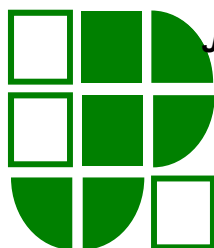


MEMORANDUM

**TOWNPLANNING MOTIVATION OF
MERIT OF PROPOSED TOWNSHIP
ESTABLISHMENT ON
UNREGISTERED PORTION 26, FARM
EKANGALA 610-JR**

**- PROPOSED EKANGALA-G
EXTENSION 2 -**



J PAUL VAN WYK

**URBAN
ECONOMISTS
& PLANNERS CC**

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MAY 2022

TSHWANE

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TOWNPLANNING MEMORANDUM

MOTIVATION OF MERIT OF PROPOSED TOWNSHIP ESTABLISHMENT ON UNREGISTERED PORTION 26, FARM EKANGALA 610-JR

- PROPOSED EKANGALA-G EXTENSION 2 -

1. INTRODUCTION

1.1 APPLICATION

1.1.1 Township establishment

Application is hereby made for the establishment of a township on the unregistered Portion 26, farm Ekangala 610-JR (a Portion of the Remaining Extent) to be known as Ekangala-G Extension 2. 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').

1.1.2 Departure

The application also entails a departure from the provisions of the City of Tshwane Metropolitan Spatial Development Framework, 2030 (dated July 2021) read with the provisions of the Regionalized Municipal Spatial Development Framework – Region 7, 2018 ['RMSDF'] as allowed for in Section 7 of the Bylaw. This is made in the event that the present application may be construed as not being fully aligned with the forward planning vision for the area as expressed in the RMSDF.

1.2 PURPOSE

1.2.1 Development rights / land development application

The application has the purpose of procuring the necessary land-use rights to establish and operate a new community shopping centre on the unregistered Portion 26, of the farm Ekangala 610-JR (a Portion of the Remaining Extent).

1.2.2 Memorandum

The purpose of the Townplanning Memorandum is to collate all the essential information pertaining to the development proposal and land development application in a single cohesive report with annexures, formulate the township development proposal and layout plan and to motivate the merit of the township development in accordance with the statutory and other official requirements in this regard.

1.3 APPLICANT

1.3.1 Registered land-owners

The registered owner of unregistered Portion 26 of the farm Ekangala 610-JR (a Portion of the Remaining Extent) is the National Government of the Republic of South Africa, represented by the Acting Chief Director: Property Management and Advisory Services at the Department of Agriculture, Land Reform and Rural Development [‘Department’] Rirhandzu Shilote and / or authorised officials for the time being. The representative has been authorised to appoint the applicant in this matter.

1.3.2 Developer / lessee

A private company registered at the Companies and Intellectual Property Commission (CIPC) as Litshaba Investments (Pty) Ltd (Reg No 2016/212991/07) [‘Litshaba’] has entered into a long term lease agreement with the Department in terms of which the company has secured the right to establish and operate a community shopping centre on the property concerned for a thirty year period.

1.3.3 Authorized representative

The Department has authorized the representative of Litshaba (mr Jabulani Lukas Mahlangu (ID No. 580121 5921 08 7)) who have in turn authorized the firm J Paul van Wyk Urban Economists and Planners cc (Registration no: 2004/013713/23) and more specifically Johannes Paulus Van Wyk (ID No 550811 5092 08 9) and/or Ulrike (Ola Schumacher-) Malan (ID No 780907 0024 08 5) (both registered Professional Planners) (or nominee) to undertake the application for township establishment on its behalf and to represent the owners in this matter in all related aspects..

[ANNEXURE ‘A’: LEASE AGREEMENT, SPECIAL POWERS OF ATTORNEY AND CIPC SUMMARY SHEET]

The firm is assisted by a multi-disciplinary professional team of specialists comprising the following:

- Project Manager : C J (Lampies) Lamprecht of Grootvoet Beleggings
- Environmental practitioner : Dr Gwen Theron of LEAP
- Electrical engineer : Wirjan Joubert of Ukhozi Consulting Engineers
- Civil engineer : Nelius van der Merwe of Luleka Consulting Engineers
- Land-surveyor : Robin Buckley of Buckley & Strydom Land-surveyors
- Transportation engineer : Pieter Wilken of WMA Consulting Engineers
- Architect : Pieter Steyn of Blunt Architects

- Engineering geologist : Louis Kruger of Louis Kruger Geotechnics
- Conveyancing attorney : Donald Mokgehle of Adams & Adams Attorneys

1.4 JURISDICTION

Unregistered Portion 26 of the farm Ekangala 610-JR (a Portion of the Remaining Extent) is located in the municipal boundaries of the City of Tshwane Metropolitan Municipality ('CTMM') with decision-making authority on land development applications vested in the Metropolitan Council.

2. PROPERTY PARTICULARS

2.1 DESCRIPTION

The Remaining Extent of the farm Ekangala 610-JR of which the unregistered Portion 26 forms the subject of the present application for establishment of a township, is registered at the Deeds Office in deed of transfer T66920/1987 is as follows:

*"Die plaas EKANGALA 610 Registrasie Afdeling J.R.,
TRANSVAAL"(p7)*

[ANNEXURE 'B': DEED OF TRANSFER T66920/1987]

The subdivision of Portion 26 from the subject property has subsequently been approved by virtue of Subdivisional Diagram SG No 13771/1995, approved by the Surveyor General on 15 April 1997. The property is however yet to be registered at the Deeds Office.

[ANNEXURE 'C': SG DIAGRAM No 13771/1995]

Reference to the property (i.e. unregistered Portion 26) in the balance of the memorandum will be as 'Portion 26', 'the Property', 'development site' or 'subject property'.

2.2 EXTENT

The Property extends to 5,5015 hectares in terms of the approved Subdivision Diagram.

2.3 LOCALITY

2.3.1 Regional context

The Property is located close to the Mpumalanga / Gauteng Provincial border, in the easternmost part of the municipal area of the City of Tshwane Metropolitan Municipality (CTMM), approximately 54km east of the Pretoria Central Business District. The site is located on the intersection of Isitjiaba Street with the D670 / R568 / K175 northern extension directly northeast of Ekandustria, and southwest of the established township of Ekangala. In addition to those already mentioned, the following suburbs, roads and landmarks identify its locality in wider context:

- North : Gauteng / Mpumalanga Provincial border
Tshwane municipal border with Thembisile Hani Local Municipality
- East : Ekangala
Another part Gauteng / Mpumalanga Provincial border as well as the Tshwane municipal border with Thembisile Hani Local Municipality
- South : Bronkhorstspuit
Rethabiseng

- Southwest : R104 Pretoria / Bronkhorstspuit Provincial Road
N4 National Road
R513 Provincial Road
Ekandustria
Thabos Dam
Valtaki AH
Firolaz Airtfield
- West : R460 Provincial Road
Cullinan
Cullinan Mine Dam
Zonderwater Correctional Services

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

2.3.2 Local context

On a more localized scale, the locality of Portion 26 is defined more concisely in relation to the following adjoining properties:

- North : Remainder of the farm Ekangala 610-JR
- East : Remainder of the farm Ekangala 610-JR
- Southeast : Unregistered Erven 1 to 6 and road in the township of Ekangala-G on Portion 22 of the farm Ekangala 610-JR
- Southwest : Isitjiaba Street and opposite, Intersection of Isitjiaba Street and Mahlogonolo Road (Provincial Road D670 / R568 / K175) over Remainder of the farm Ekangala 610-JR and opposite, farm Jobarne 489-JR
- West : Erf 763, Ekandustria Mahlogonolo Road (Provincial Road D670 / R568 / K175) and opposite, Remainder of the farm Ekangala 610-JR

2.3.3 Street address

The official street address of the Property is 2806 Mahlogonolo Road.

2.3.4 Global positioning reference

The global positioning system (GPS) reference of the approximate centre-point of the Property is as follows:

- South : 25° 41' 03,2"
- East : 28° 43' 07,4"

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

2.3.5 Site locality

It is evident from the above that the site is surrounded on most boundaries by the Remainder of the farm Ekangala 610-JR of which the subject property is still an unregistered portion of.

2.4 SHAPE AND DIMENSIONS

The Property approaches a rectangular shape with its southeastern corner "cut out" as determined by the yet unproclaimed township of Ekangala-G. The longer sides of the almost rectangular shape are orientated west / northwest and east / southeast and its shorter sides are orientated north / northeast and south / southwest.

The Mahlogonolo Road boundary measures approximately 263 metres in length and the Isitjiaba Street boundary measures approximately 113 metres in length where the parallel north / northeastern boundary measures approximately 226 metres.

For detailed information on the shape and dimensions of the development site refer to Annexure 'C' as well as Figure 2 (township layout plan).

2.5 OWNERSHIP

2.5.1 Deeds Office

As explained in para 1.3.1 *supra* the registered owners of the Property at the Deeds Office are (and will remain) the National Government of the Republic of South Africa, through its Department of Agriculture, Land Reform and Rural Development.

2.5.2 Possession and control

Litshaba Investments (Pty) Ltd will by means of a long-term lease agreement to be registered against the title deed of the Property obtain full possession and control of the subject property for a 30-year period.

2.6 MORTGAGE BONDS

The Property is not encumbered by any mortgage bond(s) in favour of a third party or entity.

2.7 SERVITUDES AND CONDITIONS OF TITLE

The Conveyance Certificate prepared by Adams & Adams Attorneys – mr Maputla Donald Mokgehle confirms the following in respect of the title deed for the Remaining Extent of the farm Ekangala 610-JR as applicable to Portion 26:

1. No existing servitudes to be carried over to the erven in the proposed township.
2. A water pipeline servitude is to be registered in favour of the City of Tshwane Metropolitan Municipality over the farm depicted by figure ABCDEFGHJKLMNA on Servitude Diagram SG 5173/1993.

Part of this servitude will be applicable over the Property depicted by figure abcdea on SG No 13771/1995. This servitude shall be carried over to all erven in the township and shall read as follows:

"The within mentioned property is subject to a water pipeline servitude in favour of the City of Tshwane Metropolitan Municipality indicated by the figure a b c d e a on Subdivisional Diagram S.G. No. 13771/1995 and registered by Notarial Deed of Servitude S_____K with ancillary rights."

3. A notarial lease will be registered over the Property and the notarial lease condition shall be carried over all the erven in the township and it shall read as follows:

"The within mentioned property is subject to a notarial lease for 30 (Thirty) years in favour of Litshaba Investment (Pty) Ltd as will more fully appear from Notarial Lease K _____L."

4. There are no other conditions that affect the Property.

[ANNEXURE 'D': CONVEYANCE CERTIFICATE]

The applicant furthermore appointed a Land Surveyor (Mr Robin Buckely) in August 2021 to prepare a Land Surveyor's Servitude Report to corroborate this information. This report confirms the following:

- A thorough search was conducted of the documents at the Deeds Office as well as the office of the Surveyor General in relation to:
 - Portion 26, farm Ekangala No 610-JR Diagram No 5814/1987
 - Certificate of consolidated title T66920/1987
- No action required and / or no need to carry over to the title deeds of the erven in the township as a result of any of the conditions contained in the title deed or on parent SG diagram.
- There is a servitude note on Diagram SG No A5173/1997 of which the following action will be required:

Waterline servitude to be registered. This condition must be carried forward to the title conditions of the erven in the township.

[ANNEXURE 'E': LAND SURVEYOR'S SERVITUDE REPORT]

The mentioned waterline servitude has been honoured in position on the proposed township layout plan and is depicted as figure abcd on Figure 2.

2.8 MINERAL RIGHTS

The title deed to the Property does not indicate that any mineral rights have been reserved in favour of a third party. All mineral rights however on 30 April 2005 reverted to the State by virtue of the provisions of the Minerals and Petroleum Resources Development Act, 2002 (Act 28 of 2002) ['Act'].

The applicant is obliged to and has indeed applied to the Department of Mineral Resources and Energy ['DMRE'] for written confirmation in terms of Section 53 of the Act that the proposed township development on Portion 26, farm Ekangala 610-JR would not serve to impede the intent and purposes of the Act.

[ANNEXURE 'F': LETTER TO DEPARTMENT MINERAL RESOURCES AND ENERGY]

2.9 SERVITUDE DIAGRAMS

The SG Diagram for Portion 26 (SG Diagram number 13771/1995) confirms that the Property is subject to a servitude area extending to 7 221m² *vide* SG Diagram A5173/1993 which has not been registered against the title deed. This servitude is meant to protect a water pipeline in favour of the CTMM.

[ANNEXURE 'G': SG DIAGRAM NO. A 5173/1993]

2.10 LEASE AGREEMENTS

According to the information availed to the applicant, the National Government of South Africa has not entered into any lease agreements, verbal or otherwise, with regards to any of the land and / or buildings on the development site which are still current, save for the lease agreement with Litshaba Investments (Pty) Ltd (refer Annexure 'A').

3. ZONING AND LAND-USE

This section of the memorandum discusses the existing and future zoning and land-use of Portion 26 on which the township is being established.

3.1 CURRENT ZONING

3.1.1 Use-rights

In a Zoning Certificate dated 31 October 2018 the City of Tshwane Metropolitan Municipality (CTMM) confirms that the subject property is currently zoned Undetermined (Use-zone 19) in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [‘TTPS’].

In terms of an Undetermined zoning, the Property may be used for the following purposes:

- Agriculture;
- Farm stall subject to Schedule 10;
- One dwelling-house.

3.1.2 Development controls

The applicant has interpreted the development controls contained in the zoning certificate as follows:

- Density : Not applicable
- Height : 10 metres (2 storeys)
- Floor area ratio (FAR) : Not applicable
- Coverage : 50%
- Building-lines:
 - Streets : 10 metres
 - Other : 5 metres along rear and side boundaries as well as ground floor along southern boundary, for double volume or storeys above ground level along south boundary

[ANNEXURE ‘H’: ZONING CERTIFICATE]

3.2 EXISTING LAND-USE

The Property is vacant and is not being put to any productive use. There is evidence of pedestrian walking routes across the site and above ground electrical cables along with natural veld grass and isolated clumps of trees.

3.3 FUTURE LAND-USE

The applicant envisages the establishment and operating of a new community shopping centre on the premises. The shopping centre will sponsor two or three anchor tenants and several line stores of which a large percentage will be national franchise-type business concerns.

The proposed new shopping centre will ultimately extend to a total maximum of approximately 13 764m² gross floor area, which will be implemented in phases. The present application is to allow for a maximum gross floor area of 14 112m² to be developed¹.

For more information on the future use of the Property as a community shopping centre refer to Section 4 *infra*.

3.4 FUTURE ZONING

3.4.1 Basket of rights

To allow for maximum flexibility and rapid response to changed market circumstances, the applicant envisages the approval of a so-called basket of rights on each of the two erven to constitute the township. The range of land-use activities catered for will be embodied in a Special zoning, tailor-made for the specific circumstances.

3.4.2 Zoning scheme

The town-planning-scheme-in-operation in the metropolitan area of jurisdiction of the City of Tshwane is the Tshwane Town Planning Scheme, 2008 (Revised 2014) [‘Scheme’].

3.4.3 Use-zone 28: Special

Ensuing from the explanation in paras 3.4.1 and 3.4.2 above, it was decided to zone both erven in the township as Special (Use-zone 28) in terms of the Scheme and to customize the zoning in accordance with the proposed land-use activities for the township.

The proposed zoning for both erven in the township (to be consolidated upon proclamation) and development control parameters are as follows:

TABLE 1: PROPOSED ZONING AND DEVELOPMENT CONTROLS

ERVEN 7 AND 8, EKANGALA-G EXTENSION 2		
1	Use Zone	28: Special
2	Uses permitted	Shop, business building, retail industry, wholesale trade (including to general public), government purposes, municipal purposes, motor dealership, motor workshop (fitment centre), vehicle sales mart, domestic service centre, supermarket, place of refreshment, place of amusement, showroom, light industry, flea market, social hall, transport terminus, electricity power station, rooftop antenna and telecommunication mast.
3	Uses with consent	Commercial use, place of public worship, clinic, funeral undertaker, garden centre, plant nursery,

¹ This is considering that a part of the Property will be for public road purposes and this therefore reduces the extent of the two erven in the township to 5,4277ha.

		institution, place of instruction, place of child care, veterinary clinic, and sport & recreation club
4	Uses not permitted	All other uses
5	Definitions	<p>(1) Supermarket means land and buildings used for the business of offering for sale all merchandise normally sold in a supermarket, including but not limited to a butchery, a bakery, a fishmonger, delicatessen, fresh flowers, fruit and vegetables, a dispensary in pharmaceutical and health products and a financial and / or post office counter.</p> <p>(2) Other: Clause 5</p>
6	Density	Not applicable
7	Coverage	30 percent
8	Height	<p>Clause 26, subject to the following maxima:-</p> <p>(1) All buildings: 2 storeys (15m)</p> <p>(2) Telecommunication mast: To the satisfaction of the Municipality.</p>
9	Floor area ratio	0,26
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 and before any building construction may commence.</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) The 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 contained in the approved site development plan will not be approved by the Municipality.</p> <p>(4) A standard of one endemic tree per every two open parking spaces as well as soft landscaping as part of parking areas shall be</p>

		<p>applied, in accordance with the approved landscape development plan.</p> <p>(5) The street frontage of the erf and exterior of building(s) shall be of good architecture and be treated in accordance with the site development plan.</p>
11	Street building-lines	<p>Clause 9: Provided that:-</p> <p>(1) Provincial Road D670 / R568 / K175: 16m which may be encroached to 10m with the consent of the Gauteng Department of Roads and Transport.</p> <p>(2) Other street boundaries : 5m</p>
12	Building restriction areas	<p>Clause 12: Provided that all other boundary-lines be 2m</p>
13	Parking requirements	<p>Demarcated parking spaces together with the necessary maneuvering space shall be provided on the erf in the following ratios:</p> <p>(1) 4 spaces per 100m² gross leasable area; and</p> <p>(2) 20 spaces for minibus taxis</p>
14	Paving of traffic areas	<p>All parts of the erf upon which motor vehicles may move or park shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.</p>
15	Access to the erf	<p>(1) Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality.</p> <p>(2) The erf is subject to a line-of-no-access along Provincial Road D670 / R568 / K175 and Isitjiaba Street, excluding approved access position.</p> <p>(3) The access points shall make provision for safe pedestrian movement.</p>
16	Loading and off-loading facilities	<p>Loading facilities shall be provided on the erf to the satisfaction of the Municipality and all loading and off-loading activities shall take place on the erf.</p>
17	Turning facilities	<p>Adequate and appropriate turning space shall be provided on the erf to the satisfaction of the Municipality.</p>
18	Physical barriers	<p>(1) Street boundaries: A non-removable physical barrier preventing vehicular and pedestrian movement shall be erected and maintained on all street boundaries, approved accesses</p>

		<p>excluded, to the satisfaction of the Municipality.</p> <p>(2) All other boundaries: If required, a physical barrier shall be erected and maintained to the satisfaction of the Municipality.</p>
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) No air-conditioning units or compressors may be mounted to the exterior walls of buildings without the prior consent of the Municipality.</p> <p>(3) The placing, installation and use of machinery on the property that radiates noise are subject to acoustical requirements and screening measures to the satisfaction of the Municipality.</p> <p>(4) All extractor fans must be fitted with an acoustic attenuator on the outlet side of the fan.</p> <p>(5) Place of refreshment: a certificate of acceptability must be obtained from the Municipality's Health Services Department for all food premises as required under the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food, Regulation R918 of 30 July 1999 promulgated under the Health Act (Act 63 of 1977) before the commencement of any food related business.</p>
20	Outdoor advertising	<p>Advertisements and / or sign boards shall not be erected or displayed on the erf without the written consent of the Municipality first being obtained in terms of municipal by-laws for outdoor advertising.</p>
21	Detrimental soil conditions	<p>(1) Before the approval of plans, a geotechnical investigation must be carried out and a detailed report compiled from the results indicating the various classes of soil according to the NHBRC classification, must be submitted to the Municipality.</p> <p>(2) An engineer must be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of structures, according to the</p>

		soil classification as described in the geotechnical report. On completion of the structures, he must certify that all his specifications have been met.
22	Open space	Not applicable
23	<p>General:</p> <p>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).</p>	

3.4.4 Draft Annexure T and Amendment Scheme Map

The applicant has prepared the draft Annexure T and Amendment Scheme Map for proposed Erven 1 and 2, Ekangala-G Extension 2 as required and appended same hereto as Annexure 'I'.

