis

It follows from the above that there is a need / necessity for additional housing in the local area and on the particular development site. The proposed townhouse complex is furthermore an appropriate housing typology that will find favour in the market segment targeted. The need for housing of the mentioned variety and configuration here has its backbone in *inter alia* the demand caused by natural population growth and the forming of new families as part of the life cycle, a net immigration of individuals and families from neighbouring countries, upward socio-economic mobility of previously disadvantaged individuals / families, existing and future employment opportunities in the Waltloo / Silverton / Bellevue Specialized Activity Area / Zone / Node and in particular the thousands of new temporary and quality permanent job opportunities being created currently in the new Tshwane Automotive City and the Ford manufacturing plant in SAMCOR Park. The need for housing here is also underpinned by other existing and future employment opportunities nearby in / along Bronkhorstspruit Road (north), Solomon Mahlangu Drive (east) and Simon Vermooten Drive (west).

The applicant has planned and designed the proposed townhouse complex with these market characteristics in mind and contends that it will be appropriate for the purpose and that it will serve to fulfil at least in part the market demand for same existing at present and in fact increasing over time pursuant to the urban dynamics prevalent in the surrounding area.

### 6.3 DESIRABILITY & SUSTAINABILITY

#### 6.3.1 Accessibility

(1) Vehicular accessibility to the township is high, primarily facilitated by the following existing public roads in and through the area.

- The N4-National Road traversing the area in an east / west direction south of the development site, linking Rustenburg (Platinum Highway) with Tshwane and the latter with Mpumalanga and Mozambique eastwards (Maputo Corridor). The N4-National Road also provides a high-order link to the N1-National Road serving a connecting function northwards with

Limpopo and to the south to Johannesburg – and further afield to the Free State and beyond

- Solomon Mahlangu Drive eastwards which traverses the area in a north / south direction linking the N4-National Road to Centurion and environs further south.
- Simon Vermooten Drive to the west traversing the area in a north / south direction between Lynnwood Road (south) and Bronkhorstspuit Road (north).
- Bronkhorstspuit Road northwards, traversing the area in an east / west direction linking the Silverton / Waltloo node indirectly to Rayton and Cullinan and directly to Bronkhorstspuit / Ekangala eastwards.

On a lower-level Libertas Avenue, Bush Road and Stellenberg Road also play an important accessibility function, to link the development site to the above-mentioned high-order roads. All higher-order roads are in a good condition and being maintained well by the relevant roads authorities. Solomon Mahlangu Drive requires its capacity to be increased between Lynnwood Road (south) and Bronkhorstspuit Road (north). The mentioned lower-order roads are a work-in-progress as these are being upgraded piecemeal by developers as properties alongside same are being developed, to municipal standards.

- (2) Pedestrian accessibility between the development site and *inter alia* the future BRT on Simon Vermooten Drive (westwards) where employment opportunities abound (northwestwards) exists along existing roads and can already serve a pedestrian-link function. The existing circumstances are however less than ideal and walkability needs to be improved in line with the RMSDF proposal as discussed in more detail under Para 5.5 (3) of the memorandum *supra*.

In the end Bush Road, Vivian Road, Libertas Avenue and Stellenberg Road will serve an important NMT function to... "*(i)ncrease pedestrian permeability into and through high density precincts*" (RMSDF, p87) – the latter here being the Willow Park Manor, Willowglen / Equestria and Willow Brae areas.

The area under consideration does not have steep gradients or other topographical / physiographical constraints which would serve to facilitate ease of movement of individuals, whether on foot or bicycle.

- (3) Accessibility by public transport is a future consideration where Simon Vermooten Drive has been designated future BRT status and along which high-density residential development in a Linear Zone will manifest over time. It is foreseen that the High Density area of Willow Park Manor and Equestria may in future be served by a feeder-bus system to the BRT on Simon Vermooten Drive, but also by Metro Bus and minibus-taxis due to the vast concentration of population to in the end reside in this area.

