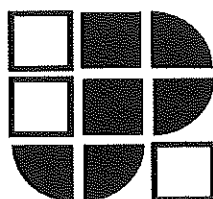


MEMORANDUM

**MOTIVATION OF MERIT OF
PROPOSED RESIDENTIAL
TOWNSHIP ON A CERTAIN PART OF
THE REMAINDER OF PORTION 242
(PROPOSED PORTION 313), FARM
TWEEFONTEIN 372-JR**

-BOARDWALK EXTENSION 73-



J PAUL VAN WYK

*URBAN ECONOMISTS
& PLANNERS CC*

MEMORANDUM

**MOTIVATION OF MERIT OF PROPOSED
RESIDENTIAL TOWNSHIP ON A CERTAIN
PART OF THE REMAINDER OF PORTION
242 (PROPOSED PORTION 313), FARM
TWEEFONTEIN 372-JR**

-BOARDWALK EXTENSION 73-

J PAUL VAN WYK URBAN ECONOMISTS AND PLANNERS CC

e.mail : airtaxi@mweb.co.za

Tel : (012) 996-0097

Fax : (086) 684-1263

P O Box 11522

Hatfield

0028

January 2022

TSHWANE

INDEX

CONTENTS

PAGE

1. INTRODUCTION	1
1.1 APPLICATION.....	1
1.2 PURPOSE	1
1.1.1 Application	1
1.2.1 Memorandum.....	1
1.3 HISTORIC OVERVIEW	1
1.3.1 Subdivision.....	1
1.3.2 Servitude of right-of-way.....	2
1.3.3 Pending subdivision and simultaneous consolidation	2
1.4 CONCURRENT SUBDIVISION	2
1.5 APPLICANT	3
1.5.1 Registered owners	3
1.5.2 Authorized agents.....	3
1.5.3 Specialist consultants	3
1.6 JURISDICTION	4
2. PROPERTY PARTICULARS	5
2.1 DESCRIPTION	5
2.1.1 Parent property	5
2.1.2 Subdivision.....	6
2.2 EXTENT	6
2.2.1 Portion R/242	6
2.2.2 Portion 313	6
2.3 LOCALITY	7
2.3.1 Urban context.....	7
2.3.2 Local context.....	7
2.3.3 Street address	8
2.3.4 Global positioning reference.....	8
2.3.5 Site locality.....	8
2.4 SHAPE AND DIMENSIONS	8
2.4.1 Parent property	8
2.4.2 Portion 313	9
2.5 OWNERSHIP	9
2.6 MORTGAGE BONDS	9
2.7 EXISTING SERVITUDES AND CONDITIONS OF TITLE	10
2.7.1 Condition A: Order of the Water Court.....	10
2.7.2 Conditions B(a) to (j) and Conditions (i) to (iv): Agricultural Holdings Registration Act, 1919.....	10
2.7.3 Notarial Deed of Servitude.....	10
2.8 SERVITUDE DIAGRAMS	10
2.8.1 Servitude Diagram SG No. 1354/2019 (withdrawn)	10
2.8.2 Servitude Diagram SG No. 1229/2020.....	11
2.9 MINERAL RIGHTS HOLDER'S CONSENT	11

INDEX (Contd.)

CONTENTS	PAGE
3. ZONING AND LAND-USE.....	12
3.1 CURRENT ZONING.....	12
3.1.1 Use-rights	12
3.1.2 Development controls	12
3.2 EXISTING LAND-USE	12
3.3 FUTURE LAND-USE	13
3.3.1 Northeastern part of the Property.....	13
3.3.2 Central and southwestern part of Property	13
3.4 FUTURE ZONING	13
3.4.1 Zoning and development controls.....	13
3.4.2 Draft Annexure T and Amendment Scheme Map.....	21
4. TOWNSHIP PROPOSAL.....	22
4.1 DEVELOPMENT CONCEPT.....	22
4.1.1 Erf 622	22
4.1.2 Erf 623	22
4.2 TOWNSHIP NAME AND ERF-NUMBERS	22
4.2.1 Name and extension number	22
4.2.2 Official property description and erf-numbers.....	23
4.3 TOWNSHIP LAYOUT PROPOSAL.....	23
4.3.1 Two-erf township.....	23
4.3.2 Access and vehicular circulation	24
4.3.3 Topography.....	25
4.3.4 Floodplains.....	25
4.3.5 Contours.....	25
4.3.6 Extent.....	26
4.4 DEVELOPMENT CONTROL PARAMETERS.....	27
4.4.1 Development density.....	27
4.4.2 Floor area ratio.....	28
4.4.3 Height	28
4.4.4 Coverage	28
4.4.5 Parking	28
4.4.6 Building-lines and set-backs.....	29
4.4.7 Open space	29
4.4.8 Boundary fences or walls.....	30
5. MOTIVATION OF MERIT	32
5.1 NEED / NECESSITY.....	32
5.1.1 Population growth and migration.....	32
5.1.2 Land as scarce resource	33
5.1.3 Specific demand	34
5.1.4 Synthesis	34
5.2 DESIRABILITY AND SUSTAINABILITY.....	35
5.2.1 Accessibility.....	35

INDEX (Contd.)

CONTENTS	PAGE
5.2.2	Development context 38
5.2.3	Surrounding zoning and land-use 39
5.2.4	Electricity supply 40
5.2.5	Civil engineering services 41
5.2.6	Traffic impact assessment 44
5.2.7	Geological conditions 44
5.2.8	Environmental considerations 46
5.2.9	State and impact of social infrastructure 47
5.2.10	Economic development and job creation 47
5.2.11	Compliance with Section 42(1)(c)(i) and (iv) of SPLUMA 47
6.	STATUTORY PLANNING FRAMEWORK 51
6.1	STATUTORY REQUIREMENTS 51
6.2	OBJECTIVE AND PRINCIPLES 51
6.2.1	City of Tshwane Land Use Management Bylaw, 2016 51
6.2.2	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] 54
6.3	METROPOLITAN 61
6.3.1	Tshwane Vision 2055 61
6.3.2	City of Tshwane 2019/2020 Review of 2017/21 Integrated Development Plan (Adopted 30 May 2019) 62
6.3.3	City of Tshwane 2017 / 21 Integrated Development Plan, March 2017 (Adopted May 2017) 63
6.3.4	Metropolitan Spatial Development Framework, 2021 64
6.3.5	Compaction and Densification Strategy, 2005 (CDS) 67
6.3.6	Regionalized Municipal Spatial Development Framework – Region 6, 2018 69
6.4	OTHER POLICIES / PLANS / FRAMEWORKS 72
6.5	CONSTITUTIONAL TRANSFORMATION IMPERATIVES 73
7.	CONCLUSION AND RECOMMENDATION 75
7.1	CONCLUSION 75
7.2	RECOMMENDATION 76

LIST OF TABLES

TABLE 1:	CALCULATED EXTENT OF THE PROPERTY
TABLE 2:	PROPOSED ZONING AND DEVELOPMENT CONTROLS

LIST OF FIGURES

FIGURE 1(a) :	LOCALITY IN URBAN CONTEXT
FIGURE 1(b) :	LOCALITY IN LOCAL CONTEXT
FIGURE 1(c) :	SITE LOCALITY
FIGURE 2 :	TOWNSHIP LAYOUT PLAN
FIGURE 3 :	LAND-USE MAP

INDEX (Contd.)