[ANNEXURE 'I': DRAFT ANNEXURE T AND AMENDMENT SCHEME MAP FOR TOWNSHIP]

3.4.5 Use-rights explained

The particular use-rights which are being created for the proposed erven in the township are explained best in the definition of each contained in Clause 5 of the TTPS (except for supermarket which is defined in Table 1 above as no standard definition exists for same in the Scheme). For ease of reference these are each quoted here *verbatim* and elucidated as required.

- Shop
"Means land and buildings used for the purpose of Retail Trade or renting of household equipment / tools directly to the public, including inter alia retail sale and display of products, "off-sales" facilities on properties licensed in terms of any liquor law, pet shops, a pharmacy, a confectionary, a take-away, swop shop, pawn shop, auctioneers business, hire/rental shop, drive-thru restaurant and may include a Retail Industry ancillary and subservient to the main use and with the Permission of the Municipality a Builder's Yard ancillary and subservient to a hardware shop" (pp 24, 25).
- Business building
"Means land and buildings used as an Office, financial institution, Bank, Building Society, ATM, car test centre, Fitness Centre, hairdresser, nail bar, receiving depot for dry-cleaning and shoe-repairs, Medical Consulting Rooms, medical workshops such as, dental technician, prosthetist, orthotist, pathologists, optometrist technician, or for other businesses such as inter alia beauty salon, pet salon, Internet Café, Totalisator Agency Board (T.A.B) and a Beauty/Health Spa and may include a Cafeteria ancillary and subservient to the main use but does not include any building

mentioned whether by way of inclusion or exclusion in the definition of Institution, a Funeral Undertaker, Place of Instruction, Place of Amusement, Shop, Public Garage, Parking Garage, Industry, Noxious Industry, Warehouse, Vehicle Sales Mart or a factory or workshop” (p11).

- **Retail industry**
“Means, inter alia, catering, a confectionary, dress-making and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, key cutting and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvass goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a Light Industry and the wholesale selling of goods and may include the retail sale of products related to the aforementioned services” (p24).
- **Wholesale trade**
“Means the sale and provision of goods to retailers or Shops only.” (p27)

The applicant has adapted this definition to *“...including the general public”* too.

- **Government purposes**
“Means land and buildings designed or used for Government offices, depots, workshops, stores, communication centres, police stations, post offices and included incidental uses such as Cafeteria solely for Government Departments but excludes Industries and Noxious Industries.” (p16)
- **Municipal purposes**
“Means such purposes as the Municipality may be authorised to carry out in terms of any law governing municipalities including but not limited to the Local Government Municipal Structures (Act), 1998 (Act 117 of 1998) and the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).” (p19)
- **Motor dealership**
“Means land and buildings used for an integrated service which provides a full range of related activities in respect of a specific vehicle range and includes a Motor Workshop, Offices, the sale of new spare parts and the sale of new and used vehicles of that specific range only within a motor showroom: Provided that a motor showroom shall be in an approved building enclosed on all sides with brick and / or glass walls.” (p19)

- Motor workshop
*"Means land and buildings used for the following:
(1) repair and servicing of vehicles, excluding panel-beating or spray-painting; and
(2) installation of motor spare parts and accessories."* (p19)

The applicant has adapted this definition to include "fitment centre" too.

- Vehicle sales mart
"Means land, with or without ancillary buildings, used for the display and / or sale of cars, trucks, motor cycles, agricultural implements, caravans, boats, tractors and trailers which are roadworthy and of good outward appearance, and may also include the hiring of vehicles as an ancillary use but excludes a Motor Dealership and a Panel-beater." (p27)
- Domestic service centre
"Means land and buildings used for the repair of domestic equipment and appliances, the repair of lawnmowers, irrigation systems and swimming pool equipment and the sale of spare parts of the aforementioned, property maintenance services, rental of domestic equipment and hand power tools and any other service that is, in the opinion of the Municipality, ancillary to such a centre." (p13)
- Supermarket
Supermarket means land and buildings used for the business of offering for sale all merchandise normally sold in a supermarket, including but not limited to a butchery, a bakery, a fishmonger, delicatessen, fresh flowers, fruit and vegetables, a dispensary in pharmaceutical and health products and a financial and / or post office counter. (own definition)
- Place of refreshment
"Means land and buildings used for the preparation, sale and consumption of refreshments on the property such as a restaurant, café, coffee shop, tea room, Tea Garden, sports bar, pub, bar and may include take-aways and a maximum of two table games, two dartboards, two electronic games or two limited pay-out gambling machines, television screens and soft background music for the customers, which shall not be audible outside the boundaries of the property and excludes live music and a Place of Amusement. The kitchen layout shall comply with the Municipality's health requirements" (p22).

- Place of amusement
"Means land and buildings or a part of a building used for entertainment purposes, such as a Theatre, cinema, music hall, concert hall, table games, skating rink, dancing, amusement park, gambling (not being a T.A.B), electronic games or slot machines or limited pay-out gambling machines, night club, an exhibition hall or sports arena/stadium used for live concerts or performances. These buildings shall comply with the noise zone criteria and acoustical screening requirement of the Municipality's Health Services" (p22).
- Showroom
"Means land and buildings designed and used only for display of products and materials and excludes the sale and delivery of such products or materials on the same property." (p25)
- Light industry
"Means land and buildings used for, inter alia, a bakery, a Builders Yard, a Car Wash, a contractor's yard, dry-cleaners, carpet cleaners, joinery workshop, launderette, laundry, lawnmower workshop, painter's workshop, plumbers workshop, printing workshop, Transport Depot, Panel-beater, Motor Workshops, a ready-mix plant and other such industries, workshops or yards which in the opinion of the Municipality do not cause a nuisance to the environment, may be used for similar purposes and may include the retail sale of products ancillary and subservient to the main use on the same property, but does not include a Scrap Yard. (p18)
- Flea market
"Means land and buildings or structures or open air areas used for the display and sale of products, food and beverages including farmers market/fresh produce to the public" (p15).
- Social hall
"Means land and buildings used for, inter alia, social and cultural gatherings, recreation activities, wedding receptions, fairs, bazaars and a non-residential club but does not include a Place of Amusement and Place of Refreshment but may include a kitchen ancillary and subservient to the hall." (p25)
- Transport terminus
"Means land and buildings designed and used as a terminus or gathering place for various forms of transport arriving and departing from different directions or routes and may include wash bays for the vehicles, ablution facilities and a Place of Refreshment." (p27)

- Electricity power station
"Means land and buildings used for the generation of electricity, inter alia Wind Turbines and solar panels and may include ancillary and subservient uses."(p13)
- Rooftop antenna
"Means telecommunications, television or other electronic and radio antennas which are fixed to a building and may include a base station on the roof of the building or inside the building subject to Clause 18(5). (p24)
- Telecommunication mast
"Means a structure in the form of a tower and a base station, which is designed for telecommunication purposes, which includes inter alia radio and / or microwave technology or other technology as may be permitted in terms of the relevant legislation. Telecommunication Masts are regarded as infrastructure and not a land-use."(p25)

4. TOWNSHIP PROPOSAL

4.1 DEVELOPMENT CONCEPT

4.1.1 Shopping centre

The development concept being pursued entails a community shopping centre comprising *inter alia* shops / retail & restaurants, complemented by selected commercial land-use activities like a drive-through / takeaway restaurant and possibly also a vehicle sales showroom, motor dealership and / or workshop / fitment centre. The shopping centre will however be the predominant use, to consist of two or three national franchise anchor tenants, sub-anchors and a variety of line-shops and restaurants.

4.1.2 Hierarchy of shopping centres

In the hierarchy of shopping centres (when considering its placement in populated metropolitan areas), a community shopping centre ranks lower than the CBD of a town / city, a super- and regional centre (in excess of 100 000m² and 50 000m² respectively), but higher than neighbourhood (between 5 000 and 12 000m²), and convenience (less than 5 000m²) shopping centres. In more rural settings, a community shopping centre is the largest facility that can be provided. Furthermore a community shopping centre can be equated to the town centre of a town, or a three-tier retail hierarchy consisting of two neighbourhood centres and four convenience centres. Thus it is not uncommon to find up to two neighbourhood and four convenience centres established and operating successfully in the same wider sphere of influence of the community shopping centre.

A community shopping centre has the role to satisfy the need for shopping facilities between that of a neighbourhood and a regional centre. This type of shopping centre fulfills a very important need in areas dependent on public transportation, especially taxis, and pedestrian access to a large portion of the community. The advantage over a neighbourhood centre is that it can offer a wider tenant mix but not a full range of comparative tenants. Typically a community shopping centre will be able to accommodate between 50 and 100 stores with a main focus on food, clothing, furniture and services. Community shopping centres are normally best located on main arterial routes with high visibility to passing traffic and accessible to local residents from a number of suburbs in the area.²

4.1.3 Locational advantages

The potential of the site for the envisaged purposes is defined primarily by its location in relation to the intersection of two higher-order roads connecting the area to:-

- a. the rest of Tshwane and Gauteng Province as well as to nearby Mpumalanga (on provincial border); and

² Source: Classification and Hierarchy of Retail Facilities in South Africa, 2010 by Urban Studies

- b. the larger area between Ekandustria and Ekangala.
- c. Bronkhorstspuit town

The above prove proximity as well as visibility / exposure and accessibility advantages.

4.1.4 Extent of property

The potential is further enhanced by the size / extent of the available land for the envisaged purposes. The area-requirement of the new shopping centre is too extensive to allow a financially viable "brownfields" alternative. While this land is undeveloped and available, it would be senseless to enforce the redevelopment of e.g. (a) street block(s) of residential dwellings and / or commercial / businesses further southwest or northeast.

Land is a scarce commodity and especially land of sufficient size and form close to existing developments.

4.2 DRAFT SITE PLAN

The project architects messrs Blunt Architects have prepared a preliminary site plan for the proposed new shopping centre.

[ANNEXURE 'J': ARCHITECT'S DRAFT SITE PLAN]

It is hereby emphasized that the DSP has been prepared merely to demonstrate at this stage in the overall planning process that a proposed 13 764m² GLA (which is within the 0,26 FAR applied for) can be accommodated on the development site, with due consideration to *inter alia*:

- * the preferred siting of the buildings and the parking area in relation to the main roads for visibility / exposure purposes;
- * a preferred access and parking scenario;
- * building set-backs from adjoining streets and properties;
- * a possible shopping centre layout with tentative positioning of anchor and other tenants.

The DSP represents a preliminary site proposal serving to inform the present application. The proposal is not final and still needs to be informed by *inter alia* the public participation process and the internal referral / consultative process at the CTMM. Once all inputs have been received and considered and once the township application has been approved and the conditions of establishment finalized, a final site development plan (SDP) will be prepared by the project architect in conjunction with the civil and electrical engineers for submission to the Municipality for approval. The final SDP may thus differ from the DSP which presently serves to inform the present application.

4.3 BUILDING POSITIONING AND CONFIGURATION

The buildings which have been proposed on the Property are orientated west and southwest to maximise the exposure along the two main routes but Mahlogonolo Road (Provincial Road D670 / R568 / K175) in particular. The parking has been provided to the southwest of the buildings between the roads and buildings. Research has proven that shopping centres are better supported if passing motorists can visually observe the adequacy of parking availability at the centre from adjacent roads. Furthermore this allows for traffic from delivery vehicles to be separated from shoppers (where the delivery areas are located to the east and northeast of the buildings) and for a taxi holding area to be created that is conveniently located in the most southern parts of the site, adjacent to Isitjiaba Street between the proposed drive-through take-away facilities. The architect has created a green space facing the intersection of the two main routes to soften this corner.

4.4 PARKING

The DSP makes provision for a total of 586 parking bays on site. This is inclusive of the provision of 120 taxi-bays.

The DSP furthermore elucidates on vehicular movement patterns (for motor cars and delivery vehicles) as well as loading areas demonstrating *inter alia* adequate turning opportunities and also safe / adequate pedestrian movement.

4.5 TOWNSHIP NAME AND ERF-NUMBERS

4.5.1 Name and extension number

The Toponymy Section of CTMM Economic Development and Spatial Planning has in a letter dated 12 May 2022 confirmed the reservation of the name and extension number of the township to be established on Portion 26 to be: -

"Ekangala-G Extension 2"

4.5.2 Official property description and erf-numbers

The Surveyor General in response to a formal request by the project land surveyor, on 13 May 2022 confirmed the reservation of the following erf-numbers for the township-in-process.

- Erven 7 and 8, Ekangala-G Extension 2 are the official erf-numbers allocated to the two erven in the township by the Surveyor General. These erf-numbers are reflected on the township layout plan and are contained in the conditions of establishment for the township. Also on other plans / maps accompanying / informing the application.
- Erf 9, Ekangala-G Extension 2 is the official erf-number reserved at the Surveyor General for the consolidation of Erven 7 and 8 of the township after proclamation.

[ANNEXURE 'K': TOWNSHIP NAME AND ERF NUMBER RESERVATION CONFIRMATION]

4.6 TOWNSHIP LAYOUT PROPOSAL

4.6.1 Layout plan

The proposed township layout is shown on figure 2: Township Layout Plan (overleaf).

[FIGURE 2: TOWNSHIP LAYOUT PLAN]

The Plan Number (ref) for the proposed township layout is CPD 9/1/1/1/EKG-G X2/01, which will in a later stage of the township establishment process be replaced by the General Plan number yet to be assigned by the Surveyor General.

The township will cover the entire Portion 26 with its outside figure coinciding with that of the approved SG Diagram for same.

4.6.2 Two-erf township

Due to the minimum requirement of two erven in a township, the proposed layout for the township concerned has been configured accordingly.

As mentioned in para 4.5.2, the applicant has reserved official erf-numbers for the township at the Surveyor General. These will be Erven 7 and 8, Ekangala-G Extension 2 for the two initial erven in the township, and Erf 9, Ekangala-G Extension 2 for the consolidated Erven 7 and 8 upon proclamation of the township in the Provincial Gazette.

A condition has been inserted in the conditions of establishment of the township providing for the consolidation of proposed Erven 7 and 8 in the township to proceed without any additional approval requirements in a separate process in terms of Section 16(12)(d) of the Bylaw read with Section 15(6) of the Bylaw. This condition will also be instrumental in ensuring that the second erf would not have to be serviced prior to proclamation of the township – i.e. water, electricity, sewer and stormwater connections.

4.6.3 Servitudes

As confirmed in the Conveyance Report there are no existing servitudes registered against the Property title which need to be transferred to future erven in the township (refer Annexure 'D'). However as mentioned in para 2.9 *supra*, there is an unregistered servitude protecting an existing water pipeline in favour of the CTMM reflected on the Surveyor General Diagram (SG No. 13771/1995) which has been reflected on the township layout plan as figure abcd and affects the erven in the proposed township.

Furthermore the following two new servitudes are reflected on the township layout plan and affect the erven in the township. These will thus need to be registered against the title deed to the erven in the township as well as shown on the General Plan for same.

- a. An access and right-of-way servitude in favour of the General Public over the Remainder of the farm Ekangala 610-JR (or Erf 1, Ekangala-G township, should the township of Ekangala-G be registered subsequently and before the present township establishment application is approved), indicated as Erf 1 on the General Plan No A9852/1993.
- b. A municipal engineering and emergency services servitude in favour of the Municipality over the Remainder of the farm Ekangala 610-JR (or Erf 1, Ekangala-G township, should the township of Ekangala – G be registered subsequently and before the present township establishment application is approved) indicated as Erf 1 on the General No A9852/1993.

In addition proposed Erf 8 will be subject to a 6m x 3m electrical servitude to be registered in favour of the Municipality, to accommodate electrical switch-gear necessary to energize the proposed new shopping centre on the development site. The servitude has been shown on the township layout plan (figure 2) in a position on kstu.

4.6.4 Access

- Since proposed Erven 7 and 8 will be consolidated immediately upon proclamation of the approved township in the Provincial Gazette, only access to the consolidated erf will be relevant.
- Access to the township is already functional and possible as a result of the road-reserves adjacent to the Property on its western and southern boundaries. Access will be enhanced by the planned formalisation of the existing lower order (unnamed) road in Ekangala-G to the southeast as shown on the township layout plan. Access to the township will be *via* the formalized main entrance road to the Ekangala-G township to the south of the Property. This access will be obtained directly from Isitjiaba Street *via* an appropriately-sized turning circle into the township, followed by a secondary turning circle facility providing the main entrance to the shopping centre facility located on Portion 26 (i.e. proposed township). Figure jklmnpHGF on Figure 2 represents the necessary road widening for streets required on the township to accommodate this proposed entrance facility in the form of a turning circle and represents an area of 0,0738ha.