### 6.3.2 Development context

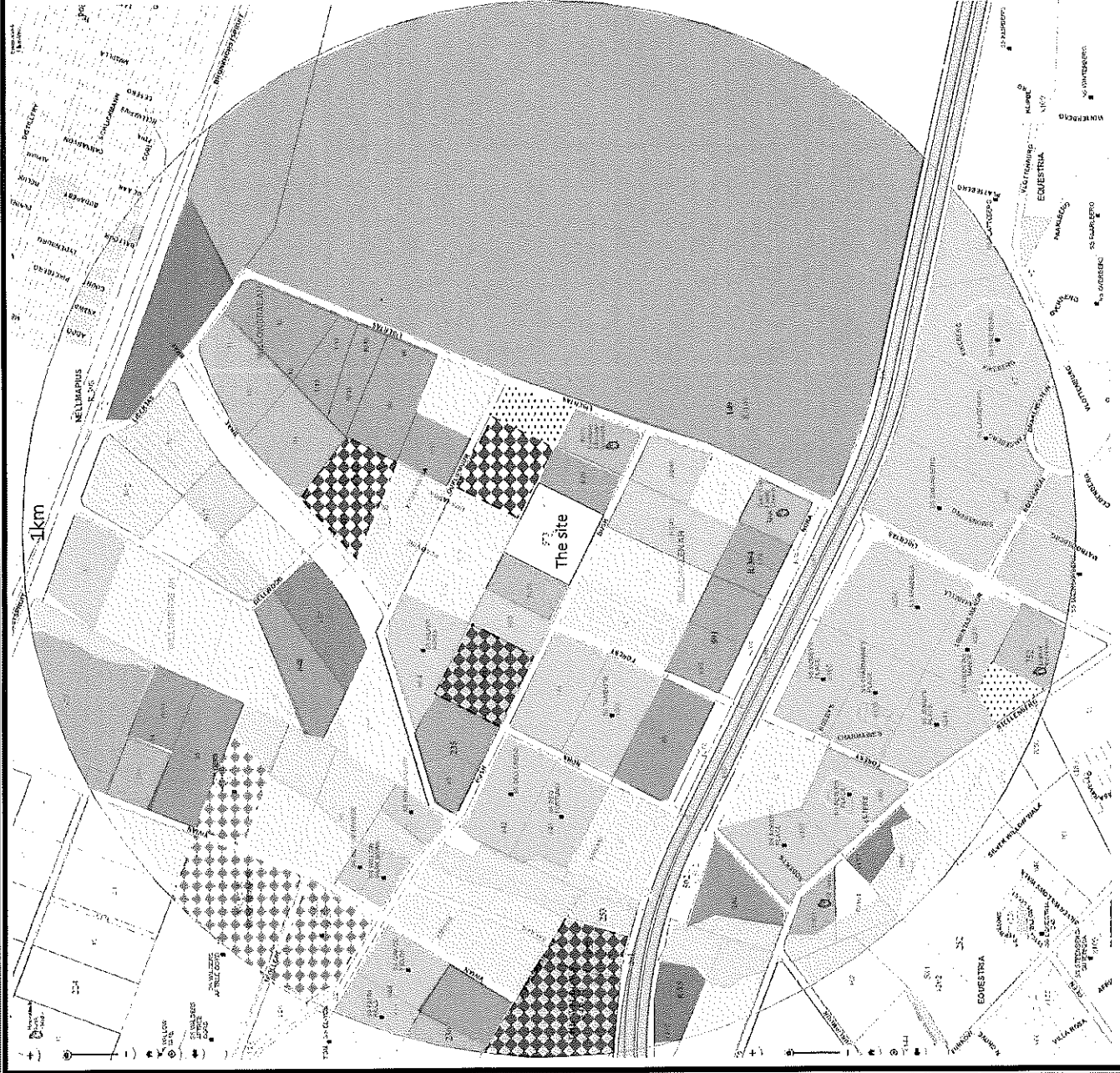
- \* Schedule 6, Paras 9(c), (e)(ii)(bb)(aaa) and (e)(iii) of the Bylaw require of the applicant to discuss the development context of the area, the impact of the proposed development on surrounding properties / land-uses and *vice versa* and how the township will accord with the future development pattern of the area.
- \* The assessment of the proposed new township for medium-density residential purposes should be done against the backdrop of focused and pro-actively promoted residential densification and non-residential intensification on all levels of government in its policy documents, for future "smart growth" development. In this particular locality residential densification up to 80 dwelling-units per hectare is being encouraged for the site and the surrounding area.
- \* The local area around the subject property is being characterised by a mixed-bag of land-use activities. It is clearly an area in process of transformation from a previously low-density rural residential agricultural holding neighbourhood to a higher density urban residential neighbourhood. Whereas the area to the west towards Simon Vermooten Drive is characterised by various (and still increasing) medium-density cluster and townhouse complexes, the area northeast-, east-, south- and southeastwards are still far less developed and characterised by residential dwellings on agricultural holdings, vacant / unused properties and a few properties sponsoring small religious centres and mini-storage facilities.
- \* Further north / northwestwards in closer proximity to Bronkhorstspuit Road are found several non-residential uses, typically including motor scrap yards, warehouses, mini-storage facilities and other such more extension commercial and industrial-type land-use activities.
- \* The area in a radius of one kilometre around the development site sponsors three schools of which the Deutsche Shule approximately 800m westwards is the most pronounced.
- \* The area to the east of Libertas Avenue comprises a large tract of vacant land owned by the CTMM, and being planned for a higher-density integrated human settlement.
- \* As discussed elsewhere in more detail the area between Solomon Mahlangu Drive (east), the N4-National Road (south), Simon Vermooten Drive (west) and Bronkhorstspuit Road (north) is one of only two areas with vacant land in Region 6 that is available and suitable for development. It follows therefore that the area will increasingly be transformed from a predominantly rural residential to an urban character, of predominantly residential nature with associated support functions of social and economic nature, e.g. schools, parks, shops, churches.