CONTENTS	PAGE
FIGURE 4 :	ZONING MAP

LIST OF ANNEXURES

ANNEXURE 'A':	SG DIAGRAM A1177/1960
ANNEXURE 'B':	SG DIAGRAM 1229/2020
ANNEXURE 'C':	COMPANY RESOLUTION, CIPC REPORT AND SPECIAL POWER OF ATTORNEY
ANNEXURE 'D':	DEED OF TRANSFER T 7532/2002
ANNEXURE 'E':	EMAIL RESERVATION OF PORTION NUMBERS FROM PROJECT LAND SURVEYOR
ANNEXURE 'F':	SUBDIVISION SKETCH-PLAN SHOWING PORTION NUMBERS
ANNEXURE 'G':	SURVEYOR GENERAL DIAGRAM SG 4409/2010
ANNEXURE 'H':	BONDHOLDER'S CONSENT CORRESPONDENCE
ANNEXURE 'I':	CONVEYANCER'S REPORT
ANNEXURE 'J':	LAND SURVEYOR CERTIFICATE
ANNEXURE 'K':	LETTER TO DEPARTMENT MINERAL RESOURCES AND ENERGY
ANNEXURE 'L':	ZONING CERTIFICATE
ANNEXURE 'M':	DRAFT ANNEXURE T AND AMENDMENT SCHEME MAP FOR TOWNSHIP
ANNEXURE 'N':	TOWNSHIP NAME RESERVATION CONFIRMATION
ANNEXURE 'O':	ELECTRICAL SERVICE REPORT
ANNEXURE 'P':	CIVIL SERVICES REPORTS
ANNEXURE 'Q':	TRAFFIC IMPACT STUDY
ANNEXURE 'R':	GEOLOGICAL INVESTIGATION REPORT
ANNEXURE 'S':	ENVIRONMENTAL EXECUTIVE SUMMARY

MEMORANDUM

MOTIVATION OF MERIT OF PROPOSED TOWNSHIP ESTABLISHMENT ON A CERTAIN PART OF THE REMAINDER OF PORTION 242, FARM TWEEFONTEIN 372- JR

-BOARDWALK EXTENSION 73-

1. INTRODUCTION

1.1 APPLICATION

Application is hereby made for the establishment of a residential township on a certain part of the Remainder of Portion 242, farm Tweefontein 372-JR ['Portion R/242'] to be known as Boardwalk Extension 73. 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").

The particular part of Portion R/242 on which the township is being established will be known upon registration at the Deeds Office as Portion 313 (a portion of Portion 242) of the farm Tweefontein 372-JR (refer Para 2.1.2 *infra*).

1.2 PURPOSE

1.1.1 Application

The application has the purpose of procuring the necessary land-use rights to develop proposed Portion 313 for a residential security village comprising of duplex townhouses (for sectional-title ownership) and group-housing dwelling-units (for full-title ownership).

1.2.1 Memorandum

The purpose of the memorandum is to –

- collate all essential information appertaining the development proposal and land development application in a single report with annexures; and
- motivate the merit of the application in accordance with the statutory requirements and other official requirements in this regard including *inter alia* its need / necessity, desirability and sustainability.

1.3 HISTORIC OVERVIEW

1.3.1 Subdivision

The original Portion 242, of the farm Tweefontein 372-JR was previously subdivided *circa* 2010 to create a 4 500m² land-portion for the New

Apostolic Church of South Africa. This realised in the most western corner of Portion 242 being subdivided from same and allocated the farm description of Portion 253, of the farm Tweefontein 372-JR ['Portion 253'], and the resultant Portion R/242 (the subject of the present application).

[ANNEXURE 'A': SG DIAGRAM A1177/1960]

1.3.2 Servitude of right-of-way

After the successful subdivision of Portion 253 it was realised that there was not sufficient space on this property for vehicular manoeuvring on same and the owners of Portion R/242 agreed to registering a 14-metre wide servitude outside and abutting the northeastern and southeastern boundaries of Portion 253 (2 071m² in extent) for right-of-way purposes over Portion R/242 in favour of Portion 253.

This servitude area excludes part of the road-widening of 1,1-metres required for Achilles Way to be built to municipal standards.

[ANNEXURE 'B': SG DIAGRAM 1229/2020]

1.3.3 Pending subdivision and simultaneous consolidation

It has since been decided by the land-owners of Portion R/242 to rather formalise the servitude restriction on Portion R/242 and to subdivide the part of the property subject to this servitude and consolidate same with Portion 253. The subdivided land-portion will be known as Portion 311, farm Tweefontein 372-JR and the consolidated land-portion will be known as Portion 312, farm Tweefontein 372-JR. The former will extend to approximately 2 086m² including a part of the road-widening required for Achilles Way (servitude area (2 071m²) + part of road reserve (15m²) = 2 086m²).

This subdivision and consolidation application mentioned is in the final throes of being completed. Once finalised and registered, Portion R/242 will be approximately 2 086m² smaller than indicated in the registered title deed, and this reduced-size Portion R/242 forms the subject of the concurrent subdivision application mentioned in para 1.4 *infra*.

1.4 CONCURRENT SUBDIVISION

As required when a township is established on only a part of and not on an entire property, an application has also been prepared and submitted in terms of Section 16(12)(a)(iii) of the Bylaw to subdivide Portion R/242 of the farm Tweefontein in two land-portions, *viz*:-

- proposed Portion 313 (a portion of Portion 242) to accommodate the proposed township of Boardwalk Extension 73 (i.e. the present township establishment application); and

- proposed Remainder of Portion R/242 accommodating the existing rural residential dwelling-house, outbuildings and garden.

The present application is therefore the second step in a two-stage process to realise the development of a residential security village here.

1.5 APPLICANT

1.5.1 Registered owners

The applicants in this matter are the registered owners of Portion R/242, farm Tweefontein 372-JR, i.e. a company styled Lancino Financial Investments (Pty) Ltd. The company is represented by a director, mr Johannes Hendrik Hattingh (duly authorised).

1.5.2 Authorized agents

Registered townplanners Paul van Wyk and Ulrike (Ola Schumacher-) Malan (or nominee) of the firm J Paul van Wyk Urban Economists and Planners cc have been appointed by the owners of Portion R/242 to undertake the application on its behalf and to represent the land-owners in this matter in all related aspects.