4.6.5 Topography

Topography is important when considering the placement of gravitation-led engineering services (sanitation and stormwater).

The development site displays a gradient of approximately 1:28 (3,6%) in a north / northeasterly direction. The highest point on the Property is 1 483m above mean sea level (amsl) (southwestern corner), descending north / northeastwards to an elevation of 1 470m amsl. This represents a fall of approximately 13 metres over a distance of 362 metres.

4.6.6 Floodplains

As certified by the project engineers on the accompanying township layout plan (Figure 2), the proposed township is not affected by the floodplains of the 1:50 and 1:100 year flood recurrence levels of any river / stream / watercourse in the area.

4.6.7 Contour survey

The contour lines on the township layout plan reflect the contours surveyed by Buckley & Strydom Professional Land Surveyors Topographical & Engineering Surveyors at 1m intervals.

The survey adheres to the requirements of the City of Tshwane Land Use Management Bylaw, 2016 and was calculated from a datum plane of mean sea level on the geodetic grid system WGS 84/29.

4.6.8 Boundary walls

A permanent, non-removable physical barrier in accordance with Municipal and Provincial requirements will be erected on the boundary of the road-reserves affecting the proposed township.

4.6.9 Road building-lines

- (1) Provincial Road D670 / R568 / K175: 16m building-line, in line with official requirements for township establishment
- (2) All other roads: 5m building-line as per TTPS

4.7 EXTENT OF LAND-USES

Table 2 contains the size of each of the proposed erven in the township, as well as the future land-use and zoning of each. It also reflects the extent of the proposed new roads in the township.

TABLE 2: LAND-USE AND ZONING

ERF NUMBER	AREA		LAND-USE	ZONING
	Ha	%		
1	2,5319	46,0	Shop, business building, retail industry, wholesale trade (incl. to general public), government purposes, municipal purposes, motor dealership, motor workshop (fitment centre), vehicle sales mart, domestic service centre, supermarket, place of	Special (Use-zone 28)
2	2,8958	52,6		

			refreshment, place of amusement, showroom, light industry, flea market, social hall, transport terminus, electricity power station, rooftop antenna and telecommunication mast.	
-	0,0738	1,4	Street	Proposed streets and widening (Use-zone 23)
TOTAL	5,015	100,0		

4.8 DEVELOPMENT POTENTIAL

As indicated in table 1, the use of the proposed erven will be regulated by means of development controls – most importantly in terms of coverage, height and floor area ratio (FAR). Table 3 summarises the latter in terms of buildable area.

TABLE 3: MAXIMUM PERMISSIBLE BUILDING AREA

NUMBER	ERF		FAR	BUILDING AREA	
	EXTENT (ha)			(m ²)	(%)
1	2,5319		0,26	6 583	46,7
2	2,8958		0,26	7 529	53,3
TOTAL	5,4277		-	14 112	100,0

The FAR of 0,26 applied for provides for an additional 348m² buildable area (i.e. over and above the 13 764m² required as shown on the DSP and calculated on the extent of the two erven in the township excluding the public road portion). This will make provision for any possible contingencies that may result from the detailed planning process at the site development plan stage.

5. MOTIVATION OF MERIT

Sections 5 and 6 of the Townplanning Memorandum deal with those aspects of the merit of the proposed township establishment application not yet addressed in the foregoing Sections 1 to 4. For a full comprehension of the merit, it is advised that the memorandum, its annexures and additional information submitted with same be read in its entirety.

5.1 NEED / NECESSITY

5.1.1 Land as scarce resource

Developable land inside the urban edge is a scarce resource which should be put to its highest-and-best productive use. The forward planning policies for the municipality are clear on the need to look at Smart Growth along with intensification and densification in key locations, such as higher order roads and along public transport routes or key intersections. This argument finds support in Development Principle 7(b)(vi) and Principle 7(c)(i) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA], which respectively reads as follows:

- Principle 7(b) (vi): Spatial sustainability
*"The principle of spatial sustainability whereby spatial planning and land use management systems must-
...
(vi) promote land development in locations that are sustainable and limit urban sprawl; ..."*(p18)

and

- Principle 7(c)(i): Principle of efficiency
*"the principle of efficiency, whereby-
(i) land development optimizes the use of existing resources and infrastructure;"*(p18)

5.1.2 Market demand

To determine the need / necessity for a new shopping centre on the development site and the magnitude / order of such a centre within the contextual environment, the applicant commissioned an investigation by a specialist retail research organization styled Demacon Market Studies to inform its development proposal. The investigation has culminated in a report titled:

"Ekangala Retail Market Study"(September 2021)

This Report forms an integral part of the townplanning application for township establishment and should be studied in its entirety for an understanding of the need / necessity and the economic sustainability of the development proposal. The Report has been attached to the memorandum as Annexure 'L'.

[ANNEXURE 'L': EKANGALA RETAIL MARKET STUDY]

The study includes a scientific assessment of the development site and concomitant development proposal and rates it in terms of a set of locational factors at 76,2 percent. It explains that a site rating of:-

- * 80%+ is exceptional;
- * *70 to 80% is high and indicates that the most important fundamentals for successful retail development are in place;*
- * *60 to 70% indicates some critical factors may be lacking but could possibly be addressed;* and
- * below 60% is not recommended for consideration. (p7).

This is important because although there may be a need for a particular land-use, the success of providing in that need is highly dependent on the locational and other related factors of the site from which the service would be rendered or the products offered to the market.

The findings of the study based *inter alia* on household surveys undertaken in the primary catchment area of the proposed new shopping centre revealed a host of information of which the following deserves mention:

- * 98% of the respondents indicated that the retail offering in Ekangala is inadequate and 100% indicated that it is necessary for a new shopping centre here.
- * The research indicated that 83,3% of respondents did their shopping in Bronkhorstspuit with the main reasons for not shopping locally being that there are only Spaza shops, the Usave in Ekangala is small and overcrowded and that there is no shopping centre in Ekangala (i.e. there are very limited offerings locally).
- * In order of preference, the respondents indicated a need for the following shops in Ekangala:
 - Supermarket and groceries (86,5 %)
 - Fast food and takeaways
 - Butchery
 - Clothing stores,
 - Home décor and furnishing
 - Restaurants and coffee shops
 - Footwear stores
 - Department stores
 - Bags and luggage
 - Accessories and jewellery
 - Furniture stores
 - Hardware and DIY
 - Books and stationery

- Liquor
- Toys, hobby and gift shops
- Health and beauty stores
- Sports and outdoor goods
- Electronics and PC
- Entertainment centre
- Building materials
- Specialist stores (36,5%)

* Furthermore, the respondents also indicated the following services are in demand in the area, in order of preference:

- Banks and financial services (92,3%)
- Telkom services
- Beauty clinics and salons
- Doctors
- Postnet and courier services
- Dentists
- Hairdressers and barbers
- Travel and tourism
- Estate agents
- Optometrist and eyewear
- Gymnasium (21,2%)

These consumer responses together with other related responses confirm a strong demand (and hence need) for the proposed new shopping centre. The study incorporates existing retail supply in the decision-making equation before concluding that the shopping centre would be established in a market displaying positive growth attributes with "moderate to high" community centre development prospects.

Based on the above, as well as a host of other related research and related information, the study concludes with the following two development scenarios, *viz*:

- (1) Baseline scenario: Recommended centre size of $\pm 15\,217\text{m}^2$ gross leasable area, with average market share of 35 to 45%. Could be implemented immediately to commence business around 2024+.
- (2) Optimistic scenario: Recommended centre size of $\pm 19\,021\text{m}^2$ gross leasable area with average market share of 45 to 55%.

The positive outcome of the market study confirms unequivocally the need for the proposed new community shopping centre on the subject property of the proposed $14\,112\text{m}^2$ gross floor area permissible under a 0,26 FAR, which will *ceteris paribus* be implemented in two development phases, where the first phase will be the majority of the development proposal and the second phase a possible smaller extension.

The study further proposes that the community centre be implemented at a required 4 parking bays per 100m² and to include a taxi rank, as 63,5 percent of the local population are dependent on public transportation. A scenario of 50 to 100 shops has been deemed feasible and desirable and the forecast shows that the development should be able to attain an annual sales potential of ± R401,3 million.

The report further states that the proposed development scored high with regards to the following locational characteristics:

- Consumer volumes
- Population growth
- Accessibility
- Effective market gap
- Address value
- Directional growth of area
- Proximity to suppliers
- Income profile
- Visibility
- Functional uses
- Proximity to public transport
- Future expansion potential
- Proximity to labour

The Ekangala market segment is therefore unequivocally in need of a community shopping centre such as the one proposed as proven in the findings of this market study.

5.1.3 Commercial / retail land-uses

The need for commercial land-use activities and motor-related workshops, showrooms and dealerships is similarly closely related to business confidence and the stage of the economy in its growth cycle, as well as to allow for flexibility in terms of tenants that can be accommodated here.

Vehicle sales have recovered well post-Covid-19, confirming a growing trend of demand increases, both in terms of family and commercial vehicles. The latter is indicative of an increase in commercial and related business activities which again supports the view of a need to provide for the spatial requirements of commercial land-use activities.

Retail returns are furthermore highest in rural and peri-urban areas such as Ekangala and retail activity has shown improvement in 2021 and so far in 2022. Landlords have been experiencing positive trends in small business interest as well as new business startups. Since 73% of Ekangala residents do not currently do their retail shopping locally and most commute to Bronkhorstspuit for same (a travelling distance of 11 – 30km), the necessity to provide for this need is proven here.

5.1.4 Employment opportunities

The dire need for employment in South Africa is not a new concept and has worsened in the last few years due to the negative effects of the Covid-19 pandemic. The creation of the opportunity for all sectors of society to find livelihoods in employment opportunity in proximity to their place of residence is undoubtedly high on the agenda in all sectors of Government policy. The proposed township will not only provide an anchor for economic growth in the area but will assist in the creation of no less than 634 jobs (information gleaned from the Demacon Market Study).

5.1.5 Economic growth

The need for economic growth of the local economy of Tshwane is crucial for its success and for the prosperity of its people. The proposed development is foreseen to be able to generate around R400 million turnover per annum and will contribute 2,3% to the City of Tshwane's economy, 0,6% to the Gauteng Province and 0,2% to the National economy (refer Demacon Market Study). This is a substantial contribution in terms of a single development and the City of Tshwane Metropolitan Municipality cannot deny the dire need for such economic injection in the particular community under the current post-Covid-19 economic climate.

5.1.6 Synthesis

Considering the foregoing facts and reasoning, it follows that there is a proven need / necessity for the use-rights being applied for in the particular locality under consideration.

5.2 DESIRABILITY

5.2.1 Future planning

The area where the subject property is situated was identified by the CTMM in its Regionalised Municipal Spatial Development Framework, 2018 (Region 7) (RMSDF) as a local node within the official Urban Edge³.

[ANNEXURE 'M': RMSDF EXTRACT]

Local nodes are defined as follows in the RMSDF:

"A node is a place where both public and private investment tends to concentrate. Nodes are usually associated with major road intersections, or with public transport facilities such as railway stations and taxi ranks. It offers the opportunity to locate a range of activities, from small to large enterprises and is often associated with mixed-use development including high density residential uses. Nodes differ in size, the types of activity that occur within them,

³ But outside the development boundary.

the size of the areas served and the significance within the City.”(pv)

The proposed new shopping centre development at the northeastern corner of the two high-order roads will serve to expand on the mixed-use nature of the development node. It will serve to strengthen the nodal concept here presently primarily anchored by the Ekandustria industrial township development in the southwestern quadrant of the mentioned intersection. Although higher-density residential development usually forms part of a mixed-use development node it is not conducive to position residential uses too close to the busy intersection of these high-order roads, with the proposed shopping centre the ideal land-use activity for this position.

In order to implement the City’s vision set out in the RMSDF, it would be beneficial to grant the land-use rights applied for on the Property for the intended purpose, to sustain the growing population of Ekangala, Ekandustria and Rethabiseng. By not modifying the current land-use dispensation, the area remains zoned Undetermined which is not viable in a strategic location such as this (i.e. at the intersection of two high-order routes). The transformation of the Region can only be positively effected by strong economic growth catalysts such as retail centres in appropriate locations.

5.2.2 Locational determinants

- Accessibility

The accessibility of the site in local and regional context is of very high importance for purposes of the future shopping centre on same. The viability of the latter is directly proportionate to the degree of accessibility of the development project.

The development site sponsors a high degree of accessibility in both regional and local context. This fortunate situation is supported / facilitated by the following high-order roads in the direct vicinity:-

- The D670 / R568 / K175 Provincial Road abutting the township to its west, traversing the area in a north/south-direction, which serves as a link between KwaMhlanga and Allemansdrift (both in Mpumalanga) further north and Rethabiseng, Zithobeni and Bronkhorstspuit, the N4-National Road and the R25 Provincial Road to the south;
- The R460 Provincial Road to the southwest which becomes municipal road Isitjiaba Street (the latter abuts the site to its south), which connects the site to the west to the R513 Provincial Road and therefore Cullinan, and Ekangala to the east at the border to Mpumalanga.

All roads are in a fair condition and entirely suitable for vehicular access to the erven in the township.

In terms of public transport, the applicant has determined that the site is located along an existing taxi route which operates 7 days a week. This further enhances the accessibility of the site.

From a pedestrianisation and non-motorised transportation viewpoint, it is evident by the well-worn tracks across the Property that the site is accessible to the wider area for pedestrians and cyclists. This is furthermore confirmed in the RMSDF where this route is shown as a preferred Non-Motorised Transport (NMT) route.

- Proximity

The proximity of the site to Ekangala and Ekandustria holds the advantage of agglomeration economies, whereby existing land-use activities in these areas and future land-use activities in the shopping centre which are functionally (or otherwise) linked will enjoy economic rewards (i.e. savings) for being located close to each other. Proximity means short travelling distances at lower costs to businesses and households.

- Exposure / visibility

The success of a shopping mall and associated commercial activities is highly dependent on its exposure to prospective clientele. It is therefore important that it be visible from all major roads in the area for maximum enhancement of its economic viability and long term sustainability.

In this regard the development site is well-situated and enjoys excellent visibility / exposure from the adjacent D670 / R568 / K175 Provincial Road and Isitjiaba Street (the latter the extension of Provincial Road R460) as mentioned earlier in this memorandum.

- Synthesis

It follows from the above that the proposed development site would be ideal for the envisaged purposes from the viewpoint of accessibility, proximity and exposure / visibility. These are important determinants of the desirability of the proposed new township in the particular location on Portion 26.

5.2.3 Development context

Schedule 6, Paras 3(9)(c) and 3(9)(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 development on surrounding properties and how the township will accord with the future development pattern of the area.

This assessment should be done against the backdrop of the active drive in official policies focusing on 'smart growth' in particular requiring increased development densities (residential) and intensities (non-residential).

The Property forms an as yet undivided part of a larger land-portion forming the northeastern quadrant of the intersection of the D670 / R568 / K175 and R460 Provincial Roads (latters eastward extension known as Isitjiaba Street) where its entire northern and eastern boundaries are adjoined by well-established extensions of Ekangala. Directly southwest of the development site is the existing township of Ekandustria. Especially when considering the northeastern quadrant, the site forms part of the last corner that can be developed as part of the townships of Ekangala, the fact that Portion 26 is not affected by the floodline (where the southeastern quadrant is almost completely impacted by the 1:50 and 1:100 year flood reoccurrence and therefore undevelopable as a result of same) and would therefore be a logical rounding-off of same.

The existing township of Ekangala and its extensions are more than 1 kilometre to the north / northeast and east of the development site. The land-uses here are predominantly single residential erven at a fairly high development density. There is a concentration of schools in the northeastern area, with Zivuseni Primary, Lingitjhudu High and Batau Primary located here, west of the floodline area.

To the immediate east of the development site is a Total filling station and convenience store as well as a church hall. Across from Isitjiaba Street is a motor spares shop. In the southeastern quadrant is the current Ekangala taxi rank. In the southwestern quadrant of the intersection of the D670 / R568 / K175 and R460 Provincial Roads are a variety of industrial factory buildings, a primary school, post office sorting area and municipal offices, as well as a vacant property for stormwater drainage purposes. There are furthermore above-ground / overhead ESKOM electrical powerlines.

[FIGURE 3: LAND-USE PLAN]

As is evident from the descriptions and areas mentioned, most of the developments described above have been established on erven in townships already approved or in process of being proclaimed. The only exception is the flood area on Remainder of the farm Ekangala 610-JR. Certain parts of the latter can be further developed, south of Isitjiaba Street and west of Mahlogonolo Road (Provincial Road D670 / R568 / K175).

5.2.4 Surrounding zoning and land-use

The zoning of surrounding properties is reflected on the zoning map included overleaf.

[FIGURE 4: ZONING MAP]

From the zoning map it is evident that current zonings in the immediate vicinity of the township range from Undetermined (largely surrounding the development site), Business 2 (Ekangala – G to the southeast), Industrial 1 (to the southwest) with a couple of public open space erven, 3 Special erven and an Infrastructure Works erf as well as South African Rail. To the northeast it is evident that most of the residential erven are zoned Residential 4 with a few Business 2 erven, and Municipal zoned erven. Furthermore it is clear that the schools mentioned above are appropriately zoned Educational.

The land-use of the surrounding properties in the area is for the most part commensurate with the zoning shown on the zoning map.

5.2.5 Electricity supply

Messrs Ukhozi Consulting Engineers (represented by mr Wirjan Joubert) have prepared a preliminary Electrical Service Statement for the township establishment application.