[FIGURE 5 : LAND-USE MAP]

**FIGURE 5**

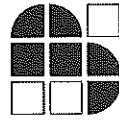
**LAND-USE PLAN**

TOWNSHIP ESTABLISHMENT ON HOLDING 78, WILLOWGLEN AGRICULTURAL HOLDINGS (TO BE KNOWN AS PORTION 573, FARM THE WILLOWS 340-JR) (WILLOW PARK MANOR EXTENSION 92)



**KEY:**

- Rural residential
- Scrap yard
- Business
- Townhouses
- Retirement centre
- Single residential
- Church
- Grouphousing
- Park / open space
- Vacant
- Warehouse
- Storage facility
- Warehouse / factory
- Car park / storage
- Vet / pet hotel
- Dumping area
- School



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- \* The prevailing zoning in the immediate vicinity of the development site is agricultural. This is however somewhat of a misnomer because not a single property is here being used for agricultural pursuits. On the contrary are most of these presently under application for township establishment at different stages in the approval process. One of many examples is the proposed Willow Park Manor Extension 74 presently in the final throes of township establishment on Portion 364 of the farm The Willows 340-JR southwards in Nora Street.
- \* The full-title group housing development presenting as Willow Park Manor Extension 47 is the only proclaimed and developed township abutting the subject property (southwestwards opposite Bush Road). There is however also a township-in-process abutting the site on its east which can be expected to be finalized and proclaimed shortly.
- \* With the area destined to be developed as High Density Zone as designated in the RMSDF the character of same can be expected to change drastically. Not only requires a development density of 80 units per hectare a higher height-profile of 3 and 4 storeys for low- and medium-rise walk-ups, the higher densities will also mean more people and increased appeal on the use of roads and other infrastructure and social facilities. The proposed development on Holding 78 however will not have such a marked impact, as the density pursued is only slightly higher than other similar residential developments in the area.
- \* It is not expected that any existing or future land-use activity around the subject property would have any negative impact on the proposed townhouse complex and furthermore that the proposed townhouse development would accord with the future development pattern of the area.

[FIGURE 6 : ZONING MAP]

### 6.3.3 Land as scarce resource

One of the underlying realities of contemporary town planning is the scarcity of land as a non-renewable resource for development purposes, and the necessity (and responsibility) to utilize such land to its highest-and-best potential in compliance with Section 7(b) and (c) of SPLUMA in terms of spatial sustainability and efficiency.

Holding 78 is currently zoned for a land-use that was prevalent when the area was earmarked for rural residential activities, but subsequently there have been changes with regards to people's lifestyles with a move away from large properties to maintain and also are more of a security risk.

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

#### **6.3.4 Economic development and job creation**

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

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

The particular area holds the prospect of quality jobs of a sustainable nature.