[ANNEXURE 'C': COMPANY RESOLUTION, CIPC REPORT AND SPECIAL POWER OF ATTORNEY]

1.5.3 Specialist consultants

The firm is assisted and the application supported by various specialist consultants, the role of which is to inform the development proposal from different perspectives as will become evident in particular subsections of the memorandum to follow. These consultants are the following:

- | | | |
|---------------------------------|---|--|
| (1) Land surveyor | : | CPLS Land Surveyors (mr Kobus Conradie) |
| (2) Conveyancing attorneys | : | Prinsloo Bekker in conjunction with Celliers Hattingh (mr Anton Bekker) |
| (3) Environmental practitioners | : | Delron Environmental Assessment Practitioners (mr Pieter de Lange) |
| (4) Civil engineers | : | PVA Consulting Engineers (mr Pierre Venter) |
| (5) Electrical engineers | : | Pienaar Erwee Consulting Electrical Engineers (mr Willie Jordaan) |
| (6) Traffic engineers | : | Techworld Consulting (ms Melissa Ryan) |
| (7) Engineering geologist | : | Geo Simplicity Geotechnical Engineering (Pty) Ltd (mr Petrus van Staden) |

1.6 JURISDICTION

Portion R/242 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

2.1.1 Parent property

The description of the parent property on part of which the proposed township will be established as registered at the Deeds Office in deed of transfer T 7532/2002 is as follows:

*"HOEWE 81 OLYMPUS LANDBOUHOEWES
REGISTRASIE AFDELING JR
PROVINSIE GAUTENG" (p2)*

(Loosely translated from Afrikaans, the above reads as follows:
Holding 81, Olympus Agricultural Holdings, Registration Division JR,
Province of Gauteng.)

It is however important to note that the mentioned agricultural holding was excised from the Agricultural Holdings Register at the Deeds Office. The property therefore has a new description, which is evident from the endorsement on page 7 of the registered title deed, which confirms the property description to now be:

*"PORTION 242 (A PORTION OF PORTION 3) OF THE FARM
TWEEFONTEIN NO. 372, J.R., GAUTENG"*

Furthermore, a part of this land-portion was previously subdivided and transferred to the New Apostolic Church in 2017 as reflected on page 8 of the title deed. The subdivided land-portion was given a new portion number (Portion 253) and therefore the parent property is now known as the **Remainder of Portion 242, of the farm Tweefontein 372-JR.**

As mentioned in para 1.3.3 *supra*, Portion R/242 is in the final throes of being further subdivided in order for the registered servitude of right-of-way over same in favour of Portion 253 to be formally incorporated into the latter. This means that the registered title deed for Portion R/242 will be further endorsed to reflect the approximate 2 086m² reduction in extent (reserved portion number for this subdivision is Portion 311, farm Tweefontein 372-JR).

Reference to the property in the balance of the memorandum will be as 'Portion R/242', 'the Property' or 'subject property'. Reference to the part of the property on which the township will be established in the balance of the memorandum will be as "proposed Portion 313" or "the development site".

[ANNEXURE 'D': DEED OF TRANSFER T 7532/2002]

2.1.2 Subdivision

Mr Kobus Conradie of CPLS Land Surveyors has provided the applicant on 02 June 2021 with the farm portion description for the (to be) subdivided land-portion that will result from the concurrent subdivision application, as reserved with the Surveyor General's office. Therefore the land-portion on which the proposed township will be established will be known as Portion 313, farm Tweefontein 372-JR and the land-portion that will remain that accommodates the existing dwelling-house on the northeastern part of the parent property will be known as Remainder of Portion 242, farm Tweefontein 372-JR.

[ANNEXURE 'E': EMAIL RESERVATION OF PORTION NUMBERS FROM PROJECT LAND SURVEYOR]

For a better understanding of the allocation of these portion numbers, the subdivision sketch-plan has been appended hereto as Annexure 'F'.

[ANNEXURE 'F': SUBDIVISION SKETCH-PLAN SHOWING PORTION NUMBERS]

2.2 EXTENT

2.2.1 Portion R/242

According to the title deed to the Property, the original Portion 242 extends to 4,3027 hectares (p2). This however does not take cognisance of the subdivision of same with regards to Portion 253 that was registered in June 2017, nor the pending subdivision (to be known as Portion 311) and consolidation application (to be known as Portion 312).

The resultant extent of the parent property is explained in more detail in Table 1 below.

TABLE 1: CALCULATED EXTENT OF THE PROPERTY

PROPERTY DESCRIPTION	EXTENT (Ha)	REMAINDER (Ha)
PORTION 242	4,3027	Not applicable
PORTION 253	0,4500	3,8527
PORTION 311	0,2086	3,6441

Thus the resultant extent of the new Portion R/242 will be 3,6441 ha after the pending subdivision and consolidation application has been finalised.

2.2.2 Portion 313

The extent of proposed Portion 313 once the concurrent subdivision application has been approved will be 2,6328 ha (subject to a final survey). The proposed township of Boardwalk Extension 73 will be established on this Property.

2.3 LOCALITY

2.3.1 Urban context

The Property is located approximately 17km southeast of the Pretoria Central Business District in the central-eastern parts of the CTMM municipal area, to the east of Garsfontein Extensions and southeast of the suburb of Faerie Glen. The Bronberg Mountain Range forms the northeast / eastern boundary of the Boardwalk Extensions / Olympus Agricultural Holdings / Tweefontein 372-JR farm-portions complex. The following suburbs and landmarks identify its locality in wider context:

- North : Bronberg Mountain Range
- Northeast : Beyond the Bronberg Mountain Range:
Graham Road (extension of Lynnwood Road (M6))
Shere Agricultural Holdings
Silver Lakes / Lombardy Estate / Newmark Estate
- East : Bronberg Mountain Range
- Southeast : Olympus Agricultural Holdings
Zwavelpoort 373-JR
- South : Bronberg Mountains
Olympus Agricultural Holdings
Zwavelpoort 373-JR
Various places of public worship
The Hills Golf and Game Reserve Estates
Mooikloof Eco-Estate
- Southwest : Mooikloof Equestrian Estate
The Wilds Residential Estate
Pretoria East Cemetery
Pretorius Park Extensions
Netcare Pretoria East Hospital
Atterbury Road (M11)
- West : Boardwalk Meander / Villas and Manor
Bronberg Extensions
Olympus Drive (extension of De Villebois Mareuil Drive)
N1 National Road
- Northwest : Solomon Mahlangu Drive (M10)
Faerie Glen Extensions

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

2.3.2 Local context

On a more localized scale, the locality of Portion R/242 is defined more concisely in relation to the following adjoining properties:

- North / northeast : Portion R/18, farm Tweefontein 372-JR (Bronberg Mountain Range)
- Southeast : Holding 82, Olympus Agricultural Holdings
- South : Intersection of Neptune Way and Achilles Way and opposite, Olympus Country Estate
- West / southwest : Achilles Way and opposite, Boardwalk Meander Residential Estate
- West : Portion 253 and future Portion 311, farm Tweefontein 372-JR (to be consolidated to form Portion 312)
- Northwest : Holding 80, Olympus Agricultural Holdings

2.3.3 Street address

The official street address assigned to the Property is 2566 Achilles Way.