A summary of the most important facts contained in the electrical statement are as follows:

- The calculated maximum demand for the proposed shopping centre development is 1 200 kVa.
- Eskom has verbally confirmed that capacity shall be made available on their network infrastructure, for the required bulk electrical connection.
- The capacity shall be made available from an existing overhead medium voltage line adjacent to the development site.
- The final cost for the bulk supply shall be determined by Eskom when the project is ready to proceed and the developer pays the cost estimate fee

[ANNEXURE 'N': ELECTRICAL SERVICE STATEMENT AND ESKOM CONFIRMATION]

5.2.6 Civil engineering services

A Civil Engineering Services Report was prepared by Luleka Consulting Engineers (represented by mr Nelius van der Merwe) to inform the township establishment proposal. The following information was gleaned from the Report:

(1) Roads

Before discussing the contents of the report, it is important to mention the following:

The Tshwane Road Master Plan indicates both main roads are shown as Class 2 metropolitan distributor roads where the R460 road classification is only applicable west of the D670 / R568 / K175 Provincial Road.

The applicant has taken these requirements into consideration and has provided lines of no access along the township boundary on D670 / R568 / K175 Provincial Road as well as Isitjiaba Street boundary to prevent direct access to the surrounding road network except at approved access positions.

The contents of the report:

- Access *via* the existing 25m unregistered road for proposed Ekangala-G east of the existing filling station is not possible due to the existence of a wetland and associated environmental buffer affecting same.
- The applicant thus negotiated a proposed access 140m from the intersection of the two high-order roads westwards which is acceptable to Tshwane and will be classified as a Class 4 road. This access from Isitjiaba Street will connect to same *via* a traffic circle and the "new" proposed Class 4 road will connect to the unregistered road by a second traffic circle to partially encroach on the township area, which will form the main entrance / exit to the site.
- The matters of existing road capacities and the need for road improvements pursuant to the township application (if applicable) have been investigated in the Traffic Impact Assessment for the project by WMA Consulting Engineers (refer Para 5.2.8 *infra* for more details).
- All new roadworks will be designed and constructed in accordance with the norms and standards of the CTMM: Roads & Stormwater.

(2) Stormwater

- There are various existing culverts / open channels that serve the surrounding area in terms of stormwater management.
- It is proposed that the stormwater from the site be discharged into the stormwater channel on Isitjiaba Street to the south west which channels the water to the existing nearby watercourse.

- A Water Use Licence will be required for the discharge of stormwater into the existing watercourse and will be applied for separately by the independent environmental practitioner.
- The township is not affected by the 1:50 and 1:100 year floodlines on the nearby watercourse.

(3) Sewerage

- The Report contains a detailed breakdown of the sewer demand and flow calculation for the development, based on the proposed zoning and development control parameters. The following is an extract:

Total average demand (AADD)	: 57,2kl / day
Peak daily dry weather flow	: 1,3 l/s

- The site will connect to the existing bulk sewer line in Ekangala A northeast of the site and pumped to connect to Rethabiseng township. Where the sewer line crosses the wetland and is located in the 1:100 year floodline, the manholes to same will be raised sufficiently to prevent contamination of the wetland.
- The minimum pipe diameter is 160mm.
- The Report argues that an existing Municipal bulk sewer pipe (350mm) should have sufficient capacity to accommodate the low flows from the development and that upgrades would not be necessary, subject to acceptance by the Municipality.
- The Report puts forward solutions to various challenges to be negotiated with and accepted by the Municipality.
- All materials used and construction of the line will be consistent with official standards and requirements for service installations on non-dolomitic soils.

(4) Water

- A bulk water pipeline runs along the D670 / R568 / K175 Provincial Road in a north / south direction adjacent to the Property, with a reticulation line running along Isitjiaba Street on the south boundary of Portion 26 too.
- The project engineers estimate the water demand for the shopping centre to be as follows:

Total demand	: 48,6 kl / day
Plus 15% of total AADD	: 8,6 kl / day
∴ Total average demand (AADD)	: 57,2 kl / day

Average flow (over 24 hours)	: 0,7 l / s
Peak-flow (excl. fire-flow)	: 2,6 l / s (peak factor =4)
Fire-flow per hydrant	: 25,0 l / s (moderate risk)

- The applicant will be entering into an agreement to obtain excess water quota from Ekandustria township assigned to disused factories here, in addition to the existing bulk water west of the D670 / R568 / K175 Provincial Road.
 - Furthermore will two reservoirs be erected on site for purposes of fire fighting and an additional storage of 114 kl potable water backup for possible 48-hour discontinuing of service. It is recommended that these reservoirs be filled / topped-up during off-peak periods.
- (5) Refuse removal
- The project engineers estimate the volume of waste to be generated by the shopping centre to be 59 m³ / week.
 - The CTMM is responsible for regular removal of the waste to one of its registered landfill sites. Should they be unwilling or not in a position to render the service, the developer will have a private contractor rendering the service – details to be captured in the engineering services agreement to be concluded during the post-approval stage of the township.

[ANNEXURE 'O': CIVIL SERVICES REPORT]

5.2.7 Environmental considerations

LEAP Landscape Architect and Environmental Planner represented by dr Gwen Theron have been appointed to the project and are currently underway with an extensive environmental authorization process in terms of the official requirements of National Environmental Management Act, 1998 (Act 107 of 1998) [NEMA]. As this process runs in parallel to the townplanning application LEAP has provided and Environmental Summary to inform the townplanning motivation. The following has been gleaned from this summary:

- (1) Environmental authorization is required in respect of the proposed shopping centre and associated services on the Property.
- (2) An application for environmental authorization will be submitted to the Gauteng Department of Agriculture and Rural Development (GDARD) and a Basic Assessment process will be followed.

- (3) Approval of an Integrated Water Use License Application (IWULA) in terms of the National Water Act (No 36 of 1998) is required by the Department of Water Affairs and Sanitation (DWAS).
- (4) Specialist studies will be undertaken to assess potentially significant impacts.
- (5) Stakeholder engagement to address I&AP concerns.
- (6) According to the GDARD C-Plan 3.3 the site contains both Ecological Support Areas (ESAs) and Important Areas. ESAs ensure the maintenance and generation of biodiversity in sensitive areas and require sensitive management. Important Areas are critical for the conservation of biodiversity in Gauteng. The site is considered important due to the potential occurrence of red data species.
- (7) An ecological assessment will be completed to determine the ecological importance and sensitivity of the site.
- (8) There are no ridges on the Property.
- (9) No wetlands have been identified on the development site.
- (10) According to GDARD's rivers and wetlands policies and the City of Tshwane's policies, there are no streams or wetlands affecting the proposed shopping centre site.
- (11) Cultural historical aspects:
 - A Heritage assessment was conducted by PGS Heritage (Pty) Ltd.
 - The study revealed that the surroundings of the study area are characterized by a long and significant history.
 - A total of 10 heritage sites were identified in this area.
 - All the identified sites are deemed to be of Low Significance.
 - No impact assessments or mitigation required.
- (12) According to GDARD's Gauteng Agricultural Potential Atlas (GAPA), the site is classified as having no agricultural potential.
- (13) Gauteng Province Environmental Management Framework (GPEMF):

The GPEMF indicated that Zone 3 and Zone 4 applies to the site. However, the DEA Screening Tool lists it as Zone 1 Urban Development Zone.

The significance of Zone 3 is that special control zones are sensitive areas outside the urban development zone. These areas are sensitive to development activities and need to be protected.

The proposed shopping centre will not exclude any listed activity from environmental assessment requirements. NEMA requirements and guidelines will be applied to ensure the proper development of this area in a manner that will enhance protection of the environment.

The significance of Zone 5 is to streamline non-polluting industrial and large-scale commercial activities in the area that are already used for such purposes and areas that are severely degraded but in close proximity to required infrastructure.

The significance of Zone 1 is to streamline urban development activities and promote infill, densification and concentration of urban development within the urban development zones as defined in the Gauteng Spatial Development Framework (GSDF).

A composite site sensitivity map has been prepared after completion of the Ecological Assessment, to inform the township layout proposal.

[ANNEXURE 'P': ENVIRONMENTAL SUMMARY]

5.2.8 Traffic considerations

The Traffic Impact Assessment (TIA) for the proposed development undertaken by mr Pieter Wilken PrTech (Eng) in May 2022 confirms the following:

(1) Traffic volumes

- Peak hour traffic volume surveys were conducted at the intersection of Road D670 and Isitjiaba Street.
- The traffic pattern is not similar to that experienced in typical urban or CBD areas where there is a definite peak occurrence with a steep reduction in traffic after the peak hour.
- The traffic-flow conditions as determined by the SIDRA program, show unacceptable levels-of-service conditions. It would therefore appear that a traffic circle or traffic signal controlled intersection will ensure safer traffic-flow conditions.
- If the traffic grows at a rate of 3% per annum, the levels-of-service for the traffic-flow conditions would not change significantly if the all-way stop control is replaced with either a roundabout or traffic signal controlled intersection.
- Neither the roundabout, nor a signal controlled intersection would require any road upgrades other than the widening to

accommodate a circle that will comply with the requirements of Gauteng Department of Roads and Transport ['GDRT'].

- Detailed traffic signal settings are to be designed once the development has been implemented and traffic volumes recalculated.
- The addition of the expected background traffic and traffic distributed as discussed in the TIA, will not result in unacceptable traffic-flow conditions on the adjacent road network and access positions based on the roundabout control.
- The traffic-flow at the access to the site will not result in unacceptable traffic-flow conditions if constructed as indicated. No road upgrades will be required other than the construction of the access intersection to the satisfaction of Gauteng Department of Roads and Transport and Tshwane.

(2) Trip Generation

- It is not expected that the development will have a significant impact on the macroscopic road network as it is expected that a large portion of the trips generated by this development will be based on person trips that will make use of public transport which is provided in the region and on the direct adjacent road network.
- The number of trips to be generated, worst-case scenario, are as follows:
 - AM peak hour trips - 110 trips
 - PM peak hour trips - 626 trips
 - Saturday peak hour trips - 828 trips
- Additional capacity may be required for the northern approach to the intersection investigated, to accommodate the Weekday PM peak hour traffic.
- The current shared right-turn lane from the south must be converted to a compulsory right-turn lane and the northern approach lane markings must be changed to make provision for a dedicated right-turn lane.

(3) Existing Isitjiaba Street

- Isitjiaba Street was originally developed as access road towards Ekangala B, C, D and E and does not form part of the Gauteng road network. This route is also not included in the Tshwane RMP and it is recommended that this should be rectified.

- It is recommended that the Tshwane road master plan (RMP) for this region be amended to show Isitjiaba Street as part of its road network as a Class 4(a) route.

(4) Road upgrades required

- The current traffic-flow conditions in the vicinity of the site are such that no road upgrades would be required to accommodate the additional traffic that would be generated by the development when implemented. Road upgrades are however required for the construction of the access traffic circle, and traffic signals are to be provided at the intersection of the D670 / R568 / K175 Provincial Road and Isitjiaba Street.
- Changes are however required with regard to the current lane markings layout at the intersection of the D670 / R568 / K175 Provincial Road and Isitjiaba Street.

(5) Public transport and parking requirements

- It is proposed to have dedicated taxi parking on site and this should be discussed with the taxi associations in the region to ensure the optimum usage of this facility. The development has made provision for a formal taxi rank to be located in the southern parts of the Property adjacent to Isitjiaba Street. The DSP makes provision of 120 taxi parking bays.
- It is expected that the development will generate pedestrian volumes that could be significant along Isitjiaba Street and at the access intersection. Specific attention should be given to the accommodation of passengers from by-passing taxis – this should be done by the provision of taxi embayments along the D670 / R568 / K175 Provincial Road and Isitjiaba Street.
- Conflict potential between vehicular and pedestrian/bicycle traffic at the access control point must be mitigated and a separate access must be provided for pedestrians at the access point.
- All parking should be provided on the site. No direct parking should be allowed from the adjacent roadways. The total number of parking bays provided on site must comply with the requirement of the Municipality. The DSP makes provision of 466 conventional parking bays⁴.

⁴ This is in addition to the 120 taxi parking bays provided.

- The development will cater for a parking provision of 4 bays per 100m² GLA as recommended in the TIA⁵. This ratio was derived, based on the following factors:
 - Private vehicle ownership in the area is low (only 36,2% own cars).
 - 63,8% of the population rely on public transportation as their primary mode of transport.
 - The Market Study by Demacon has recommended that a total of 609 parking bays be provided for the shopping centre⁶.
 - 96% of public transportation usage in the study area by taxi.
 - Several similar community shopping centres are presented in the Market Study with parking ratios all approved below the proposed 4 bays per 100m² GLA. These served as a precedent for the proposed ratio (refer Annexure 'L').
- A parking ratio of 4 bays per 100m² is more than sufficient for this development and is supported from a traffic engineering point of view. The provision of the formal taxi rank facility on site is also supported and recommended for implementation in the TIA.

(6) Non-motorised transportation and pedestrian movement

With the proximity of a vast labour pool from the neighboring townships of Ekangala and Rethabiseng to the north, east and south respectively, it is foreseen that many employees / patrons to the shopping centre will make use of non-motorised transport to commute to and from the site. Pedestrian movement and cycling lanes therefore become of the utmost importance and this aspect will be dealt with in detail by the project traffic engineers in conjunction with the architect through the provision of appropriately designed sidewalks and cycling lanes along main routes. Appropriate bicycle parking / storage and outdoor furniture will be included to ensure that this mode of transportation be given high priority. Safety and security of these cyclists / pedestrians will be ensured, thereby adding to the sustainability value of the project and its appeal for a sustainable and economically viable project.

[ANNEXURE 'Q': TRAFFIC IMPACT ASSESSMENT]

⁵ I.e. A total of 551 parking bays are required based on the DSP and 586 parking bays have been provided (466 conventional parking bays+120 taxi parking bays)

⁶ The Market Study uses an optimum centre size of 16 217m² (15 200m² Gross Leasable Area).

5.3 SITE EVALUATION FOR FUTURE DEVELOPMENT

5.3.1 Geology

Mr Louis Kruger of Louis Kruger Geotechnics cc in October 2021 conducted an *in situ* site investigation on the geology of the site. The findings of his report titled "*Report on the Engineering Geological Investigation of the proposed new shopping Centre situated on Portion 26 of the farm Ekangala 610-JR*" are summarized below:

- (1) The investigation was undertaken according to the normal requirements to assess the suitability of the site (SANS 634: Geotechnical Investigation for Township Development, SANS 633: Profiling, and Percussion and Core Borehole Logging in Southern Africa for Engineering Purposes, Home Building Manual Part 1 & 2, National Home Builders Registration Council, 1999 and Guidelines for Urban Engineering Geological Investigations, 1997).
- (2) Geology and soil profile, geohydrology, foundation conditions and construction material are addressed in the report.
- (3) The following terms of reference components were specifically focused on:
 - Geotechnical characteristics
 - Geotechnical constraints
 - Founding conditions
 - NHBRC Zoning
- (4) Ten test pits were dug at predetermined positions and soil profiles described. Appropriate samples were submitted to a soils laboratory for foundation indicator tests.
- (5) The site is underlain by sandstone of the Waterberg Group and by transported materials, according to the small-scale 1:250 000 geological map.
- (6) The following materials were encountered on site:
 - Colluvium, with the following constituent components:
 - Sandstone
 - Residual sandstone (greyish brown and orange brown)
 - Sandstone bedrock (test pit 9 only)
- (7) Geohydrology: Ground water seepage was encountered in test pits 4 and 5. The presence of pedogenic material furthermore confirms that a seasonal, perched water table could be present during and after periods of high rainfall.
- (8) Due to the relatively uniform soil profile the site is not divided into different engineering geological zones.

(9) The Geotechnical Classification of the site is 2A 2B 2C 2D 2E 1/2F 1I

(10) NHBRC Classification:

- The site is zoned H1/H2
- C2-S2 is added as the material exceed 1 meter
- P (Perched water table) is added as groundwater seepage occurs
- The entire site is zoned as:
NHBRC Zone P(Perched water table)-C2-S2-H1/H2

(11) Recommendations:

- The residual sandstone is potentially expansive and the colluvium and orange residual sandstone potentially collapsible / compressible. Therefore the material is considered unsuitable as a founding medium. Foundation improvement and flexibility in brickwork are required. The following alternatives are recommended:
 - Stiffened or cellular raft
 - Soil raft
 - Piled construction
- Trenches for services must be profiled and a construction report complied.
- Detailed foundation investigations should be done on the footprints of large structures
- All excavations to be provided with adequate drainage and structures provided with damp proofing and measures taken to prevent ingress of water below foundations.
- Due to expected corrosivity, it is recommended that all services be protected in accordance with SANS 1200G.
- It is recommended that all excavations be cut back or shored.
- No accumulation of subsurface water must be allowed around perimeter of structures and entire development must be properly drained.
- No large shrubs or trees should be planted close to structures.

For more details on the above and more information on the investigation, refer to Annexure 'R'.

[ANNEXURE 'R': GEOTECHNICAL INVESTIGATION REPORT]

5.3.2 Aesthetic considerations

The Property and surrounding area has no aesthetic quality to mention. The site is vacant. The presence of the two major high-order roads at two of the property's boundaries renders noise and air pollution high on the Property. Furthermore the Property is bounded by a filling station to the southeast where motor vehicles and trucks enter and exit on a regular basis.

With the construction of a shopping centre having a generally positive effect on the aesthetics of a site, the proposed development is foreseen to enhance the aesthetic quality of this locality. The centre will function as a landmark in Ekangala and provide a gateway into the area. It will be constructed to be visually appealing and appropriately landscaped.

5.3.3 Visibility / exposure

This aspect has been extensively dealt with in previous sections of the memorandum. It is once again here presented under the argument that this is an inherent characteristic of this locality on the Property that renders the proposed township application most desirable. The benefits of the excellent exposure granted by the intersection of Provincial Roads D670 / R568 / K175 and R460 (west of site) has been highlighted in the design process. The applicant has optimised this benefit in terms of the shopping complex being orientated toward the intersection with the parking area being visible from these roads, to make the most of the locational advantages offered on the site.

5.4 SUSTAINABILITY

Economic sustainability of the proposed development project will be notably enhanced by the locality of the site in relation to:-

- Existing residential neighbourhoods to the northeast, east and south of the site from where the work force / consumer market will be drawn for future land-uses; and
- proximity to the higher-order roads of the D670 / R568 / K175 and by the R460 Provincial Roads.

Not only do these roads facilitate exceptional exposure (i.e. visibility of area and site), it also facilitates enhanced accessibility to / from the site in a wider context. It creates a connectivity network responsible for effectively increasing the sphere of influence of the development project.

These factors in combination can only lead to increasing the success of the development project, i.e. its economic sustainability and return on investment.