#### **6.3.5 Topography**

The Property has a northwesterly gradient with a 5 metre fall over a distance of 195 metres. This translates to a gradient of 1:39 or 2,6%. The highest point of the site is located at its southeastern corner.

The gradient is within acceptable tolerance for the gravitation-led services (notably sewer and stormwater) to be installed / maintained without the requirement of extra-ordinary engineering solutions.

#### **6.3.6 Section 42 SPLUMA Requirements**

##### **(1) Public interest**

Several of the aspects dealt with in other parts of the memorandum relate to the serving of the public interest by the present application and resultant development project, which are not repeated here again.

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

- \* Being commensurate with the planning policies for the area namely the RMSDF for Region 6, MSDF and IDP for Tshwane;
- \* The application will follow the public participation process as per official requirements of Section 16(1)(f) of the Tshwane Land Use Management By-Law, 2016. Members of the community and surrounding land-owners will therefore be afforded the opportunity to participate and have input in the planning process;
- \* Increased revenue for the Municipality as increased land-use rights will lead to increased rates & taxes payable on the Property;
- \* The proposal is in accordance with the general use of the area and surrounding character. No detrimental environmental impacts will result from the present application.



- \* The proposed development will make a most valuable contribution to the upliftment and wellbeing of the community and society as a whole. It is in the public interest to have a safe and secure living environment offered to a wider segment of the population.

(2) Rights and obligations of affected parties

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

- Character of Willow Park Manor and surrounds.
- Development trends in the area
- Privacy infringement or solar deprivation of surrounding residential development.

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

- Application will lead to opportunities for further development in future (upgrading of engineering infrastructure);
- The general upliftment of the community through the rates and taxes generated by the new development;
- Further financial advantages where income will be spent in local businesses in the area by residents in the development in future;
- Application will lead to the benefit of the area where the land will be better utilized and thereby not be targeted for illicit squatting and / or dumping;
- Community members will have the right to participate in the inclusive rezoning process.

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

(3) Impact on neighbouring properties

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

- Orientating the living and bedroom areas of dwelling-units away from near-by residential and non-residential uses;
- Planning built structures set back adequately from site boundaries, and careful orientation of buildings;

- Overshadowing to be minimised through careful positioning of structures.

It should be noted that the only residential township in the vicinity of the development site at present is the southwest-lying Willow Park Manor Extension 47. The latter is separated from the subject property by Bush Road, an existing 15,74m wide public street being widened to a reserve-width of 25 metres. The probability of the future two-story duplex dwellings on Holding 78 causing any adversities like overshadowing or overlooking is negligible and indeed virtually impossible.

### **6.3.7 State and impact of social infrastructure.**

- In terms of Section 16(4) read with Schedule 6, Para 3(9)(d)(v) of the Bylaw the applicant is required to address the state and impact of social infrastructure pursuant to the present application. In this regard the RMSDF directs that an increase in residential development densities should be accompanied by the introduction of social and community facilities in areas in which these are inadequately provided for.
- Social infrastructure refers to public or community facilities which can range from higher-order facilities such as hospitals and universities to middle-order facilities like high schools and clinics, to lower-order facilities like a pre-primary school or crèche.
- Existing social and recreational facilities in the area include religious centres, schools, a shopping centre and public open space, most of these located within easy walking or cycling distance.

[FIGURE 7 : LOCALITY OF SOCIAL & RECREATIONAL FACILITIES  
RELATIVE TO SITE]

### **6.3.8 Public transport**

The subject property is at present not in close proximity to existing bus services. Simon Vermooten Drive is however a planned Rapid Bus Transit (BRT) route to, according to the RMSDF, be implemented before 2028. Simon Vermooten Drive, Solomon Mahlangu Drive and Bronkhorstspuit Road are however well served by public transport, including Metro and Putco buses as well as minibus taxis.

It can be expected as residential developments are implemented in this designated High Density Zone, that more and more minibus taxis would frequent and serve the area. It is also foreseen that at least a Metro Bus route would be instituted here, and probably also a feeder-bus service ferrying passengers to / from the BRT on Simon Vermooten Drive in due course.

Private taxis, especially Uber and Taxify services have in recent times become an important public transport option which is gaining popularity for its customized service in public transport worldwide. As is the case with minibus taxis these are

also private sector (for profit) services which follow the market. Thus as the Willow Park Manor area becomes increasingly more populated these services would follow.