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° 48' 07,82"
- East : 28° 20' 49,37"

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

2.3.5 Site locality

The locality of Portion 313 on which the proposed township will be established is depicted graphically on Figure 1(c) in relation to the new Portion R/242 and Portion 312.

[FIGURE 1(c): SITE LOCALITY]

2.4 SHAPE AND DIMENSIONS

2.4.1 Parent property

Once the pending subdivision and consolidation application has been finalised which will result in the originating of Portion 312, the new Portion R/242 will have a rectangular shape with a rectangular "cut-out" at its westernmost corner. Previous to the "cut-out" the northwestern and southeastern boundaries (long sides) extended to approximately 339-metres whereas the short northeastern and southwestern boundaries extended to approximately 129-metres. The "cut-out" (as a result of the initial subdivision of the parent property as well as the pending subdivision and consolidation to form Portion 312, farm Tweefontein 372-JR) reduces the northwestern boundary by approximately 89-metres to approximately

250-metres and the southwestern boundary is reduced by approximately 74-metres to approximately 55-metres.

For detailed information on its shape and dimensions, refer to Annexures 'A', 'B', 'F' and 'G'.

[ANNEXURE 'G': SURVEYOR GENERAL DIAGRAM SG 4409/2010]

2.4.2 Portion 313

The site on which the township will be established displays a more irregular shape with a "cut-out" at its westernmost corner as well as a sliver "cut-out" along its southeastern boundary of approximately 14 metres in length and 8 metres wide. The latter is due to a panhandle stub that was created as part of the new proposed Portion R/242 which joins the internal access road.

The longest boundaries of the site measure approximately as follows:

- Northeastern boundary : 121 metres
- Southeastern boundary : 16 and 241 metres
- Southwestern boundary : 43 and 74 metres
- Northwestern boundary : 172 metres

For more information on the shape and dimensions of the development site refer to Figure 2: township layout plan.

The development site is orientated northeast / southwest which is ideal for maximization of solar access during the winter months for habitable rooms of the dwelling-units that will be erected in the township.

2.5 OWNERSHIP

As mentioned in Para 1.4.1 *supra* the subject property is registered in name of a private company styled Lancino Financial Investments (Pty) Ltd (Reg No. 1998/013451/07) represented by mr Johannes Hendrik Hattingh (ID No. 621229 5053 08 1).

2.6 MORTGAGE BONDS

According to the registered title deed the Property is encumbered by a mortgage bond in favour of Nedbank Limited (Bond Deed No 17387/2018). The applicant applied for bondholder's consent to the bondholder during June 2021 and received bondholder's consent on 11 August 2021.

[ANNEXURE 'H': BONDHOLDER'S CONSENT CORRESPONDENCE]

2.7 EXISTING SERVITUDES AND CONDITIONS OF TITLE

2.7.1 Condition A: Order of the Water Court

In terms of Condition A of the title deed, the original farm portion of which the subject property forms part is subject to an Order of the Water Court as per Servitude 620A/1949S. This condition typically permits water abstraction and conveyance across the original property in favour of another adjacent property(-ies).

The township establishment application will be referred to the Department of Water and Sanitation (DWS) for comment / input in the decision-making process where the officials will have an opportunity to comment on this condition and its applicability / impact on the proposed future township on the subdivided land-portion.

2.7.2 Conditions B(a) to (j) and Conditions (i) to (iv): Agricultural Holdings Registration Act, 1919

Conditions B(a) to (j) and Definitions (i) to (iv) are no longer applicable to the Property after excision from the Agricultural Holdings Register at the Deeds Office on 29 June 2017. The registered title deed to the Property has been endorsed to this effect on page 7.

This has also been confirmed in the Conveyancer's Report.

2.7.3 Notarial Deed of Servitude

The registered title deed to the Property has been endorsed on page 8 to reflect a road-widening servitude of 1,1-metres along "*the full length of the southern boundary*" (line CDE on SG Diagram A1177/1960). This road-widening will be honoured as part of both the concurrent subdivision and the present application for township establishment application on Portion 313.

The above-mentioned conditions and its impact on the proposed subdivision of the Property have been addressed in more detail in the land surveyor certificate and conveyancer's report appended hereto.

[ANNEXURE 'I': CONVEYANCER'S REPORT]

[ANNEXURE 'J': LAND SURVEYOR CERTIFICATE]

2.8 SERVITUDE DIAGRAMS

The SG Diagram to Portion R/242 confirms that the Property is subject to the servitudes shown on the following Servitude Diagrams:

2.8.1 Servitude Diagram SG No. 1354/2019 (withdrawn)

This servitude diagram was prepared for the 14-metre wide right-of-way servitude over Portion R/242 in favour of Portion 253. It was withdrawn as it did not take cognisance of the road-widening servitude along Achilles Way of 1,1-metre width (mentioned in para 2.7.3 above).

The pending subdivision and simultaneous consolidation application mentioned in para 1.3.3 *supra* utilises the exact same outside figure as this withdrawn servitude for the part to be subdivided from Portion R/242 and to be known as Portion 311. Upon consolidation with Portion 253, the new property will be known as Portion 312. As the subdivision and consolidation application is still in process, the SG Diagrams for same as well as the endorsement against the title deed has not yet taken place.

2.8.2 Servitude Diagram SG No. 1229/2020

This servitude diagram was prepared for the 14-metre wide right-of-way servitude over Portion R/242 in favour of Portion 253. It replaces SG Diagram 1354/2019 and takes cognisance of the road-widening servitude along Achilles Way of 1,1-metre width (mentioned in para 2.7.3 above). The revised servitude has not been endorsed against the title deed and will not be required to be endorsed as the pending subdivision and simultaneous consolidation with Portion 253 will replace the servitude.

The applicant has taken cognisance of the servitudes mentioned above along with the pending subdivision of Portion R/242 along the same boundaries as the withdrawn servitude diagram and consolidation of same with Portion 253. Once the subdivision and consolidation has been finalised, it will be necessary to endorse the title deed to the subject property accordingly as it has an influence on the extent of the subject property and therefore both the concurrent subdivision application and the present township establishment application.

2.9 MINERAL RIGHTS HOLDER'S CONSENT

The title deed does not contain any conditions indicting that the mineral rights on the Property have been reserved in favour of a private person and / or entity.

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") to obtain its written confirmation in terms of Section 53 of the Act that the proposed township development on Portion 313 of the farm Tweefontein 372-JR would not serve to impede the intent and purposes of the Act.

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

3. ZONING AND LAND-USE

This section of the memorandum discusses the existing and future zoning and land-use of Portion R/242 and in particular proposed Portion 313 on which the township of Boardwalk Extension 73 will be established.

3.1 CURRENT ZONING

3.1.1 Use-rights

The subject property is zoned Undetermined (Use-zone 19) in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [TTPS].