Furthermore, the development will be in line with environmental requirements in terms NEMA and subject to environmental authorization for same. All mitigation measures to result from any site sensitivities identified by an array of specialists will

be adhered to, rendering the development sustainable in terms of the natural environment, including the ecology of the area.

The market study further corroborates the intention of the proposed development to provide a positive influence on the economy of the City of Tshwane Metropolitan Municipality, in particular Region 7. The estimated R400+ million annual turnover will make a substantial contribution in this regard. The job creation estimated to result from the proposed development and discussed earlier in the memorandum is an essential ingredient to economic sustainability of the area and region.

5.5 SOCIAL FACILITIES

The township will be host to a community shopping centre which is intended to provide a suitable location for a varied mix of land-uses which will lead to social upliftment of the community. The facility will provide not only in satisfying of a need for retail services in the area, but will also be inclusive of a variety of recreational uses such as restaurants, café's takeaways and the like. A community shopping centre such as this will bring a large percentage of the community together in a harmonious and pleasurable environment where people will want to come and spend their free time with family and friends.

This facility will furthermore be open to the general public and inclusive of all members of society, in line with the principle of spatial equity entrenched in the development principles set out in the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

5.6 COMPLIANCE WITH SECTION 42(1)(c)(i), (ii) AND (iv) of SPLUMA

5.6.1 Public interest

The applicant contends that the proposed township will serve to enhance public interest in the following ways:

- (1) Being commensurate with the planning policies for the area, including the RMSDF;
- (2) Increased revenue to the CTMM as additional rates & taxes will become payable on the erven to originate with much higher land-use rights;
- (3) 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;
- (4) The proposed development will contribute to economic growth and development of the CTMM with concomitant employment and income creation for previously disadvantaged households;
- (5) The development of this part of the Remainder of the farm Ekangala 610-JR will not cause displacement of occupants or social facilities of any kind;

- (6) The excellent accessibility of the development site as discussed elsewhere in the memorandum and its close proximity to a vast labour pool and retail market in surrounding context both contribute to the public interest. The ease of access to the premises for clientele / consumers is a further major advantage serving the public interest;
- (7) The application will follow a public participation process in accordance with the official requirements set out in the Bylaw. Members of the community and surrounding land-owners will be afforded the opportunity to participate in the planning process; and
- (8) The establishment of the township will create jobs for the area leading to resultant economic growth and sustainable development of Region 7.

5.6.2 Constitutional transformation imperatives

In essence the core recurring themes throughout all policy documents within National, Provincial and Local government spheres is the plight of the poor, and the pressing need for socio-economic upliftment of previously disadvantaged communities. The tools which can be identified in achieving this are the aspects of economic development, job creation, education, health etc. The Constitutional Bill of Rights represent the transformation imperatives to *inter alia* address divisions of the past, social injustice, discrimination and redress imbalances of the past. Constitutional transformation imperatives find application mostly in the public sector and large companies, and relates largely to employment equity.

The proposed township has the potential to provide the opportunity for the creation of over 50 business enterprises to be initiated. These businesses will in turn provide employment to many previously disadvantaged individuals of any gender or race who are residing in the surrounding townships (i.e. Ekangala and Rethabiseng).

In conclusion, economic growth and development is 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.

5.6.3 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:

- (1) Character of the area (the proposed land-use rights will be in line with the vision of the CTMM as part of a future local node and complementary to current / future envisaged land use activities in the area);
- (2) Development trends for the area (i.e. envisaged local node); and
- (3) Right of any member of the community to participate in the application process

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

- (1) Application will lead to opportunities for further development in future.
- (2) The general upliftment of the community through the rates and taxes generated by the township.
- (3) Further financial advantages where money will be spent in the area by additional activities in the new township in future.
- (4) All community members will be given the right to participate in the inclusive approval process.

5.6.4 Impact on neighbouring properties

The present township application will not cause issues of possible overlooking and privacy infringement. Even once the land-uses have been changed, these will not become relevant due to the fact that these will be non-residential in nature and not adjoining or in close proximity to any existing residential properties.

The Property currently abuts the D670 / R568 / K175 Provincial Road to the west, the extension of Provincial Road R460 known as Isitjiaba Street to the south and is otherwise completely surrounded by the largely vacant Remaining Extent of the farm Ekangala 610-JR owned by the Government. The proposed land uses will not have any effect in terms of privacy, overlooking, overshadowing etc. due to the fact that the Remaining Extent provides an expansive buffer between the development and any residential property of at least 800m to the north and east.

6. STATUTORY PLANNING FRAMEWORK

6.1 NATIONAL STATUTES, POLICIES & DIRECTIVES

6.1.1 Constitution of the Republic of South Africa, 1996

Chapter 2 of the Constitution deals with the Bill of Rights and Section 24 specifically deals with the environment where it speaks of the right to "*natural resources while promoting justifiable economic and social development*". The subject property is located in close proximity to an industrial precinct to the southwest (Ekandustria) on the corner intersecting with two high-order roads, directly adjacent to an operational filling station on Portion 22, farm Ekangala 610-JR and in proximity to several residential townships in its surrounds (i.e. Ekandustria, Rethabisile etc.). The larger area is thus industrial and residential in terms of land use. The natural environment of the site therefore not considered ecologically sensitive or worth preserving, except for the watercourse on the Remaining Extent and its associated environmental buffer. The environmental summary provided by a specialist EAP confirms that the statutory environmental authorization process is underway for the application and should any localized mitigation measures be required resulting from any possible environmental sensitivities on the site, these will be made subject to the issuing of the Record of Decision by GDARD.

Section 146 of the Constitution speaks to "*the implementation of national economic policy*" and Schedule 4 identifies "*functional areas of concurrent national and provincial legislative competence to include economic unity through the promotion of economic activity*". The township being proposed will benefit not only the local area but also the province and the country as it will create much needed employment opportunities as well as the creation of goods and services that are essential for a well-functioning and growing economy.

The Constitution outlines the function of local government under Section 152 to "*promote social and economic development*" and "*a safe and healthy environment*". These allocated functions together with others are essential for municipalities to fulfil their developmental responsibilities.

6.1.2 National Development Plan Vision for 2030 (NDP)

The overview of the NDP begins by stating the importance of growth and development by curbing unemployment and poverty and stimulate economic growth. The NDP goes on to say that the creation of job opportunities and development is not only the responsibility of the public sector but all sectors of the economy, requiring community involvement.

The proposed shopping centre, will offer *inter alia* goods and services to the community in order to ensure that public / social amenities be improved and maintained in the area. This will benefit the region and serve to bolster the economy.

The NDP proposes to expand investment in infrastructure and private investment providing more inclusive economic growth. The proposed township is a private initiative providing services to the local community, resulting in overall economic growth, through the provision of employment opportunity as well as the injection of revenue generated into the local economy. Prosperity to the Municipality, developer and businesses in the development is foreseen to ensue from the operating of the shopping centre.

The aim of the NDP is to set the country on the envisaged development trajectory by 2030 by using a new approach and influencing a change in mindset, by:

- (1) Creating jobs and livelihoods
- (2) Expanding infrastructure
- (3) Transforming urban and rural spaces (p6)

The proposal at hand will not militate against these aims and in fact serve to address certain criteria and will therefore be in line with the NDP.

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

Although the below section concentrates mostly on the development principles set out in SPLUMA, it has been summarised, taking cognisance of important policies which informed the same such as the National Development Plan Vision for 2030 and The Constitution of the Republic of South Africa, 1996.

Two sections from SPLUMA are here addressed, namely Section 7 (development principles) and Section 42 (deciding an application).

The Section 7 development principles similar to certain "*overarching principles for spatial development*" identified in the NDP and thus compliance with same gives 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 in Section 42(1)(c)(ii)).

The present application is evaluated against the SPLUMA development principles, as follows:

1. Spatial justice

The requirements set out in this principle echo the sentiments represented in the Constitution of the Republic of South Africa, 1996, including Section 9 which requires equality, Section 22 protecting 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, and others. 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 present application will comply with the above as follows:

- (1) The proposed development of the Property will facilitate / create an opportunity for the incremental development of the Remainder of the farm Ekangala 610-JR by availing this part of the property as a smaller Portion to allow for its development by the private sector. The Government will therefore not have to inject any funds in ensuring that this State owned land is optimally developed in a manner that will be beneficial to the community as well as the economy. Such development has the potential for a positive impact in terms of redressing past development imbalances. The establishment of this township will be a crucial step towards this.
- (2) The township will serve to relinquish appropriately-sized, economically viable land for commercial development. This will lead to the better utilization of the currently under-utilized Remainder of the farm Ekangala 610-JR and create opportunity for improved access to and the use of land.
- (3) In terms of the Municipality's duties, the spatial development frameworks for the Municipality as well as the land-use scheme have been prepared with due consideration of the public input through participation in the preparation and review process of same. Furthermore, the public will have an opportunity to participate in the process of the evaluation of the present application during its public participation process.
- (4) The proposed development to result on the township will be available for use by any member of any population group, once completed.

2. Spatial sustainability

Similarly, this principle alludes to certain of the rights reflected in the Constitution, including Section 24 which speaks to 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 present application will comply with the above, as follows:

- (1) The project is a private initiative which will not require public sector funding. The applicant will service the township at its own expense.
- (2) The change in land-use on the Property will realize in additional property rates and taxes payable to the municipality. The funds generated in this way can then be used for upgrading of existing services in the area, thus benefiting the local area. It will as such be a catalyst for further development in the local area through infrastructural improvements to result from its implementation (i.e. road improvements and service upgrades etc.).
- (3) The Property is situated within the Urban Edge but outside the development boundary in an area specifically earmarked as a local node encouraging mixed-use development at the intersection of the high-order roads, by the CTMM in future. It will thus not perpetuate urban sprawl which in developing countries is typical, where horizontal development patterns predominate.
- (4) The subject property is currently grossly underutilized and ideal for future development, especially since it has a prime location in terms of accessibility and visibility. There are currently no other such developments in the area to serve the surrounding community and therefore an active need and demand for the proposed land-uses. The community here has been excluded from the local economy and left without social spaces and / or local employment opportunities.
- (5) The applicant has taken a cautionary approach to the environment by assessing it thoroughly from an environmental sensitivity perspective by a professional EAP appointed to the project team. The environmental authorization process underway will include specialist results to be assessed, addressed and an environmental summary provided and included as part of this application.

3. Efficiency

The NDP alludes to the unacceptability of delays with approvals of townplanning applications and how this needs to be

addressed in order to prevent escalating holding costs and the negative impact it presents to the economy. Section 195(b) of the Constitution also confirms that effective, economic and efficient use of land should be promoted.

The present application will comply with the above my means of:

- (1) The use of the Property is optimised by its change in land use as it will result in its improved utilisation. The proposed shopping centre on Portion 26 represents the highest-and-best-use of the land, especially when considering that the intersection of two high-order roads is seen as the peak land-value of the area.
 - (2) The remaining requirements of this principle are mainly the duties of the CTMM. It is furthermore important to note that:
 - the applicant has motivated the present application considering these requirements to ensure a desirable outcome by consulting with the necessary specialist consultants on the impacts that the proposed township would have on the environment, contextual milieu, engineering services, traffic etc.
 - the applicant undertakes to comply with the timeframes set and to streamline responses as best as possible to obtain a positive outcome in the shortest possible time.
 - (3) Spatial efficiency will also be enhanced by bringing employment opportunities closer to those in need, namely inhabitants of the surrounding residential townships of Ekangala and Rethabiseng, less than a kilometres distance from the site. This will be a natural consequence of development to result from the establishment of the township.
4. Spatial resilience

The requirement here is to have flexibility in spatial plans, policies and land use management systems to accommodate sustainable livelihoods for these most vulnerable.

This is largely the responsibility of the CTMM as a public / government entity. As the preparation of frameworks and policies are the responsibility of all spheres of government, the vulnerable are the main focus and have been accommodated in same. These policies and frameworks are normative, based on

the very principles being discussed in this section. Evidence of same is manifested in the changing character of the province, the City of Tshwane and the particular area.

Flexibility is also required when considering there is conflicting information in terms of the vision for the area as contained in the RMSDF, i.e. at the intersection of the two high-order roads is seen as a local node but yet the Property is shown outside the development boundary where it is perceived there are no engineering services available.

5. Good administration

This principle relates to duties of the state in compliance with the requirements of Sections 153 and 195 of the Constitution. The applicant agrees that the current future planning documentation that guides applications in the CTMM have been informed by the various spheres of government, the documents have been adequately public participated and that the information contained in same is clear.

6.2 PROVINCIAL STATUTES, POLICIES, DIRECTIVES & GUIDELINES

6.2.1 Gauteng Spatial Development Framework 2030 (2017) [GSDF]

The GSDF seeks to:

- Direct, guide, focus, co-ordinate and harmonize all development
- Ensure rapid, sustainable and inclusive provincial economic growth and township development
- Enable decisive spatial transformation (p3)

The proposed development has been proven to be beneficial in all these aspects with specific reference being made to the Gauteng Economy in the market study by Demacon. It is stated that the proposed development is foreseen to contribute 0,6 percent to the Provincial economy. This development is therefore a much desired proposal for the Province and will further enhance sustainable and inclusive growth which will be beneficial to the local community.

The GSDF further emphasizes the need for focused growth in predetermined areas (e.g. nodes, corridors) where agglomeration economies and economies of scale can contribute to greater returns on especially public investment in infrastructure and public transport facilities. The proposed development is well located in a local node within the Urban Edge although outside the development edge, and the planned shopping centre is set to include a taxi rank of 120 bays.

Finally, all the transformation imperatives at the base of *inter alia* the NDP, SPLUMA as well as several provincial policy documents form part of the desired outcomes of the GSDF, the latter which refers to so-called radical

transformation several times, to impress the urgency of improving the quality of life of the previously disadvantaged communities drastically, over the shortest period of time. This development proposal seeks to bring economic opportunity as well as to improve social amenity and services to local communities located on the urban periphery. Long travel distances to work and retail opportunities are diminished and brought closer to the previously disadvantaged.

6.2.2 Gauteng Employment, Growth and Development Strategy, 2009 [GEGDS]

The GEGDS in acknowledgement of the vast proportion of the provincial population living on the outskirts of towns and cities, divorced from the various social and infrastructural facilities and economic opportunities on offer in the core areas of same, identifies and promotes certain interventions (drivers) required to alleviate the plight of these vulnerable communities and create a more equal and inclusionary society.

The purpose of the GEGDS is evident from the following extract:

"...the GEGDS is an overarching framework that aims to progressively promote decent work and development of a growing, innovating, green and inclusive economy." (p13)

The proposed township will ensure job opportunity to be afforded to the local community and well as provide an economic stimulus to the local economy as well as see to the social upliftment of the area.

The GEGDS confirms a 'mis-match' between human capital in the labour market and the requirements of the productive sector – both public and private. This is a major structural deficiency in the economy which causes it to underperform while simultaneously not assisting towards alleviating the unemployment problem in the Province. This development will bring opportunity closer to communities operating on the urban periphery, will eliminate the long commute to work and social facilities thereby reducing the need for "long distance" public transportation while at the time lend to the improvement of public transportation facilities to those still seeking to find opportunity in the urban cores of the Tshwane CBD or Bronkhorstspuit (i.e. new taxi rank to be implemented).

6.3 METROPOLITAN STATUTES, POLICIES, DIRECTIVES & GUIDELINES

6.3.1 Tshwane Metropolitan Spatial Development Framework, 2030 (July 2021)

The Tshwane Metropolitan Spatial Development Framework (MSDF) is a legislated requirement in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

"The overall cross-cutting objective of the MSDF is to achieve spatial restructuring, which is sometimes referred

to as spatial transformation. This is a spatial planning concept that aims at redressing an unsustainable spatial form by redirecting growth to areas of opportunity. It encourages development around nodes, densification along corridors and residential developments near areas of economic activity with supporting social facilities, and speaks to the quality of the built environment through principles that should inform urban design and place-making. With increasing pressure on the environment and natural resources, climate-responsive urban planning is critical if we are to mitigate the very real negative health and economic impacts of climate change on lives and livelihoods.”(p18)

The current development application positively addresses objectives such as spatial transformation, redirecting growth to areas of opportunity, and development within a regional / local node. The extensive environmental authorisation process undertaken for the application ensures that the development is climate-responsive and sensitive to the environment and natural resources.

The MSDF responds to spatial restructuring by addressing the following:

- (1) Human settlements and growth management
- (2) Mobility and connectivity
- (3) Engineering infrastructure
- (4) Ecological infrastructure

The MSDF aims to address the following towards the achievement of the City’s vision:

- *"Addressing social needs*
- *Restructuring a spatially inefficient city*
- *Promoting the sustainable use of land resources*
- *Ensuring strategic direction with regard to infrastructure provision*
- *Creating opportunities for rural and urban areas*
- *Guiding developers and investors with regard to appropriate investment localities*
- *Providing rural management programmes to improve livelihoods and stimulate employment" (p21)*

The development proposal is serving these requirements as follows:

Social needs	Retail centre in close proximity to local communities of Ekangala and Rethabiseng. Providing for retail, entertainment and various ancillary services to the public.
Restructuring spatial inefficiency	Bringing opportunity to areas on the urban periphery, minimising travelling distance and reliance on far commute

	for basic needs (i.e. employment and goods and services)
Sustainable use of land and resources	Development of a vacant and currently underutilised piece of land. Opportunity for the lucrative use of the land by Government by partnering with the private sector to develop the property at no additional cost to the Government
Opportunity for rural area	Economic sustainability of the Ekangala area which will improve the economy of Tshwane, in particular Region 7.
Appropriate investment locality	Development located at a key intersection in close proximity of a vast target market / labour pool. Recommended by a detailed market study.

The MSDF regards retail as one of the most dynamic urban land uses or activities of our cities, towns and rural areas. The retail sector is a significant catalyst for urban development in Tshwane. Shopping centres have influenced and changed the spatial direction in many areas. The development of these shopping centres initiated substantial redevelopment and new development within the vicinity of their trade areas. The proposed development can be seen as an important catalyst for the improvement and prosperity of Region 7 and Ekangala and its surrounds as is corroborated by the following extract:

"While the economic activity of all of the metropolitan nodes of Tshwane may initially have been anchored by retail developments, over time the nodes have progressed to encompass additional diverse economic activity to the extent that the metropolitan nodes can serve all or most required needs (work opportunities, shopping, education, medical, residential and entertainment) of residents within or near that node." (p98)

As with all development in Tshwane, retail development should comply with the requirements of sustainable, efficient, equitable, convenient and attractive environments. In the case of metropolitan nodes and urban cores, all developments should, as far as possible within the specific context, additionally respond to public transport-oriented development, within the ambit of sustainable and efficient development. The City will evaluate retail applications in line with the objectives of its Long-term Strategy, the MSDF, the Tshwane Retail Strategy (2007), etc.