### 6.3.9 Geological conditions

The firm known at the time as Conic Mokete Consulting Engineers & Project Managers in 2006 conducted a geological investigation on Holding 78, Willowglen A.H. for a township known as Willow Park Manor Extension 58. This township approval has subsequently expired and hence the purpose of the present application for a new township on the same property. The contents of the geological report is therefore *mutatis mutandis* applicable to the proposed Willow Park Manor Extension 92.

Some of the salient features and findings of the report are the following:

- Four test pits were excavated on site and the soil scientifically tested for its suitability for township establishment for residential purposes. The test pit positions were selected to ensure that the results of the investigation would be representative of the entire site.
- It was found the site is overlain by shale and ferricrete, with rock encountered in one of the test pits at 1,8m depth. No groundwater was encountered.
- The soil was classified as H1 in terms of the NHBRC specifications and requirements, confirming its high expansiveness with increase in moisture.
- The high expansive properties of the soils require appropriate engineering solutions for the foundations of buildings and furthermore exclude it as possible road building material.

The report concludes that the geology of the site renders it suitable for residential development. The author however recommends that the soil properties and suitability be monitored during the construction phase of the development.

The CTMM Roads & Transport: Geology Division on 12 May 2017 based on the report confirms its support for the township development of the former Willow Park Manor Extension 58 on Holding 78, subject to the recommendations of the report.

[ANNEXURE 'O' : GEOLOGICAL INVESTIGATION REPORT & PREVIOUS COMMENTS BY CTMM GEOLOGY]

### 6.3.10 Traffic impact

Messrs Trafftrans (Pty) Ltd were appointed to undertake a traffic impact study (TIS) for the development on Holding 78, Willowglen A.H. The study was undertaken for a previous township application and approval on the Property, known as Willow Park Manor Extension 58. The validity of the approved Willow Park Manor Extension 58 however unfortunately expired, necessitating a *de novo* application for township establishment on the subject property. The new township here being applied for will

be known as Willow Park Manor Extension 92 and it should be noted that for purposes of traffic assessment and impact the-

- \* development proposed now entails a residential development of 70 dwelling-units; and
- \* the township is being established on the same property with the same nett developable area as previously.

The only difference between the former Willow Park Manor Extension 58 and the present Extension 92 is that the former was planned as a full-title and the current as a sectional-title ownership scheme. The applicant therefore contends that the TIS undertaken for the expired Extension 58 is *mutatis mutandis* applicable to Extension 92 and is therefore used to inform the present application appropriately.

The following information was gleaned from the mentioned TIS:

- \* The limited extent of only 72 dwelling-units in the township classifies it as a "*small development, generating less than 150 vehicle-trips in the peak hour.*" (TIS, Para 3.1 p7). The development would only generate 72 peak hour trips as confirmed in Table 3, p11 of the TIS which negates the necessity of a formal TIS for approval of the present application.
- \* The TIS confirms that there are several existing road-related challenges in the local area, but that these are pre-existing and cannot be ascribed to the proposed development.
- \* It concludes that no road infrastructure improvements would be required of the applicant due to a negligible impact of the proposed development on the existing surrounding road network.
- \* The TIS makes specific recommendations on the on-site positioning and configuration of the access control facility (e.g. number and width of lanes, queuing distance of entering vehicles) which will be complied with.
- \* The applicant will comply with the official parking requirement of the CTMM and will comply with all the other recommendations in the TIS.

[ANNEXURE 'P' : TRAFFIC IMPACT STUDY]

The City of Tshwane Department Roads & Transport: Transportation Planning Division has on 30 May 2019 commented formally on the findings of the above-mentioned TIS as applicable to the 72 dwelling-units proposed in the previous Willow Park Manor Extension 58 (now Extension 92) which the applicant contends is *mutatis mutandis* applicable here. The following responses are highlighted:

- \* The development rights have to be limited to 72 dwelling-units. (This has in the meantime been reduced to 70 dwelling-units).

- \* *"Due to the negligible impact of the proposed development on the surrounding transportation network no road upgrades are for the account of the developer."*

The balance of the comments constitute general requirements applicable to most similar applications, which are foreseen to be incorporated as conditions of approval in the Annexure T for the future erven in the township.