The Property may as of right 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 : Null
- Height : Table D, Height Zone 10, subject to Clause 26, i.e. 10 metres (two storeys)
- Floor area ratio (FAR) : Table C, FAR Zone 21, subject to Clause 25, i.e. not applicable
- Coverage : Table E, Coverage Zone 5, subject to Clause 27, i.e. 50%
- Building-lines:
 - Streets : Schedule 1, i.e. 10 metres
 - Other : Clause 12, i.e.
 - 5 metres on rear and side boundaries
 - 5 metres on ground floor along southern boundary
 - 5 metres for double volume or storeys above ground level along south boundary

[ANNEXURE 'L': ZONING CERTIFICATE]

3.2 EXISTING LAND-USE

The Property is currently host to only an existing dwelling-house with a few smaller outbuildings, which has been renovated recently for continued rural residential purposes. The dwelling-house is located on the north-eastern part of the Property on the ridge that forms part of the Bronberg Mountain Range partially located on the Property. This dwelling-house is presently accessed *via* a two-strip concrete driveway from Achilles Way along the southeastern boundary. The larger part of the Property

(which is also the part of Portion R/242 on which the township will be established (proposed Portion 313)) has not been developed and put to any productive use yet.

3.3 FUTURE LAND-USE

3.3.1 Northeastern part of the Property

As mentioned in para 3.2 *supra*, this part of the Property is host to the existing rural residential dwelling which will remain in position and continue to be used for its intended function. It is not foreseen that the land-owners will add to or alter the existing structures significantly in the short to medium-term, save perhaps for minor renovations and maintenance as necessary.

Furthermore, the land-owners are sensitive to the pristine natural environment that this part of the Property forms part of, adjacent to the Bronberg Mountain Range, and will therefore landscape this part of the Property with sensitivity and due consideration to the use of endemic flora species.

This part of the Property will be known as the Remainder of Portion R/242 after finalisation of the concurrent subdivision application.

3.3.2 Central and southwestern part of Property

As mentioned, the applicant envisages the establishment of a residential township on this part of the Property, largely below the ridge of the Bronberg Mountain Range, on the area which is currently mostly unused for any other purposes.

This part of the Property will also accommodate the future road-widening required in terms of the Tshwane Road Master Plan for the area.

This part of the Property will be known as the proposed Portion 313 after finalisation of the concurrent subdivision application.

3.4 FUTURE ZONING

3.4.1 Zoning and development controls

The concurrent subdivision of Portion R/242 in two land-portions will not effect any zoning changes on any part of same. The zoning and development controls applicable to the township to be established on proposed Portion 313 will need to change for the development of the residential security village on same. Table 2 below reflects the proposed zoning and development controls for the two erven in proposed Boardwalk Extension 73.

TABLE 2: PROPOSED ZONING AND DEVELOPMENT CONTROLS

ERF 622, BOARDWALK EXTENSION 73		
1	Use Zone	2: Residential 2

2	Uses permitted	Dwelling-units
3	Uses with consent	Table B, Column 4
4	Uses not permitted	Table B, Column 5
5	Definitions	Clause 5
6	Density	21 dwelling-units per hectare of nett erf area (i.e. excluding areas of erf reserved for conservation); provided that a maximum of 23 dwelling-units may not be exceeded.
7	Coverage	40 percent
8	Height	2 storeys
9	Floor area ratio	0,4
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 approval of building plans.</p> <p>(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the site development plan is evaluated, special attention must be given to elements such as residential character, communal and private open space, exterior finishes and style in order to create a special character which is harmonious with the surrounding residential area.</p> <p>(4) An approved site development plan shall only be amended with the permission of the Municipality and building plans which do not comply with the proposals and conditions contained in the approved site development plan</p>

		will not be approved by the Municipality.
11	Street building lines	Clause 9
12	Building restriction areas	Clause 12, Table A
13	Parking requirements	<p>Clause 28, Table G: Demarcated parking spaces, together with the necessary manoeuvring space, shall be provided on the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three dwelling-units for visitors.</p>
14	Paving of traffic areas	All parts of the erf upon which motor vehicles 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.
15	Access to the erf	Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
16	Loading and off-loading facilities	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.
17	Turning facilities	Not required
18	Physical barriers	(1) Street boundaries: If required, a non-removable physical barrier, preventing vehicular and pedestrian movement shall be erected and maintained on all street boundaries, approved accesses excluded, to the satisfaction of the Municipality.

		(2) Other boundaries: A physical barrier shall be erected and maintained to the satisfaction of the Municipality.
19	Health measures	<p>(1) Any requirements for air pollution, noise abatement or other health measures set by the Municipality shall be complied with to the satisfaction of, and without costs to the Municipality.</p> <p>(2) No air-conditioning units or compressors shall be mounted on the exterior walls of buildings without the prior consent of the Municipality.</p>
20	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality in terms of the municipal by-laws for outdoor advertising.
21	Detrimental soil conditions	Clause 19: An engineer shall be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of all structures, according to the soil classification for each zone as described in the geological report. On completion of the structures, the engineer shall certify that all his/ her specifications have been met.
22	Open space	Clause 14(3)(a) (only applicable to sectional-title or non-full title development): At least 4m ² per dwelling-unit, with a minimum of 50m ² , shall be developed and maintained on the erf as a children's playground: Provided that the Municipality may grant permission to reduce this requirement.
23	General:	<p>(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area to the satisfaction of the Municipality.</p> <p>(2) That portion of the erf between the buildings and the street boundary which is not used for traffic purposes, shall within six months from the date on which the erf is first used for the permitted purposes be laid out and maintained as a garden at the owner's cost and to the satisfaction of the</p>

	<p>Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(3) The Municipality shall not approve any building plan which does not comply with the proposals of the approved site development plan, with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(4) Subject to the provisions of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</p> <p>(5) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant permission thereto.</p> <p>(6) No dwelling-unit may be transferred before the whole development or the phase on the property is completed.</p> <p>(7) All refuse areas shall be screened-off with a solid wall and / or landscaping. Refuse areas shall be placed as far as possible from any residential property.</p> <p>(8) 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>
--	--

ERF 623, BOARDWALK EXTENSION 73

1	Use Zone	3: Residential 3
2	Uses permitted	Duplex dwellings and Dwelling-units
3	Uses with consent	Table B, Column 4
4	Uses not permitted	Table B, Column 5
5	Definitions	Clause 5
6	Density	A maximum of 40 dwelling-units may not be exceeded