The proposed development is seen to be in line with all retail development requirements and criteria outlined on page 98, and is evaluated against same:

CRITERIA	COMMENT
Is in line with the applicable SDF or precinct plan	✓
Category or scale of the proposed development is appropriate for the location	✓
Proposed development contributes towards the objectives of TOD	✓
Accessibility to the proposed development is catered for by public transport	✓
Makes provision for public transport (like drop-off bays, parking for public transport and safe access of public transport users from transportation to shopping centres)	✓
Caters for informal trade in an integrated and formal manner	n/a
Adds value to the aesthetic quality of the built environment	✓
How the proposed development affects the natural environment	No negative effect
Socio-economic impact on existing businesses within the study area, neighbourhood, hub, node or precinct	No negative impact

6.3.2 City of Tshwane 2021 – 2026 Integrated Development Plan (May 2021)

The strategic development pillars are as follows:

- A City that facilitates economic growth and job creation
- A City that cares for residents and promotes inclusivity
- A City that delivers excellent services and protects the environment
- A City that keeps residents safe
- A City that is open, honest and responsive (p22)

Region 7 had the second highest average annual growth rate of 2.95%. (p46). The area has high potential and needs to be seen as an economic asset to the City. Allowing medium-scale developments such as this shopping centre in the Region will see to the continued prosperity and performance of the Region in future.

Progress on the Tshwane Vision 2030 priorities is seen to be achieved through 5 strategic pillars and identifying their key priorities as follows:

- (1) A City that facilitates economic growth and job creation
 - Attract investment and make it easy to do business in Tshwane
 - Support entrepreneurs
 - Empower individuals to take advantage of opportunity
 - Infrastructure-led growth to revitalize nodal economies
 - Encourage tourism and recreation
- (2) A City that cares for residents and promotes inclusivity
 - Upgrading of informal settlements
 - Supporting vulnerable residents

- Building integrated communities
 - Promoting safe, reliable and affordable public transportation
 - Improving access to public healthcare services
- (3) A City that delivers excellent services and protects the environment
- Deliver high quality services
 - Safeguard water and energy security and protect natural environment
 - Ensure agriculture and rural development
- (4) A City that keeps residents safe
- Creating safe communities
 - Addressing drug abuse
 - Protecting communities from disaster
- (5) A City that is open, honest and responsive
- Building a capable city government
 - Fighting corruption
 - Communicating effectively with community

The proposed development will not militate against any of these key priorities and will assist to achieve certain of the ones mentioned particularly under Strategic Pillars 1 and 2.

Ekangala has been identified as an urban core and is identified in the IDP as a node for medium terms precinct plan implementation (p 157).

The proposed application for a shopping centre is located within this node and a new precinct plan is required to implement same (p 163)

3% of the total budget for capital expenditure through service infrastructure intervention is allocated to Ekangala with an estimated R103 200 000 allocated for the year 2021/2022 (p130). The area is clearly seen as a priority for investment and improvement by the CTMM and applications such as these will lead to harmonious partnering of the Municipality with the private sector to revitalise a marginalised area through public and private investment.

Other notable budget allocations (2021/ 2022) to the area in the IDP include:

- R75 000 000 for upgrading of the road from gravel to tar in Ekangala Wards 103 & 104
- R18 000 000 for upgrading of road from gravel to tar in Ekangala Ward 105
- R77 200 000 for sewer reticulation and toilets in Ekangala Block A – F
- R100 000 for upgrading of existing infrastructure in Ekangala
- Provision of a bus depot

These will lead to the overall upliftment to the area and prove the suitability for the proposed development in an area which is earmarked for revitalisation, restructuring and economic development.

The IDP on page 172 echoes the sentiments of the MSDF regarding retail developments with the very same criteria for evaluation identified. With these criteria being evaluated in the above section and concluded to be in line in terms of the MSDF, it can be concluded that the proposed development similarly finds applicability in the criteria for retail development identified in the IDP.

6.3.3 Regionalized Municipal Spatial Development Framework, 2018 – Region 7

6.3.3.1 Site designation

Here we discuss the development site in the context of the maps that form part of the Regionalized Municipal Spatial Development Framework, 2018 – Region 7 (“RMSDF”).

- (1) Composite RMSDF map: The subject property is located within the officially demarcated urban edge but outside the development edge in an area designated as Future Urban Development Area earmarked for Low Density residential development. Furthermore the site is shown on the RMSDF map as being located in a local node.
- (2) Nodes and Corridors map: This map confirms that the intersection of Isitjiaba Street (eastern extension of R460) and Provincial Road D670/ R568 / K175 forms a local node and furthermore that the former is planned to extend eastwards. It also confirms that the site is located outside the development edge and that southeast of the site is a watercourse with associated wetland buffer.
- (3) Rural Plan: In addition to reflecting the development edge and urban boundary, this map also classifies the development site as being situated in an area viewed as having high agricultural potential⁷ and forming the northeastern corner of an intersection where existing and envisaged industrial and mixed uses complete the intersection.

⁷ The hatch designation is shown in orange and also corresponds with the hatch designation for high density residential and linear zone on the density map.

- (4) Biodiversity map: the site is shown northeast of a high concentration of pollution and an associated industrial buffers⁸.
- (5) Density plan: this map again shows the site as located in a local node and an area earmarked as a linear zone along Isitjiaba Street.
- (6) Non-motorised transport plan: this plan shows Provincial Road D670/ R568 / K175 as forming part of the non-motorised transport route (NMT) for CBD areas and also described as Class 1 routes. Isitjiaba Street further east is shown as part of the NMT CBD route but not near the site.⁹

The terms / concepts underlined above are explained in the RMSDF as follows:

(1) Urban edge

The urban edge is one of several spatial planning growth management instruments adopted by the CTMM in the RMSDF to assist with achieving the spatial vision and strategic objectives of the City. As such it serves to assist by-

"...conserving valuable environmental areas which would otherwise be compromised by development and promoting the use of existing infrastructure through redevelopment, infill development and densification within the edge thus achieving development that is sustainable... The edge also ensures the protection of land – an exhaustible resource – by encouraging brownfield developments instead of greenfield developments." (p18)

The subject property is located within the official urban edge, as evident from the various relevant maps in the RMSDF mentioned above.

(2) Development edge

The development edge is a mechanism used by the CTMM to demarcate areas where engineering services are available or can easily be extended to. It largely coincides with the former Provincial urban

⁸ Pollution and industrial buffers: These two terms have not been defined / described in the RMSDF except that these have been indicated on the Biodiversity Map of Gauteng and reflected on the RMSDF in compliance with same.

⁹ NMT for CBD and Class 1 routes are not defined as such. Class 1 refers to walking only.

edge but deviates in some instances. The area between the urban edge and development edge are seen as future development areas.

(3) Future Urban Development Area

On designated future urban development areas like the properties concerned, the RMSDF states the following:

- *"These areas that results (sic) from the non-availability of services will form part of the Urban fabric in the future but needs (sic) to be planned for and preserved as Rural areas in a sensible way that will not constrict its incorporation when needed"* (p84)
- *"A Future Urban Development Area has been identified (for) limited expansion around the **Ekandustria, Ekangala, Rethabiseng Area.**"* (p84) (own emphasis)

Official guidelines for development of properties in designated Future Urban Development Areas are summarized in Para 4.8.4 of the RMSDF, pp84-85. These guidelines are the following:

i. ***"The contribution of the proposed development towards the goals of the City strategy and Metropolitan Spatial Development Framework"***

Developers in Tshwane are mainly focused on areas where maximum returns can be made and therefore areas where the more affluent reside or frequent. The developer for this project is looking at the wellbeing of the local community and has identified a need to uplift the area and create an opportunity for a community which is outside of the traditional urban core.

The proposed shopping centre will create much needed employment opportunities to the immediate surrounding community. It will furthermore provide opportunities for members of the local community to become entrepreneurs and take part in the economy by being able to open a shop in the shopping centre. The shopping centre will be a place to

fulfill social needs of the community and to also be a space where they will be exposed to and able to obtain products and services which previously may have been inaccessible and costly to commute to other similar shopping centres. The shopping centre may also include certain social facilities for proper functioning of the community such as postal services, a library, etc. The existing residential settlement will therefore be better functioning as an integrated human settlement without having to commute outside of the area for services and products. It will furthermore have the advantage of attracting further investment to the area where shoppers and businesses may be attracted from other areas and have a wider exposure to markets.

The development will also form the fourth quadrant of an identified local node and make the most use of the existing higher-order intersection by maximizing the development potential of the site.

ii. ***"The availability of bulk engineering services – especially water and sanitation."***

The project civil and electrical engineers have assessed the current bulk engineering services in the wider area and have concluded that it is indeed possible for the proposed new development project to be provided with all necessary infrastructural services, as set out comprehensively earlier in this motivational memorandum.

iii. ***"The environmental sensitivity of the area – obvious considerations such as water courses, ridges."***

The applicant has embarked on a comprehensive environmental authorization process for the proposed development as required in terms of prevailing environmental legislation. It has been determined that the site has little to no environmental significance which needs to be protected and the most important feature (water course) is located to the southeast of the site. It is important to

remember that the site is located near to an existing industrial area and has been shown on the biodiversity plan as being close to a pollution zone.

iv. "Proximity of site to public transportation routes / facilities such as stations."

The development site is not located close to earmarked or declared public transportation routes or stations. The NMT map has however indicated the importance of the existing Provincial Road D670/ R568 / K175 (north / south connection) for NMT Class 1. Furthermore the development proposes the incorporation of a fully-fledged taxi rank on the site and has already entered detailed discussions with the taxi associations with regards to the positioning of and requirements for same. The project team have designed the shopping centre with due consideration of the need to provide proper taxi drop-off, parking and pick-up facilities.

v. "Proximity of other supporting social facilities, economic opportunities, retail."

The proposed shopping centre will not be dependent on any external social and economic opportunities to render it functional / sustainable. The nature of the land-use and the use-rights to accrue to same will provide for adequate such facilities to render it more or less autonomous except for requiring "feet" (shoppers) to frequent the centre, for shop owners and chains to rent and occupy retail area, employ shop assistants and distribution centres to provide the necessary supplies to same. The shop owners and employees as well as the trucks delivering goods will utilise existing higher order roads to access the site as the site is well-located on the intersection of two higher-order roads that serve the wider area and connect the site to a wider area within and outside of the municipal and provincial boundaries. The main requirement to render a shopping centre viable is having patrons. The shopping centre is located a mere 1 kilometre from Ekangala residential area which is close enough for patrons to walk to the centre and

furthermore the centre will provide proper taxi drop-off, parking and pick-up facilities for patrons outside of the immediate area.

It is envisaged that the shopping centre will provide for daily shopping needs such as food and clothing as well as for luxury buys, restaurants, social activities as well as public facilities.

vi. "Physical features that may define the development – such as railway lines / watersheds / provincial roads / environmental areas."

It can not be emphasized enough that the site is located on two high order roads, i.e. Isitjiaba Street (east / west) and Provincial Road D670/R568 / K175 (north / south). The Municipality has also recognized the importance of this intersection by earmarking same as a local node. Furthermore the site is adjacent to an existing watercourse through the area which can in future be utilised for recreational purposes that will go a long way to enhance the area and provide much needed public open space for the community. The proximity of the site to the existing residential area of Ekangala as well as the industrial area of Ekandustria to serve as a rounding off / connection between the two.

These mentioned physical features were paramount in the decision to establish and operate the proposed shopping centre in this location, on the particular development site.

vii. "Liveable communities will have to be developed by means of social services such as schools, police stations and other amenities."

It is evident from the land-use map and the zoning map for the area that Ekangala has a number of schools located in its existing area and therefore is well served in this regard. The area however has been neglected in terms of the provision of decent social facilities with opportunities for public facilities to be established. The applicant therefore envisages

the shopping centre also including certain amenities that can be considered public facilities, such as a post office, library / internet café, etc.

- viii. ***"Aesthetics and urban design guidelines will have to be provided with a diversity of housing typology which breaks from the tradition of monotonous housing schemes which have dominated the South African landscape for too long."***

Not quite applicable here as the development does not include a residential component, the proposed shopping centre will be a unique, architect-designed project, fully responding to the area in terms of being low-rise (single storey) and low impact orientated towards the existing intersection of two high-order roads.

- ix. ***"The provisions (sic) of sustainable economic opportunities within these areas."***

As alluded to, the shopping centre will see to the creation of various sustainable economic (and other) opportunities in Tshwane, and wider. The development will create opportunities for the local community in terms of employment opportunities as well as prospects to participate in the economy by owning and running shops in the centre. These will have spinoffs whereby providing opportunities here, they and their families will have prospects to better themselves with additional income that may be generated.

(4) Low Density Zone

Based on the findings and recommendations of the Tshwane Compaction and Densification Strategy, 2005 ("CDS") four key density zones have been identified to facilitate appropriate higher-density housing opportunities at particular localities across the City for all income groups to promote the aims of spatial and social integration. These are:-

- Concentration zones
- Linear zones
- Suburban densification zones
- Low density zones

The subject properties are located in an area earmarked in the RMSDF as Low Density Zone.

In Para 4.5.4 of the RMSDF, p72 Low Density Zones are described as follows:

- *"Low Density Zones are so called because those are the areas in the city where lower densities are actually more desirable, either because of location or bona fide special circumstances."*
- *"The majority of these zones are the peripheral areas that are removed from opportunities such as economic and employment nodes and mass transportation opportunities and is characterized by long traveling distances to areas of employment... These include areas along ridges, where lower densities are more conducive to a built form that is sensitive to the ridge quality from a visual point of view, ..."*

It is our contention that the site is not a low density zone due to several contradicting factors that are evident on the other maps that form part of the RMSDF.

(5) Local node

The RMSDF lists the Retail Strategy of Tshwane under the heading for local nodes and this is of crucial importance here and therefore discussed in detail here.

"The Tshwane Retail Strategy is applicable to these nodal developments. The following tables provide a better overview of the retail aspects of the nodal developments. For these nodes to function properly they should form part of a hierarchy of nodes, directly related to the characteristics of the population it serves. The hierarchy of retail centers as proposed in terms of the "Retail Strategy" should be applied to the region, subject to need and desirability within the region." (p43) (own emphasis)

There are a couple of strategies that are applicable in the present case:

1. Infill strategy: *"In this instance reference is made to infill in already built up residential areas where retail has been lacking or undersupplied. This type of development will then capitalise on an existing market and will prevent major outflows from a particular area to other shopping destinations. The developments range from small neighbourhood to regional (large community) centres. It is important to note that once the area is sufficiently serviced, the Infill Strategy must be replaced by the Maintenance and Expansion Strategies, and where new growth occurs, the Follow-the-roofs strategy."* (p43)

As mentioned the development site is located between the existing residential area of Ekangala to the north and northeast and the existing industrial area of Ekandustria to the southwest. Furthermore the vision for the area stipulates that to the south and west the Municipality envisages mixed-use developments and has not formally made clear its vision for the northeastern corner of the intersection other than it being part of a local node. The shopping centre can be considered as forming part of a "joining" between the existing neighbourhoods and the future mixed-use developments, completing the node.

2. 'Follow-the roofs'/ new growth areas strategy: *"This strategy focuses on new growth areas and the provision of retail facilities once a certain threshold level of houses and disposable income is reached. In the case of a 'follow the roofs' strategy, timing is of critical importance. Should a centre be built too soon the retail performance will be low and casualties, especially amongst the smaller tenants, will be high. Further growth in an area should also be such that the trade area of the proposed centre will fill up sooner rather than later."* (pp44, 45)

This is the exact case here where there are no proper shopping centres in Ekangala and the

dormitory townships have been in existence without same for decades.

3. Modal interchange strategy: *"This type of facility depends mainly on the nature of the commuters, the area as well as the different transport modes used. Land uses in these areas should be focussed on transport orientated developments, with retail focussing on convenience and day-to-day goods. Higher density areas will therefore have a higher frequency of nodes in a smaller geographical area. The ideal locality of such nodes will have to be determined through retail studies taking into account all factors that could have a significant impact on the success of such a node."*(p44)

The applicant will be providing for a taxi facility on the Property to replace the existing informal taxi stopping area in the public road-reserve close to the site, which will serve to formalize same. The applicant has commissioned and received a report from a specialist with regards to the market feasibility of a retail / shopping centre in this location. This has been discussed separately in the present memorandum.

The document goes further to outline criteria when considering a retail facility location, including the following:

- Locational requirements
- Urban design
- Pedestrian movements (walkability)
- Parking requirements and layout
- Taxi ranks and public transport facilities
- Informal trade
- Site development plans
- Retail and traffic impact studies.
- Impact on surrounding land uses
- A feasibility study is required for retail developments of greater than 4000 square metres.

The applicant has addressed same through-out the present application and will not reiterate the compliance of the present township development with same.

On page 37 of the RMSDF nodes are discussed in general. Here it suggests that "(n)ew nodes might develop on intersection of the **Isitjiaba Street to Ekgangala Townships** and the R513 Road, as well as the intersection of the R513 and the R104 (Stanza Bopape / Old Brokhorstspuit Road). Retail studies taking into account all factors that could have a significant impact on the success of such a node will have to be conducted before the establishment of these nodes. Typically neighbourhood centres should include both commercial and social facilities, such as **retail facilities**, professional offices and community facilities, **where such facilities are absent in the surrounding area.**" (own emphasis)

(6) High agricultural potential

This region contains vast areas with apparent high agricultural potential. Typically these areas are very fertile and large enough for proper commercial farming and thus minimum subdivisions of 21 hectares permitted. The present site, although not registered at the Deeds Office as yet with its own separate title deed, extends to 5,5015 hectares and thus is not viable for commercial farming. It is also thought unlikely that the parent property can be used for farming practices due to several constraints over the Property.