[ANNEXURE 'Q' : CTMM COMMENTS ON TIS]

### **6.3.11 Electrical engineering service**

Messrs Pienaar & Erwee Engineers revised its original electrical engineering service report prepared for the previous Willow Park Manor township development on the subject property, titled as follows:

*"Willow Park Manor Extension 92 (Previously known as Extension 58) Electrical Scheme Report, October 2020"*

For technical details refer to Annexure 'R' to the memorandum where the Report has been included. The summary of findings is included *verbatim* as follows:

- "13.1 Bulk capacity is available at Willows Primary Substation (132/11kV) and the proposed development falls within the distribution area of the Willows 2 – Murrayfield Satellite Substation.*
- 13.2 Capacity is available on the 11kV cables installed to the townships in the vicinity of the proposed Development.*
- 13.3 The bulk contributions will be payable against the current tariffs and as determined by the City of Tshwane.*
- 13.4 The proposed development will be a positive asset to the area as well as to the City of Tshwane." (p5)*

The CTMM Energy and Electricity Department has commented as follows previously on the former township Willow Park Manor Extension 58:

*"The application is in order. The township lies within the priority area for the supply of electrical services, and electricity in bulk can be supplied, the total expected load of 250 kVA is available."*

The comment received may perhaps be dated as the expected load for the new township is 224 kVA.

[ANNEXURE 'R' : ELECTRICAL SERVICE REPORT AND PREVIOUS COMMENT BY CTMM ENERGY & ELECTRICITY]

### 6.3.12 Civil Engineering services: Water & sanitation

Messrs PVA Consulting Engineers in its report on water and sanitation engineering services to the township confirms the following:

#### (1) Water

- The existing bulk reticulation line of 110mm diameter positioned in Bush Road will have to be upgraded by the developer between Libertas Avenue (west) and Forest Street (east) to a diameter of 250mm (±250m)
- The water demand for the proposed development was calculated as being 24,60l/s with a fire-flow of 20l/s. For all technical calculations and information refer to Annexure 'S'.

#### (2) Sanitation

The developer is required to install a new 160mm diameter sewer connecting line between the northwestern boundary of the development northwards along the western boundary of Holding 1/77, Willowglen A.H. up to Ouklipmuur where it will connect to the existing municipal system.

#### (3) Waste management

All domestic waste generated in the townhouse complex will be collected once a week by the City of Tshwane and disposed of at one of its registered land-fill sites for the purposes.

[ANNEXURE 'S' : WATER & SANITATION ENGINEERING SERVICES REPORT]

### 6.3.13 Civil engineering services: Roads & stormwater

#### (1) Roads

Based on the Tshwane Road Master Plan for the area as well as the TIS for the project by messrs Trafftrans, the civil engineers confirm in its Roads & Stormwater Report with regards to roads to / from the township, the following:

- Internal roads will be held and maintained privately under the Body Corporate to be established for the sectional-title townhouse complex.
- The geotechnical report cautioned that the soil conditions on site are unsuitable for road buildings purposes due primarily to its expansive characteristics under moist conditions.
- A single access is being planned to the development site on Bush Road, in accordance with the recommendations and specifications in the TIS.
- Apart from the construction of Bush Road in as far as abutting the development site, insufficient trip generation by the development project during peak hour periods absolves the applicant from any further road upgrades / improvements to the surrounding public road network.

- Bush Road needs to be widened to a reserve-width of 25 metres from its current width of 16,74 metres. Half of the widening has been provided on the development site, i.e. 4,63 metres. The other half will be provided by developers on the opposite side of Bush Road.
- The section of Bush Road to be constructed by the developer abutting the south / southwestern boundary of the site will be built to the norms and standards of the CTMM. There is a short section towards the west that has already been constructed to municipal standards by the developers of Willow Park Manor Extension 47.

## (2) Stormwater

On the matter of stormwater management the Report by PVA Consulting Engineers confirms the following:

- Connection of the township to the municipal stormwater system will take place in the north-lying Ouklipmuur Road road-reserve. Stormwater will be routed / collected on site to the northwestern low-point on the site from where it will be conveyed by 600mm diameter pipe in a 3m servitude over Portion 1/77 northwards to Ouklipmuur Road where it will connect to an existing municipal kerb inlet.
- The required servitude over Portion 1 of Holding 77 Willowglen A.H has already been negotiated and will serve both the developments on Holding 78 as well as on Portion 1 of Holding 79 abutting the latter to the east.