		<p>the erf in the following ratios to the satisfaction of the Municipality:</p> <p>(1) One covered and paved parking space for each dwelling-unit with two habitable rooms or less.</p> <p>(2) One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.</p> <p>(3) One paved parking space per three dwelling-units for visitors.</p>
14	Paving of traffic areas	All parts of the erf upon which motor vehicles 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.
15	Access to the erf	Entrances to and exits from the erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
16	Loading and off-loading facilities	All loading and off-loading activities shall take place on the erf.
17	Turning facilities	Not required
18	Physical barriers	<p>(1) Street boundaries: If required, a non-removable physical barrier, preventing vehicular and pedestrian movement shall be erected and maintained on all street boundaries, approved accesses excluded, to the satisfaction of the Municipality.</p> <p>(2) Other boundaries: 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 other health measures set by the Municipality shall be complied with to the satisfaction of, and without costs to the Municipality.</p> <p>(2) No air-conditioning units or compressors shall be mounted on the</p>

		exterior walls of buildings without the prior consent of the Municipality.
20	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality in terms of the municipal by-laws for outdoor advertising.
21	Detrimental soil conditions	Clause 19: An engineer shall be appointed before the approval of building plans, who must design, specify and supervise structural measures for the foundations of all structures, according to the soil classification for each zone as described in the geological report. On completion of the structures, the engineer shall certify that all his/ her specifications have been met.
22	Open space	Clause 14(3)(a): At least 4m ² per dwelling-unit, with a minimum of 50m ² , shall be developed and maintained on the erf as a children's playground: Provided that the Municipality may grant permission to reduce this requirement.
23	General:	<p>(1) Each dwelling-unit shall have direct access to its own private adjoining outdoor living area, which area may be a patio on ground floor or on the upper floors in accordance with the approved site development plan.</p> <p>(2) That portion of the erf between the buildings and the street boundary which is not used for traffic purposes, shall within six months from the date on which the erf is first used for the permitted purposes be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(3) No individual dwelling-unit which is linked to another dwelling-unit and/or ancillary outbuilding shall be occupied before the relevant building of which the dwelling-unit forms part, is completely developed: Provided that the Municipality may, in exceptional cases, grant permission thereto.</p> <p>(4) No dwelling-unit may be transferred before the whole development or the phase on the property is completed.</p>

	<p>(5) The Municipality shall not approve any building plan which does not comply with the proposals of the approved site development plan, with particular reference to the elevation and architectural treatment of the proposed building or structure.</p> <p>(6) Subject to the provisions of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</p> <p>(7) All refuse areas shall be screened-off with a solid wall and / or landscaping. Refuse areas shall be placed as far as possible from any residential property.</p> <p>(8) 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>
--	--

3.4.2 Draft Annexure T and Amendment Scheme Map

The applicant has prepared the draft Annexure T and Amendment Scheme Map for proposed Erven 622 and 623, Boardwalk Extension 73 as required and appended same hereto as Annexure 'M'.

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

The township will consist of two erven, one to be zoned Residential 2 for group-housing purposes (proposed Erf 622) and the other erf to be zoned Residential 3 for a duplex townhouse complex (proposed Erf 623) but will function as a single residential security village. Each erf will be appropriately zoned for the housing typology to be developed there.

The township will also include a proposed "streets and widening" component to accommodate the 1,1-metre road-widening of the existing Achilles Way to widen same to 20-metres as required in terms of the Tshwane Road Master Plan.

4. TOWNSHIP PROPOSAL

4.1 DEVELOPMENT CONCEPT

The development concept being pursued entails a residential security village comprising of two enclaves, each on its own erf (i.e. Erven 622 and 623). Erf 622 is being proposed for group-housing dwellings which will be owned either on full- or sectional-title, whereas Erf 623 will be developed for duplex townhouses for sectional-title ownership.

The two erven in the township will be developed as part of a single development project. Although the two erven can be developed separately, the applicant is desirous to develop same along a uniform theme with materials and finishes selected to ensure a harmonious and aesthetically pleasing outcome.

4.1.1 Erf 622

Should this erf be later subdivided to allow for full-title ownership as being envisaged by the applicant, the management of the dwelling-units on this erf will be done by means of a Home Owners' Association (non-profit company) [HOA].

The HOA will be responsible for owning and maintaining of *inter alia* all internal engineering services on the erf which will not be transferred to the CTMM. It will typically also be responsible to maintain the private internal road and open space areas as well as the maintenance of any perimeter security fencing and equipment.

4.1.2 Erf 623

The management of the townhouses will be done by means of a Body Corporate to be established pursuant to the Sectional Titles Act, 1986 (Act 95 of 1986) (as amended) and the Sectional Titles Schemes Management Act, 2011 (Act 8 of 2011), without the necessity for a Home Owners' Association.

Similar to the requirements of the HOA mentioned in para 4.1.1 *supra*, the Body Corporate will be responsible for owning and maintaining of *inter alia* all internal engineering services which will not be transferred to the CTMM including internal roads, perimeter security fencing and equipment.

4.2 TOWNSHIP NAME AND ERF-NUMBERS

4.2.1 Name and extension number

The Toponymy Section of CTMM Economic Development and Spatial Planning has in a letter dated 27 May 2021 confirmed the reservation of the name and extension number of the township to be established on a certain part of Portion R/242 (proposed Portion 313) to be: -

Boardwalk Extension 73

[ANNEXURE 'N': TOWNSHIP NAME RESERVATION CONFIRMATION]

4.2.2 Official property description and erf-numbers

As mentioned in para 2.1.2 *supra*, the applicant obtained the official portion number reserved at the Surveyor General for the part of Portion R/242 on which the township will be established. At the same time, the project land surveyor similarly reserved the official erf numbers for the township-in-process. These being as follows:

- Portion 313 (a Portion of Portion 242) of the farm Tweefontein 372-JR. This is the description of the small-scale diagram to be prepared once the subdivision of the new Portion R/242 has been approved and which will be applicable to the part of the Property to be developed for township purposes (refer Annexure 'E').

Reference in this memorandum and all associated plans and documentation (e.g. conditions of establishment) to 'a certain portion' has the equivalent meaning of Portion 313 (a portion of Portion 242) of the farm Tweefontein 372-JR, which will eventually be the official property description of the part of Portion R/242 on which the township of Boardwalk Extension 73 will be established.

- Erven 622 and 623, Boardwalk Extension 73 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.

4.3 TOWNSHIP LAYOUT PROPOSAL

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

[FIGURE 2: TOWNSHIP LAYOUT PLAN]

The various characteristics of the township layout plan is discussed in more detail below.

4.3.1 Two-erf township

It is a statutory requirement that a township shall consist of a minimum of two erven. This requirement fits in with the applicant's vision as it means that it is possible to create two enclaves with two housing typologies, group-housing on one and a duplex townhouse complex on the other. The township also provides for a street-widening component along Achilles Way along the southwestern boundary of the subject property.

The Plan Number (ref) for the proposed township layout is CPD/BRWx73/01, 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.

4.3.2 Access and vehicular circulation

The township will obtain access from Achilles Way on the westernmost corner of the Property where Portion 312 and proposed Erf 623 border on same. The access position is being protected by a right-of-way / access and engineering services servitude over proposed Erf 623 which will also provide indirect access to proposed Erf 622 and the new Remainder of Portion 242 (after successful subdivision by concurrent application).