(7) Industrial uses

The Region contains several strategic land-uses including the existing industrial area of Ekandustria, Bronkhorstspuit Industrial Park, Ovipropark, etc. Ekandustria is earmarked for revitalisation. "*Ekandustria is part of a larger economic sub region where it is greatly influenced by economic activities within neighbouring areas. The dominant concentration of industrial activities in the larger region is located within Ekandustria and Bronkhorstspuit Light Industrial Area, the main sector represented is manufacturing as well as supporting sectors such as transport and storage and finance.*"(p44)

(8) Mixed uses

"Refers to land uses such as offices / commercial / residential / industrial / retail / entertainment / institutional etc. **It also refers to a mix of uses**

***within a specific area (node or corridor).** The advantage of mixed uses is that access and convenience are increased as transportation distances are decreased. The combination depends on the specific area. Mixed uses may refer to retail at street level, institutional on the floor above and residential on the upper floors, or only one use per erf. Principles regarding retail, commercial and industrial uses / rights are still applicable as indicated in this document. Mixed land use in an industrial area may include industry, commercial and retail uses.”(pv) (own emphasis)*

- (9) Linear zone
"As per *Compaction and Densification Strategy* referring to activity spines and linear channels forming a lattice of movement." (pv). The document indicates that drastic change of the built environment is encouraged here, including medium densification and intensification as the spines / corridors are connectors to urban core area and already do or in future support public transportation (including mini bus taxis).
- (10) NMT
Use of walking and cycling instead of use of a motor vehicle or public transportation. These feed public transportation systems and it is thus important that planning for same forms part of the vision for the area to ensure the built environment caters for same and separation from other forms of transport (for safety and legibility purposes). NMT goes hand in hand with universal access where environments are made barrier free to differently abled persons.

6.3.3.2 Infrastructure requirement

As mentioned, the site is located outside the development edge of this Region. In terms of the definition for a development edge, areas excluded are areas where infrastructural services are not available.

One of the criteria listed in the RMSDF, p52 to prove the suitability of a particular site for permitted land use change is the availability of infrastructural services. In this regard the availability of especially water and sewer services had been singled out in the development guidelines for Future Urban Development Areas on page 84 of the RMSDF. The following extract from the RMSDF furthermore bears relevance:

"Land development proposals, whether in line with these documents or on merit, should only be supported if infrastructure to the satisfaction of the Municipality with reference to Section 40 of the SPLUMA can be provided in line with the overall IDP. This should include the provision of infrastructure by developers that may have an impact on the operational budget of the Municipality" (p3).

As discussed more comprehensively elsewhere, the proposed shopping centre can be fully serviced in a manner cleared with the CTMM engineering services departments beforehand, without any negative impact on the development priorities identified in the IDP for Tshwane.

6.3.3.3 Environmental considerations

The site is not impacted by any specific environmental sensitive fauna and flora but is adjacent to a water course. The 1:50 and 1:100 year floodlines do not impact on the Property.

6.3.3.4 Urban design considerations

The Urban Open Space Guidelines in the RMSDF, p61 were heeded with the design of the proposed shopping centre. The following RMSDF Guidelines in particular were taken on board in the planning and design of the proposal:

i. "To enable urban (re)development to engage with and take relevant stewardship of adjacent open space" (p61)

The site is adjacent to a water course and the development site as well as the adjacent Remainder are owned by the same entity (National Government). The ownership of the Property by National Government will not change.

The Environmental Assessment Practitioner has found that the development site does not accommodate any sensitive environmental habitats.

The lessees of the Property on which the shopping centre will be developed and operated as well as the land-owner would take stewardship of all environmental management and care matters through an approved EMP, if it becomes necessary.

ii. ***"To increase the overall physical and spatial value and quality of both the development project and the surrounding urban landscape" (p61)***

The development site is located on an intersection of two higher-order roads with development to its north / north east and southwest. Furthermore, as mentioned previously, the northwestern and south eastern quadrants of the intersection have been earmarked for mixed-use development, thus the shopping centre will be a rounding-off of a this intersection and will serve to loosely connect the existing industrial area with the residential area.

iii. ***"Improve interface edge conditions" (p61)***

The purposeful site selection for this development and its integrative / connecting attributes mentioned above along with being located on an intersection of two high order roads serve this point.

iv. ***"To improve or provide walkable access to non-motorised transport (NMT) such as cycle lanes and pedestrian walkways" (p61)***

From the forward planning documentation it is clear that the site is located on an existing / envisaged NMT route. These routes have been determined by the existing NMT usage of the residents to the north / north east to the public transportation and places of employment to the southwest in Ekandustria.

v. ***"Developments must also have generous sightlines" (p61)***

Sightlines have indeed served to inform the positioning of buildings on site as well as in relation to each other. This includes sightlines from the south and west along the two high-order roads.

The placement of parking in front of the shopping centre aids shoppers utilizing private motor vehicles to be able to see if parking bays are available from the street. Furthermore it assist taxi commuters to see where the taxi areas are located and ease of access to same.

A further related aspect is the positioning of the entrance road to the shopping centre, between it and the existing filling station on proposed Erf 1, Ekangala-G.

It is abundantly clear from the above that the development proposal complies in all respects with the environmental structuring as well as the urban design concepts put forward in the RMSDF, two aspects of exceptional importance for the locality of the site on the outer periphery the City, within the Urban Edge but outside the Development Edge.

7. CONSISTENCY WITH REGIONALIZED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK, 2018 – REGION 7

7.1 RMSDF DESIGNATION

It has been demonstrated in previous sections of the memorandum that the present land development application and its underlying development proposal are predominantly supported by *inter alia* the Tshwane Integrated Development Plan (IDP) and the Tshwane Metropolitan Spatial Development Framework (MSDF) being its spatial framework for implementation of the Tshwane Vision, and also by the more updated region-based presentation of the latter in the form of the RMSDF.

In terms of the RMSDF the subject property has been assigned a Low Density Zone designation in a Future Development Area (i.e. areas destined for urban development in the near future once infrastructural services are available). In terms of density, the site is shown as part of a linear zone along Isitjiaba Street.

The intersection of Isitjiaba Street and Provincial Road R568 / D670 / K175 has been shown as a local node which is of particular significance with regards to the present application.

7.2 CONSISTENCY

The matter of consistency with the RMSDF has been canvassed comprehensively in the section of this memorandum dealing with the forward planning and in particular the RMSDF, with only the salient features here being summarized.

7.2.1 Future Urban Development Area

- The applicant has demonstrated in this memorandum unequivocally that the required infrastructural services (water, sanitation, roads, stormwater, electricity and refuse removal) required to render the establishment and operating of the proposed shopping centre sustainable, can be provided to the township, and furthermore that it can be provided without detracting from the IDP goals for the City. This means that urban development on the subject properties may indeed proceed.
- The Future Urban Development Area designation furthermore provides for urban development in the near future as long as *inter alia* the development can be sustainably serviced. The implementation schedule for the proposed shopping centre is indeed of short / medium term nature when considering that the townplanning application will need to be considered and approved, the applicant will need to comply with the conditions of establishment before the township can be proclaimed (including site works and installation of engineering services), architects plans need to be prepared, submitted and approved by the City of Tshwane, the construction of the shopping centre, the shopfitting of the shops, and only then can the centre be opened. It is estimated that it could therefore take 3 years before the shopping centre is operational by which time the area is expected to

have shown growth and even be incorporated in the development edge.

7.2.2 Urban edge

The subject property is located within the urban edge where urban developments are being promoted.

7.2.3 Urban residential use

With engineering services available to the subject property and the latter situated inside the urban edge, development on same of an urban nature may now proceed. The RMSDF guides property owners and developers towards residential development of a low-density nature in the area under a Low Density Zone designation. This means that residential densification is being encouraged on the subject property from the existing one dwelling-house per $\pm 5,5015$ hectares (translating to 0,18 dwelling-units per hectare) to around 10 dwelling-units per hectare, representing an approximate 54-fold densification. The RMSDF in this regards confirms that:-

"(a)reas targeted for densification should be well served by social facilities such as education, open space, recreation etc. or should have the potential to be well served by social facilities" (p67)

The extract confirms that areas earmarked for future residential development should not be developed as mono-functional dormitory townships (similar to the previous race-based "townships" on the outskirts of the City), but rather as fully functional neighbourhoods which include, schools, parks, sports fields, shops, hospitals, etc. With densification in the order of the day, residential properties in established neighbourhoods / townships are regularly rezoned throughout the City to accommodate such public / social facilities to serve the people.

Walter Christaller's Central Place Theory is applicable here to the proposed shopping centre, where the shopping centre is planned at the intersection of two high order roads (Isitjiaba Street and Provincial Road D670/ R568 / K175) and will form a central place linking the existing industrial township of Ekandustria where goods are manufactured and distribution centres will be located, and the residential area east /northeastwards of Ekangala.

The proposed development will become a destination for the local community who for a long time were expected to "migrate" outside of their local area to purchase goods and services other than daily needs at great expense (relying on public transport for the most part), making them feel excluded from the local economy.

7.2.4 Greenfields development

As mentioned throughout this memorandum, although the site is considered a greenfields development, it is important to note that the site closes the gap created in the RMSDF where existing industrial and residential uses are located southwest and north / northeast of the development site respectively and both the western and southern boundaries are earmarked for mixed-use development. Furthermore it is well known at international scale that the peak land value of land can be found at the intersection of two high-order roads, as is the case here. Furthermore the City of Tshwane has identified this intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175 as a local node, meaning they are encouraging intensified mixed-use development here. It is thus important to consider the highest and best use of the Property from this viewpoint.

The locality of the site and its compliance with the forward planning for the area is further enhanced when considering that there is an existing filling station just southeast of the development site which is very successful.

7.2.5 Local Node

There is no denying that the City of Tshwane is supportive of more intensive development here, even though the site falls outside the development edge, when considering the demarcation as a Local Node.

*A node is defined in the RMSDF as "... a place where both public and private investment tends to concentrate. **Nodes are usually associated with major road intersections, or with public transport facilities such as railway stations and taxi ranks. It offers the opportunity to locate a range of activities, from small to large enterprises and is often associated with mixed-use development including high density residential uses. Nodes differ in size, the types of activity that occur within them, the size of the areas served and the significance within the City.**" (pvi)*

7.2.6 Linear Zone

As alluded to previously, the site is also located in a linear zone (corridors and spines) where high intensity activities are promoted. It is expected that linear zones will cause a dramatic change in the built environment and will enhance and promote use of public transportation. As the present proposal will include a public transport facility (taxi terminus) to allow for change of mode of transport it further enhances and strengthens the site as being commensurate with this principle.

7.2.7 Retail strategy

The applicant has gone to great lengths to motivate the present application in terms of the prevailing Retail Strategy by commissioning a specialist to undertake a retail market study, with overwhelmingly positive findings.

7.2.8 Other criteria

The assessment of the development proposal against various other criteria and guidelines in the RMSDF has confirmed the following (for details on these refer Para 6.3 *supra*):

- Contribution of the development to the goals of the City strategy and MSDF in terms of sustainable quality employment, new business formation, economic growth and development.
- Expansion by applicant of available infrastructural services.
- The application having no negative impacts on the environment, will make sustainable use of resources and integration of development of the City.
- Acknowledgement and incorporation of physiographic features of the development site (e.g. higher-order roads).
- Liveable communities concept through incorporation of NMT as per the guidelines for same in the RMSDF.
- Aesthetics and functionality of urban design, including:-
 - Acknowledging of the adjacent water course and open space
 - improving interface edge conditions
 - promote walkability and liveability on site
 - provide sightlines.

7.2.9 Synthesis

As evident from the above evaluation read with the section dealing with the RMSDF in foregoing sections of the memorandum, it is clear that the development proposal on the subject property is indeed commensurate with the provisions of the Tshwane IDP, MSDF and RMSDF – Region 7. Should any aspect of this application however be deemed to not comply with the RMSDF, the following becomes relevant:

7.3 MERIT-DEPARTURE FROM RMSDF

7.3.1 Compliance with RMSDF

- The applicant contends that it has demonstrated unequivocally and convincingly in previous sections of the motivating memorandum the consistency of the development proposal with the provisions of the RMSDF (and IDP & MSDF). The contention of the applicant is that the application is therefore compliant with *inter alia* Section 42(1)(b) of SPLUMA.
- However, there are certain matters of potential contestation of compliance of the development proposal with the provisions of the applicable future planning policies alluded to earlier (notably the

absence of the vision of the Property in the RMSDF – Region 7 as geographical refinement of the MSDF) which require to be addressed as a departure from these policy documents. The applicant will therefore here demonstrate how the application qualifies to be considered favourably based on a departure on merit from the provisions of these policy documents (informed by other related policy documents like the Compaction & Densification Strategy, etc.), as allowed for under Section 7 of the Bylaw.

Section 7(1)(a) and (b) of the Bylaw reads as follows:

- "(1) Nothing contained in Sections 5 or 6 of this By-law shall be construed as prohibiting a Municipality from taking a decision on a land development application, which decision in the opinion of the Municipality, departs from the adopted Municipal Spatial development Framework, provided that:*
- (a) it must motivate site specific circumstances that may justify the departure;*
 - (b) subject subsection (1)(c) such departure does not materially change the Municipal Spatial Development Framework;"*

The CTMM therefore has discretionary powers to deviate from the RMSDF based on merit and providing the deviation does not serve to impede / thwart the purposes and intent of the IDP, MSDF and RMSDF as applicable here. A material departure may require the amendment of the RMSDF, which is not the case with the present application.

- Matters of potential dispute regarding compliance by the proposed land-use activity with the provisions of the mentioned applicable future planning policies for which a departure is required include *inter alia* the following:
 - (1) Insufficient engineering service infrastructure / being located outside of the demarcated urban development edge.
 - (2) Deviation from certain "smart growth" principles
 - (3) Enactment of leapfrog development and / or urban sprawl.

These are so-called institutional impediments which may be regarded as eroding the institutional sustainability of the development proposal in the particular locality on the subject property - some more, and others to a lesser extent. These are discussed in more detail in the subsection below.

7.3.2 Non-compliance matters

With the development project being proposed on the Property outside the urban development boundary / development edge and furthermore outside of the urban hubs, it raises the concerns as summarized in Para 7.3.1 above, despite its locality being in a designated local node and linear zone in the RMSDF; where:–

- The purpose of the development edge is for "... *the **containment of sprawl** by way of a comprehensible urban development boundary*" (p10)
- The development edge ... "*(c)ompliments and corresponds mostly with the Provincial Urban Edge to indicate the extend of the Urban Fabric but deviates in some instances and only in some Regions from the Urban Edge where it **follows the line indicating the non-availability of services infrastructure in the Region**. The resulting area caused by the **deviation between the edges can realistically not be developed in the near future and need to remain rural in character until such time that services can be provided.***" (p 84) (own emphasis)

These concerns are addressed more fully below:

(1) Insufficient engineering service infrastructure

Although the Property is located outside of the development edge where engineering services are generally not available, the applicant has appointed civil and electrical engineers to investigate and negotiate engineering services for the present township, *viz*:

- Electricity: In terms of electricity, the project electrical engineer has requested a quotation from ESKOM (the service provider to the area) after determining the maximum demand for the proposed shopping centre at 1 200kVA. The verbal feedback from the officials at ESKOM was that there is capacity for the development from the existing overhead medium voltage line.
- Water: Bulk municipal supply connection to existing line along western boundary of Property.
- Sanitation: Connection to existing municipal bulk pipeline in Ekangala township to northeast (south of the site accommodating Zivuseni and Batau Primary and Lingitjhuu High Schools). Water saving mechanisms will be used on site (e.g. dual flush systems for toilets and storage tanks).
- Roads: Construction by the applicant of a right-of-way / access servitude over unregistered Erf 1, Ekangala-G from / to Isitjiaba

Street and unnamed road in Ekangala-G in favour of the General Public.

- Stormwater: Various on-site private installations, to the satisfaction of the CTMM Stormwater Division (which may include rainwater harvesting tanks for additional / emergency water supply).
- Refuse disposal: Private solution to collect, store, reduce, recycle and remove all refuse generated in the township to a registered landfill site, should the CTMM not be in a position to render the service.

Thus, although the site is shown between the urban edge and development edge / boundary where engineering services are not generally available, the applicant has been able to procure sufficient engineering services to render the township viable in this regard.

(2) Deviation from certain "smart growth" principles

The "smart growth" principles not being adhered to include the deviation from the concentration of development in **existing** nodes, along corridors and identified specialized and activity areas, thereby incurring agglomeration advantages and optimizing the utilization of existing infrastructure. The following explanation bears relevance:

- The site is shown as part of a large local node demarcated on the composite RMSDF Map on the intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175.
- On one of the RMSDF maps, Isitjiaba Street is shown as a linear zone.
- Properties found at the intersections of two major roads are seen as having peak land value and therefore should be developed at their highest-and-best use, implicating higher-order uses, like a shopping centre.
- The vision for the area has been illustrated in the RMSDF for three of the four quadrants of the road intersection and the development site will serve to "round off" this intersection in terms of suitable land-use.
- Due to pedestrian and vehicular movement between the existing residential area of Ekangala and the industrial area of Ekandustria, growth is expected southwestwards towards the development site, currently inhibited by the fact that the Property is owned by the Government, seemingly without plans for future development (the

long term view will in all likelihood entail an integrated human settlement).

- There is an existing filling station developed to the southeast of the site with a few ancillary buildings / uses in an as yet unproclaimed township (Ekangala-G). The filling station and other land-uses here have been in operation for years and the shopping centre will create additional synergy between these uses.
- The exact position of shopping centres is not shown in the RMSDF as shopping centres, are reliant on other factors before they are successful (refer to discussion on retail strategy in RMSDF where these different "sub"-strategies are discussed which determine successful shopping centres).
- Shopping centres traditionally require large tracks of land to allow for parking and movement of vehicles as well as to keep shops on a single level with maximum visual exposure from passing trade.
- The proposed shopping centre will create employment opportunities as well as a place for socializing and recreation to a community who previously had to travel (mostly by public transport) to other centres for same. This community has been denied access to a localised facility for many years and has been left on the periphery.