[ANNEXURE 'T' : ROADS & STORMWATER ENGINEERING SERVICES REPORT]

### 6.3.14 Environmental considerations

- The proposed development of Holding 78 has received environmental authorization (EA) from the Gauteng Department of Agriculture and Rural Development (GDARD) to proceed, in terms of the provisions of the National Environmental Management Act, 1998 (Act-107 of 1998)(as amended) and the Regulations thereto, subject to a set of conditions. The authorization was granted on 20 August 2018, based on a Basic Assessment process conducted by Lokisa Environmental Consultants.
- The authorization is valid for a 10-year period from date of issue, i.e. up to and including 20 August 2028. This has been confirmed under General Conditions, Para 5.1 on page 5 of the record of decision (RoD).
- The following extract from the RoD serves to summarize the gist of the authorization aptly, viz:

*"... the Department is satisfied that, subject to compliance with the conditions contained in this EA, the activities will not conflict with the general objectives of integrated environmental management laid down in*

*the National Environmental Management Act, 1998 (Act No 107 of 1998)(as amended) and that any potentially detrimental environmental impacts resulting from the proposed activities can be mitigated to acceptable levels. The Environmental Authorization is accordingly granted” (p8)*

[ANNEXURE 'U' : ENVIRONMENTAL AUTHORIZATION BY GDARD]



## 7. CONCLUSION AND RELIEF SOUGHT

### 7.1 CONCLUSION

As clear from the facts and argument in the preceding memorandum the applicant has unequivocally demonstrated *inter alia* the need, desirability, sustainability and general feasibility (facts and circumstances) of the proposed townhouse development complex on Holding 78, Willowglen A.H. (to be known as Portion 573 of the farm The Willows 340-JR after excision). The information in the memorandum and annexures to same are evidence of amongst others the following:

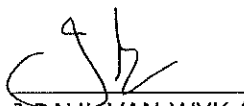
- The development proposal being supportive of and commensurate with the objective and principles of the Bylaw as well as the development principles in Section 7 of the SPLUMA.
- The land development application is consistent with and reinforces the vision of the City with regards to compatibility of the proposed development in the particular locality with reference to the Tshwane IDP, MSDF, RMSDF and other associated forward planning policies, plans and frameworks guiding and informing spatial development in the City.
- The proposed housing project will be ideally located *vis-à-vis*:
  - a variety of quality employment opportunities;
  - current and future public transport opportunities and facilities, including NMT;
  - in relative close proximity to social facilities and parks / open space, e.g. schools, religious centres.
- The development will be in the public interest, will serve the constitutional transformation imperatives to reduce unemployment, inequality and poverty – the three scourges plaguing society today.
- Municipal engineering services are available at sufficient capacities to ensure a viable and sustainable project, which will be supplemented with green building and green energy solutions.
- The application will be public participated as required in terms of Section 16(1)(f) of the Bylaw and everyone with an interest and / or being affected by the development proposal will be given the opportunity to participate in the decision-making process.
- The development of the Property for residential purposes has been found to be compatible and non-detrimental to the environment as proven by the positive RoD issued by GDARD in this regard.
- The desirability of the development proposal from the perspective of *inter alia* the size and shape of the development site, its topographical features, availability of access, the absence of impeding servitudes on site, compatibility with surrounding uses with no reciprocal adversities identified, an optimized draft site development

scenario, absence of floodplains and wetlands, developable sub-surface soil conditions – albeit expansive in nature, adequate public road network available without the requirement to upgrade, low traffic impact on roads, compliance with open space requirements of the City, safety through CPTED-principles and more.

## 7.2 RELIEF SOUGHT

Based on the positive conclusion, the City of Tshwane Metropolitan Municipality is hereby urged to award the land development application its positive consideration and to approve the use-rights for a 70 unit townhouse development on the subject property.

The application complies with / adheres to all official requirements for the approval hereby sought



J PAUL VAN WYK (Pr Pln)

October 2020