It is important to note that the applicant has carefully considered and configured the access position and on-site servitude alignment in order to create the desired access route for the township. This servitude route has the following attributes:

1. A 17 x 17-metre entrance throat to accommodate the entrance gate structure with entrance and exit booms / gates to the township as well as to the new Remainder of Portion 242;
2. A 10 x 10-metre splay on the outbound lane from the Property to facilitate ease of left-turns from the development on to Achilles Way;
3. A 13-metre wide servitude reserve for the internal access road along the boundary with Portion 312 and further northeastwards;
4. A 25-metre diameter servitude reserve for a 21-metre turning circle which terminates on the boundary between proposed Erven 622 and 623 in the township;
5. A servitude of right-of-way and engineering services (route yet to be determined) over proposed Erf 622 along the future internal roads in favour of the new Remainder of Portion R/242 which connects to the panhandle part of the latter on its southeast boundary.

Thus both the township and the new Remainder of Portion 242 will have access to the public road network.

This access / right-of-way and engineering services servitude will be provided with a dust-free surface in line with the standard requirements of the Municipality.

The access control facility at the entrance position will be located on proposed Erf 623 in a position and configuration to ensure –

- sufficient queuing distance for vehicles entering the complex between the access gate / boom and the tarred edge of Achilles Way;

- sufficient width and height for emergency vehicles (notably fire trucks) to enter the premises unobstructed; and
- sufficient in-bound lanes to prevent congestion on the adjacent Achilles Way during peak hour periods on weekday afternoons.

4.3.3 Topography

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

The area in the vicinity of the northeastern boundary of proposed Erf 622 is steeper than the rest of the development. This part will however not be developed due to potential environmental sensitivities, marked as a conservation area on Figure 2.

With regards to the developable part of the overall site, the contours on the township layout plan confirm a moderate gradient for the site in a southwestern direction. With the highest and lowest contours being 1505 metres above mean sea level (amsl) and 1488 amsl representing a 17-metres vertical fall over a horizontal distance of 250-metres, it follows that the development site displays a southwestward gradient of 1:14,7 or 6,8 percent.

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

It will be necessary to register a 3-metre wide servitude for sewer and stormwater along the northwestern boundary of proposed Erf 623. It will also be required for the neighbouring Portion 312, farm Tweefontein 372-JR to register a similar 3-metre wide servitude along its northwestern boundary as a continuation of the mentioned servitude. The servitude against Erf 622 will be in favour of the new Remainder of the farm Tweefontein 372-JR, while the servitude against Erf 623 will be in favour of Erf 622 and the new Remainder of the farm Tweefontein 372-JR.

4.3.4 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.

4.3.5 Contours

The contour lines on the layout plan have been surveyed and mapped by messrs CPLS Land Surveyors during May 2021 and adhere to the requirements for township establishment as per COT:F/5 to Schedule 6 of the Bylaw:

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

4.3.6 Extent

- (1) Road-widening: Approximately 52m² of the development site has to be forfeited for widening of Achilles Way by 1,11 metres along the full length of its south / southwestern-most boundary. The road-reserve of Achilles Way is presently 18,89 metres wide (previously 50 Cape Feet) as set out on the General Plan for Olympus Agricultural Holdings. The Tshwane Road Master Plan requires Achilles Way to be widened to a 20-metre road-reserve.

The development of Boardwalk Meander (the neighbouring development directly across Achilles Way) took place prior to the incorporation of the Kungwini Local Municipality within the City of Tshwane, and thus was developed prior to the implementation / requirement of the Tshwane Road Master Plan for this area. Therefore, no road-widening was necessary at the time of implementation of Boardwalk Meander and the road-widening therefore needs to be accommodated fully onto the development site. This means that approximately 1,11-metres of the south / southwestern boundary of the Property will be forfeited for street and widening.

- (2) Residential development: Proposed Erf 623 will accommodate an access / right-of-way and engineering services servitude (approximately 2 311m² in extent) which will provide access to the future dwelling-units on same as well as to the dwelling-units proposed on Erf 622 and the rural residential dwelling on Portion R/242.

After investigation by a specialist of the presence and habitat requirements of the Juliana Golden Mole on the Property and its impact on the township, certain mitigation measures were recommended. This requires a 5m conservation servitude along the northwestern boundary of Erven 622 and 623, as shown on the township layout plan. This is in addition to the conservation area along the northeastern boundary including a 10m buffer below the steepest contour of the Bronberg Mountain Range on proposed Erf 622. This servitude and conservation area reduce the extent of the erven in the township that can be developed, by approximately 2 796m² and 317m² respectively (3 113m² in total). The 5m servitude however will visually and functionally still form part of the open space / gardens of the future residences on Erven 622 and 623.

In short, this will result in the nett developable part of the two erven in the township to be the following (measured in hectares):

• Erf 622		
○ Gross area	:	1,3901
○ Minus conservation area and servitude	:	<u>0,2796</u>
○ Nett area	:	1,1105
• Erf 623		
○ Gross area	:	1,2375
○ Minus right-of-way servitude	:	0,2311
○ Minus conservation servitude	:	<u>0,0317</u>
○ Nett area	:	0,9747

4.4 DEVELOPMENT CONTROL PARAMETERS

4.4.1 Development density

i. Proposed Erf 622

The density of proposed Erf 622 is affected by a steep, conservation-worthy area along its northeastern boundary. The project environmental consultant has recommended allowance for a 10-metre buffer around this steep area on which development should not take place. In addition, a 5-metre strip along its northwestern boundary has also been provided for conservation purposes – specifically with regards to the Golden Mole – on which no development will be allowed. With these exclusions from development and with due consideration to the future subdivision of Erf 622 for full-title ownership of individual stands and concomitant private road requirement, the development density applied for is 21 dwelling-units per hectare calculated after exclusion of the conservation areas, which would amount to a maximum number of 23 dwelling-units.

Inclusion of the mentioned conservation areas would lead to a very low actual development density of 16,5 dwelling-units per hectare (23 units on 1,3901 ha). Due to its elevated locality, exceptional natural backdrop and exquisite views southwestwards the applicant has opted for larger erven higher-up on the site, which will also be less conspicuous from vantage points along Achilles Way.

ii. Proposed Erf 623

Similar to the standard conditions for a Residential 3 zoned property as contained in the TTPS, the applicant is not applying for a specific density here but the development parameters will be determined by the floor area ratio and the maximum height that can be developed, i.e. in this case 0,6 and 2 storeys respectively. This means that the gross floor area of this development will be 7 425m² and may be erected over two storeys.

The applicant envisages developing a maximum of 40 dwelling-units on Erf 623.

4.4.2 Floor area ratio

The applicant is applying for a Floor Area Ratio (FAR) of 0,4 for proposed Erf 622 and 0,6 for proposed Erf 623.

- i. Proposed Erf 622
A 0,4 FAR translates to a gross floor area of 5 560m². When considering that a maximum of 23 dwelling-units will be erected on this Erf, each dwelling-unit can extend to approximately 242m² on average.
- ii. Proposed Erf 623
A 0,6 FAR translates to a gross floor area of 7 425m². When considering that the applicant intends to erect a maximum of 40 dwelling-units on the Erf, each dwelling-unit can extend to approximately 186m² on average.