(3) Leapfrog development and / or urban sprawl

- Leapfrog development within the official urban edge is a commonplace occurrence finding acceptance in knowing that the entire area inside the urban edge will be developed fully over time.
- Leapfrog development to a position outside the urban edge can be problematic for its encroachment on protected agricultural and conservation resources. This is not the case here.
- As the site is located in an area perceived to be between the urban edge and the development boundary where no engineering services are available as well as Isitjiaba Street not being developed to this standard as yet when the linear zone vision can actually be implemented and before the saturation of other local nodes, the development of this site can be seen as leapfrog development.
- The applicant has proven that engineering services (mostly municipal) can be provided to the site and furthermore that existing developments in the area attest to its suitability as well as almost all of the elements contained in the RMSDF point to the suitability of the site in this context. Furthermore we have

discussed how the nearby community has been deprived due to their distance from existing larger urban areas in the Municipal area in terms of facilities for socializing, recreation, employment opportunities, services and goods, a decent public transportation hub, etc.

- Also that the positioning of shopping centres are not only guided by the “follow the roofs” principle but also other strategies contained in the RMSDF and proven in the specialist Retail Study accompanying the present application.

7.3.3 Synthesis

Full compliance with all relevant policies / plans / frameworks in land development applications is simply impossible for all applications. The nature and extent of the proposed land-use activity on the subject property may have contributed to the inability of the present application to fully comply. It is for this reason that the opportunity for a departure from these policies / plans / frameworks has been created in the Bylaw and SPLUMA, and is here being pursued by the applicant.

Although the list of deviations from the prevailing policies / plans / frameworks discussed above is by no means exhaustive, the principles remain the same for other possible deviations not mentioned *per se*. Also the Town Planning Memorandum in preceding sections follow a recognizable theme throughout in this regard, and should the merit of the application, including the merit for the departure, be considered as a comprehensive whole.

7.3.4 Site specific requirements and circumstances

(1) Site locality

The present site is paramount for the success of this shopping centre. As mentioned above, the residents of Ekangala have for a long time been marginalized and almost forgotten, living in a dormitory town outside of the traditional urban areas without easy access to employment opportunities and social spaces created by shopping centres. The residents here have had to commute (mostly by public transport) to shopping centres outside of their local area to obtain goods and services not available to them in their immediate area and furthermore to their places of employment. This is a financial burden on them and especially when considering their economic status.

- The location of the site in terms of the existing developments in the area, i.e. the existing filling station and other land-uses to the east as well as the industrial area (Ekandustria) further southwest creates synergy.

- Furthermore the location of the site forms an important link between the industrial area with its manufactured goods, employment opportunities, etc. and the existing residential area of Ekangala.
- This is especially true when considering the vision for the majority of the other open tracts of land at this high-order intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175, being earmarked for mixed-use developments and the expected implementation of an integrated human settlement on the remainder of the state owned land. The advantage of the site being on this major intersection can also not be denied, in terms of the peak land value being accessed here.
- The proposal will go a long way to elevating and alleviating the plight of the unemployed in the immediate area and creating opportunities for residents to become part of and participate in the economy of Tshwane and thus improving their lifestyle and circumstances individually as well as on family and community level. It will also attract further investment to the area, through the services it is anticipated to provide and the general upliftment of the area.

(2) Extent of Property

As mentioned, more successful shopping centres require sufficient space to allow for proper parking and circulation of motor vehicles on site (including delivery vehicles) and also for the shopping centre to be spacious and attractive to customers. At the proposed scale, a multi-level shopping centre will not be successful here as tenants need direct exposure and access at ground level to their shops.

(3) Vision for area / land ownership

The development site as well as the property to the immediate north and east of same (of which the subject property still forms part), are state owned. The immediate priority of the state is to provide formal housing to those marginalized previously and to provide same in well-located positions close to places of employment and / or opportunities, such as the case here. It will then, without a doubt, mean that in future the Remainder of the farm Ekangala 610-JR will be developed for an integrated human settlement. Thus the shopping centre can serve as a catalyst for this type of development, and will create employment opportunities and social space for new residents that may in future reside here.

In terms of the vision for the area, 3 of the 4 quadrants to the intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175 have been earmarked for future development in terms of the prevailing RMSDF.

(4) Shopping centre strategy and theory

Under para 7.13 *supra*, the applicant has commented on various components of the retail strategy in the RMSDF and its applicability to the site and also the Christaller theory earlier in this section. By closing the gap on the intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175 for a meaningful local node and furthermore creating a link between the existing industrial area (southwest) and the residential area to the northeast, the applicant is of the opinion that the shopping centre complies with all the requirements.

(5) Future expansion

The particular development site offers the possibility of limited future expansion of the activities of the shopping centre *in loco*. There is furthermore also a possibility of expansion onto adjacent properties which are as yet undeveloped from an urban perspective.

With the directly northern and eastern neighbouring properties to the subject property being still vacant, it will be possible to expand the shopping centre horizontally in future should a greater need arise. Expanding shopping centres vertically are tricky especially for shopping centre at this scale as it limits exposure to the tenants.

As the current land-owner is the same as the neighbouring properties, it will be easier for the lessee to negotiate with the relevant officials for additional land.

(6) Comprehensive planning

The development site affords the opportunity of "clean slate" comprehensive and integrated planning and design, which is seldom the case with brownfields developments. The latter most often requires "retro-fit" solutions, influenced by vested rights and other surrounding impediments (e.g. architectural style). A fresh *de novo* approach leads to increased efficiency and a wholesome balance between the natural and built environment components. This can be achieved on the specific site selected for the proposed new development.

(7) Synthesis

It therefore follows that the development site for the proposed establishment and operation of a new shopping centre is uniquely appropriate in all relevant ways for the sustainable implementation of this project. The specific site circumstances and attributes of the subject property have proven to be a perfect match for the locality and operational needs of the shopping centre. These include the ability of the site to -

- * be sufficiently large to accommodate the development project with allowance for incremental expansion in future.
- * satisfy the need for a social space that meets both daily needs and purchase of luxury goods and services, additional employment opportunities, combined with a safe taxi rank for commuter convenience.
- * close the gap in the identified local node and enable development at a high-order intersection to benefit the local community.
- * provide for clean slate planning and design without retro-fit and other pre-existing conditions and challenges.

7.3.5 Effect of departure on Municipal Spatial Development Framework

(1) Suggested land-use where none is shown

- * The proposed shopping centre on the subject property will serve to suggest a complementary land-use to those shown in the existing forward planning documentation for the other three quadrants of the high-order road intersection and in line with the definition / vision for a local node. Two of the three quadrants (northwest and southeast) of the intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175 have been earmarked for mixed-use developments and the southwestern for industrial (the latter is in line with the existing use of this part of the identified local node).
- * Mixed-use developments allow for a variety of land-uses including shops and thus the proposed land-use would align with the vision for the area. A local node is also seen as a place where intensified and densified development should take place. This is further enhanced when considering that the site will accommodate a formal mini-bus taxi holding area as well as a drop-off and alighting facility for commuters to other locations / destinations.
- * Shopping centres require "feet" to enter and thus its location *vis a vis* the existing residential area of Ekangala is ideal and will assist with uplifting the area by giving the community a sense of dignity. Furthermore it means that there are employment opportunities created which are desperately needed.
- * The shopping centre will be a low-impact single level development which will blend well into the area.
- * The development proposal is a private initiative for upliftment of a previously deprived community, improvement / enhancement of

the latter being encouraged in all official frameworks and policies including national, provincial and municipal spheres.

(2) Scale and transition

- * Development in the immediate area has been indicated as a non-priority in the RMSDF by demarcating the Property in the "transitional area" between the development boundary and the urban edge due to perceived non-availability of services. The extent of the area in this transitional area is minimum when considering that both Ekangala and Ekandustria are in the development boundary and this is a "no-man land" at a high-order intersection and demarcated as a local node (not a future node). Furthermore the site is located on a linear zone (which is punted as something to be developed in future once the Isitjiaba Street has been developed).
- * It is an accepted principle to provide for low-density / low-intensity land-uses near and along the urban edge to provide an appropriate urban transition zone towards farmland and conservation areas outside the urban edge. It is also advisable to link urban space systems in this transition zone to the rural environment outside the urban edge. This has already been breached when considering that two quadrants of the high-order road intersection have been identified for mixed-use purposes and the northwestern quadrant being adjacent to the urban edge of Tshwane as well as the Provincial border between Gauteng and Mpumalanga. Furthermore with the existing industrial area of Ekandustria on the southwestern corner and also adjacent to the urban edge / Provincial border.
- * The applicant contends that the development proposal on the subject property would serve as a necessary link between the existing land-uses to the north / northeast and southwest as well as the existing township to the east where the existing filling station and land-uses are located (Ekangala-G).
- * The shopping centre will be a low-impact / single level development to maximise exposure from the existing roads. On the matter of scale of a development the RMSDF stipulates the following:

"Scale is about the relationships between... a human being and their built environment. While being a quality that cannot be easily defined it is critical to the psychological well-being of an individual. Design associated with the public realm should always use the person on foot as measure of appropriateness" (p54).

The proposal on the development site will be appropriately scaled for maximum exposure and minimal impact on the surrounding area, serving as an appropriate transition between the urban and rural divide close to the urban edge.

(3) Locality in urban environment

The existing community of Ekangala has for a long time been marginalized, a dormitory town on the outskirts of the urban area without proper facilities or employment opportunities. This has forced the residents to have to commute over long distances to places of work or for specialised services. It is impossible to change the past but it is possible to change the present and future for the residents here by creating opportunities to better themselves and inclusion into the economy and the market of Tshwane.

(4) Inclusion of disadvantaged community in economy

By developing another shopping centre in the bigger urban area of Tshwane would not benefit this community in any way. As mentioned this community has not yet benefitted from the dawn of democracy in terms of space economics and has been excluded from participating. Rejuvenation of the area and creation of sustainable jobs in close proximity to their place of residence is now attainable and available through this project.

(5) Impact on overall objectives

(1) MSDF Strategic Objectives

The following extract from the MSDF confirms the five strategic objectives of the City.

"The City of Tshwane vision is Tshwane: A prosperous capital city through fairness, freedom and opportunity.

In order to respond to this vision, the MSDF focuses on spatial transformation as envisioned in the Roadmap towards Tshwane 2030. The IDP contains the following five strategic pillars that are to be the building blocks for the Roadmap towards Tshwane 2030:

1. A City that facilitates **economic growth and job creation**
2. A City that cares for residents and **promotes inclusivity**
3. A City that delivers excellent services and protects the environment
4. A City that keeps residents safe
5. A City that is open, honest and responsive" (p47)
(own emphasis)

And furthermore-

*"The City's vision has key focus priority areas and one that is **critical to the MSDF is building integrated communities. Many communities in Tshwane are not integrated and are still homogeneous and separate. To counter apartheid-era spatial planning, we will seek to better integrate communities and bring opportunities to all residents of Tshwane as equal citizens.***

*All residents should feel confident and of equal importance when engaging with the City and the broader local community. **Thus, the City strives to create integrated communities where people of all walks of life can live and work together.***

The City will achieve this objective by means of the following:

- ***Creating spaces and housing opportunities that bring people together***
- *Ensuring that urban planning and zoning densify and better integrate Tshwane, as well as providing adequate public spaces*
- *Encouraging and facilitating mixed-use and mixed-income housing developments*
- *Pursuing densification in appropriate areas along public transport routes*
- *Establishing and maintaining inclusive community amenities such as childcare facilities, municipal halls, parks, recreational areas, cemeteries, sport grounds, markets and libraries*
- *Connecting people through safe, reliable and affordable public transport*
- *Prioritising safety and cleanliness to attract people and businesses back into the city centre as part of inner-city rejuvenation" (pp47-48) (own emphasis)*

It is clear from these extracts that the proposed shopping centre would not militate against or undermine the Strategic Objectives and in particular Objective 2 which is key to the MSDF. Upliftment of communities through job creation, the creation of decent

community / socializing spaces, the integration of communities into the economy, etc. and development has been demonstrated in previous sections of the memorandum, and its positive effect on unemployment, poverty and inequality. At last this community will feel part of the City and their needs catered for. This development will assist with job creation to assist with uplifting the community, social and economic inclusion and diversification of the economy.

As also canvassed in preceding sections of the memorandum the present development proposal will -

- * be able to obtain adequate engineering services and upgrade (where necessary) the existing services in the area without requiring public funding to do same and at the same time be a catalyst for further investment in the area.
- * serve to create a clean, healthy and safe environment for consumers, commuters, employers and employees / staff to the shopping centre and associated mini-bus taxi holding area.
- * implement the sustainable use of land and infrastructure as scarce resources.
- * Create much needed employment opportunities to the local community;
- * Provide for services and goods within easy reach of the community it serves.

(2) RMSDF objectives

The RMSDF is in essence an extension of the MSDF, with similar strategic objectives as alluded to above. It states the following:

"The Regionalized Spatial Development Frameworks for the different Regions in Tshwane collectively form the sum of the SDF. The SDF 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..."(p1)

And furthermore-

"The IDP, SDF and RSDFs focuses (sic) on spatial transformation, economic transformation and ecological transformation as specific objectives envisioned in the Roadmap Towards Tshwane 2030"(p1)

These objectives coincide to a large degree with *inter alia* the SPLUMA Development Principles and various other directives and imperatives in the future planning policies of the country on national, provincial and municipal level as discussed in more detail in foregoing sections of the memorandum. Suffice it to here reiterate the following:

- * The development proposal will not thwart or impede the goals and objectives of the IDP, MSDF and RMSDF as applicable here.
- * The proposed shopping centre will create much needed employment opportunities and furthermore bring services and goods to the local community which otherwise required residents in the area to commute to other areas and benefit those communities.
- * Elevate the community from that of a dormitory town / settlement to an area with diversified services and functions. It will furthermore allow for the upgrade of engineering services and serve as a catalyst for development here.
- * It will contribute to the achievement of the "smart growth" principles of the City by closing the gap shown in the forward planning documentation at a designated local node and connect the existing residential township with the industrial area to the southwest.
- * Make the best use of a property at the important junction between Isitjiaba Street and Provincial Road D670/ R568 / K175.

(5) Non-material nature

The proposed departure from the MSDF and RMSDF to establish and operate the envisaged low-impact shopping centre on the subject property cannot be regarded as being material. As mentioned previously, shopping centres / retail developments outside of the CBD areas in Tshwane have not been individually identified as they are subject to various criteria to make them successful and largely rely on proximity to existing and or future residential neighbourhoods. In this case the community of Ekangala has been marginalized and neglected for many years, without opportunities for employment in their immediate area, and deprived of access to proper facilities for socializing and recreation.

The earmarking of the intersection of Isitjiaba Street and Provincial Road D670/ R568 / K175 as a local node and the proof of the suitability of the site as well as the possibility of connecting to existing

municipal services in the area indicate that the development proposal is most suited here.

The development proposal will in no way impact on the RMSDF to the extent of requiring it to be amended.

(6) Infrastructure requirements

The CTMM has a "pro-poor" budget aimed at spending its revenue primarily on inhabitants of the City in less well-off areas on improvement of basic services, provision of public facilities and social support. There are various such projects underway as identified in the IDP and other related documents / policies approved by the Metro Council, aimed at improvement of the quality of life of those most vulnerable members of society.

It is therefore important to note that the proposed new shopping centre is a private initiative aimed at serving and uplifting a previously marginalized and deprived community within Tshwane. The development proposal will assist with meeting this goal and at the same time not make any appeals on the municipal budget that would redirect or diminish the budget allocation to the specific focus areas identified in the IDP. All necessary bulk infrastructural services would be paid for by the applicant in line with municipal policy requirements and by prior agreement in formal civil and electrical engineering services agreements between the CTMM and ESKOM, and the applicant.

7.3.6 Synthesis

As clear from the foregoing information and argument the proposed departure (if required) from the RMSDF will not have the effect of amending the RMSDF materially, or undermining the provisions of the IDP (including MSDF) for the City. The merit of the deviation is clear from the compliance with and support of the land development application with the overall objectives of the policy directives of the various policy instruments as incorporated in the RMSDF. There can therefore be no doubt that the proposed shopping centre on the subject property would make an important contribution to the upliftment of the previously deprived and marginalized local community, and the realization of the Vision of the City.

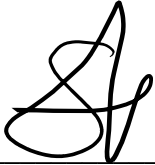
8. CONCLUSION AND RECOMMENDATION

8.1 CONCLUSION

As is evident from the foregoing facts and argument, it follows that the applicant has successfully discharged its responsibility to prove the need, desirability and sustainability of the township proposal, as required in terms of *inter alia* Section 42 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) read with Section 16(4) of the City of Tshwane Land Use Management By-law, 2016.

8.2 RECOMMENDATION

In view of the positive conclusion the CTMM is hereby urged to award the application its positive consideration and to approve it as applied for. The establishment of the proposed township Ekangala-G Extension 2 on the unregistered Portion 26 of the farm Ekangala 610-JR is required to facilitate the future development of same for a shopping centre.



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In conjunction with

U (Ola Schumacher-) Malan Pr Pln and J Paul van Wyk Pr Pln

J PAUL VAN WYK URBAN ECONOMISTS AND PLANNERS CC

May 2022

ANNEXURE 'A'

LEASE AGREEMENT, SPECIAL POWERS OF ATTORNEY AND CIPC SUMMARY SHEET

ANNEXURE 'B'

DEED OF TRANSFER T66920/1987

ANNEXURE 'C'

SG DIAGRAM NO 13771/1995

ANNEXURE 'D'

CONVEYANCE CERTIFICATE

ANNEXURE 'E'

LAND SURVEYOR'S SERVITUDE REPORT

ANNEXURE 'F'

LETTER TO DEPARTMENT MINERAL RESOURCES AND ENERGY

ANNEXURE 'G'

SG DIAGRAM NO. A 5173/1993

ANNEXURE 'H'

ZONING CERTIFICATE

ANNEXURE 'I'

DRAFT ANNEXURE T AND AMENDMENT SCHEME MAP FOR TOWNSHIP

ANNEXURE 'J'

ARCHITECT'S DRAFT SITE PLAN

ANNEXURE 'K'

TOWNSHIP NAME AND ERF NUMBER RESERVATION CONFIRMATION

ANNEXURE 'L'

EKANGALA RETAIL MARKET STUDY

ANNEXURE 'M'

RMSDF EXTRACT

ANNEXURE 'N'

ELECTRICAL SERVICE STATEMENT AND ESKOM CONFIRMATION

ANNEUXRE 'O'

CIVIL SERVICES REPORT

ANNEXURE 'P'

ENVIRONMENTAL SUMMARY

ANNEXURE 'Q'

TRAFFIC IMPACT ASSESSMENT

ANNEXURE 'R'

GEOTECHNICAL INVESTIGATION REPORT