4.4.3 Height

The applicant envisages the erection of two-storey dwelling-units with internal staircases known as duplex dwellings on Erf 623, as defined in Clause 5, p13 of the TTPS, and two-storey group-housing dwelling-units on Erf 622. This will be commensurate with the height-profile of the majority of the developments already in the area and is also a typical suburban height profile.

4.4.4 Coverage

- i. Proposed Erf 622
Application is being made for a coverage factor of 40 percent which is based on the standard requirements for a Residential 2 zoned erf as contained in Schedule 4 of the TTPS.
- ii. Proposed Erf 623
Application is being made for a basic coverage factor of 40 percent, which may be increased as necessary by a further 10 percent allowed for possible covered parking.

4.4.5 Parking

The applicant will comply with the official parking ratio set out in Clause 28, Table G of the TTPS, i.e.:

- One covered and paved parking space for each dwelling-unit with two habitable rooms or less.
- One covered and paved and one paved parking spaces for each dwelling-unit with three habitable rooms or more.

- One paved parking space per three dwelling-units for visitors.

Thus, should all the dwelling-units in the township comprise of three or more habitable rooms, a total of 63 covered and paved parking bays and 63 paved parking bays (thus 126 parking bays for residents) and a further 21 visitors parking bays (total of 147 parking bays) will be required. This is assumed to be the most restrictive parking requirement and it is more likely that the development will also include a few smaller units for which the parking requirement would be less.

4.4.6 Building-lines and set-backs

The applicant is proposing that the standard requirements of Clauses 9 and 12 of the TTPS be applied to the erven in the township.

- The street building line requirement in terms of Clause 9 of the TTPS is only applicable to proposed Erf 623 as it is the only erf in the township that will have public road frontage. Clause 9(1)(a)(iii) of the TTPS indicates that Residential 3 erven shall have a 2-metre building line along street boundaries. The applicant will abide with same.
- Both Residential 2 and Residential 3 zoned erven have the same building restriction areas in Table A of Clause 12 in the TTPS, namely:
 - Rear and side boundaries excluding where municipal services are installed: 2-metres.
 - Southern boundary:
 - Ground floor: 2-metres
 - Double volume ground floor and all floors above ground floor: 3-metres.

The applicant intends to abide by these standard requirements.

4.4.7 Open space

There are two aspects that need to be considered here, as follows:

- i. Open space and parks
Section 47(3), read with Schedule 16 of the Bylaw sets out the requirements for open space and parks required to be provided for all residential townships. The required area that will be used to calculate the contribution amount is 24m²/unit for erven to be zoned Residential 2 and 18m²/unit for erven to be zoned Residential 3 which equals 552m² and 720m² respectively (a total of 1 272m²). The current zoning of the Property already allows the erection of one dwelling-house, which will serve as a "credit" of 24m² in the mentioned calculation.

The applicant has drafted a conceptual subdivision layout for proposed Erf 622 and from it deduced that it will be possible to provide an open space / park of approximately 181m² on this erf. The applicant hereby tenders to pay a parks contribution to the CTMM *in lieu* of the part-provision of actual space in the township for open space or parks.

ii. Children's playground

Over and above the open space and parks requirement for new townships as discussed above, it is a further requirement to also provide an on-site children's playground area / facility for *inter alia* all Residential 2 and 3 zoned properties to be sold on sectional-title. Thus, should the applicant not subdivide proposed Erf 622 in future to create 23 full-title stands, both erven will need to provide for same. The required area is calculated at 4m² per dwelling-unit in each development complex, i.e. 23 x 4 = 92m² for Erf 622 and 40 x 4 = 160m² for Erf 623.

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

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

4.4.8 Boundary fences or walls

During the pre-application process the applicant approached a specialist to investigate the presence of the Juliana Golden Mole on the Property and to determine the impact of the proposed development on these endangered creatures. It was confirmed that the Juliana Golden Mole is present on the site and certain mitigation measures were necessary to protect their habitat. This required the applicant to not only consider a conservation area due to the presence of a ridge on the Property but also create conservation servitudes for protection of the mole habitat including access / mitigation corridors for the mole on site (10m along the base of the steepest contour and 5m along the northwestern boundary of Erven 622 and 623 as shown on the township layout plan.

1. Northeastern boundary: The northeastern boundary of Erf 622 (and the township) is impacted by the Bronberg Mountain Range and associated environmental sensitivities. This means that Erf 622 will require a conservation area and 10m wide mole habitat conservation servitude measured from the base of the steepest contour on site

over part of same. It is important that the conservation area / servitude will need to be maintained in as close as possible to its natural state. The treatment of the boundary between the township and Portion R/242 had to consider the following:-

- (a) permeability for migration of smaller animals and insects between the township and Portion R/242 but at the same time securing the township / land-portion;
- (b) protecting the privacy of the residents in the township *versus* the existing rural residential dwelling-house on Portion R/242;
- (c) forming an aesthetically pleasing natural backdrop from strategic vantage points within the proposed township on Portion 313; and
- (d) the desirability of availing controlled access to proposed Portion R/242 for future residents / visitors to the township for e.g. recreational / leisure pursuits along the protected area of the Bronberg Mountain Range.

The ultimate solution will be put forward at the site development plan (SDP) stage of the detailed planning process to follow the proclamation of the township.

2. East / northeastern boundary of Erf 622 with Portion R/242: It is envisaged that the applicant will erect a entrance / exit gate for exclusive use of the owner / tenants of the existing rural residential dwelling-house on Portion R/242.
3. South / southwestern road boundary: A permanent, non-removable physical barrier in accordance with Municipal requirements will be erected on the boundary of the road-reserve affecting the proposed township, excluding the entrance / exit.
4. Southwestern and northwestern boundary with Portion 312: A permanent, non-removable physical barrier in accordance with Municipal requirements will be erected on the boundary of the township with Portion 312.
5. Northwestern and southeastern boundaries: Where the township shares boundaries with the adjacent properties, existing boundary walls / fences will be assessed against the Municipal standards and upgraded, if required.

5. MOTIVATION OF MERIT

Sections 5 and 6 of the Townplanning Memorandum deal with those aspects of the merit of the proposed township establishment not yet addressed in the foregoing Sections 1 to 4. For a full understanding of the merit it is therefore important that this section not be read in isolation but the memorandum as a whole, along with the applicable annexures, figures, tables, maps and plans to understand the need, desirability and sustainability of the project.

5.1 NEED / NECESSITY

5.1.1 Population growth and migration

The National Development Plan (p266) confirms the urgent need for the provision of housing in urban areas, especially those metropolitan cities sponsoring high levels of employment opportunities. It predicts that by 2030 7,8 million more people will be living in South African cities and a further 6 million by 2050. Most of these employment seekers will be unskilled and have had little to no opportunities historically, and thus be poor.

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

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

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

It is evident from the above that the main focus of the various spheres of government is to address the desperate need for affordable housing for those streaming into urban areas seeking opportunities as well as to address the existing backlog for this market. This though is not the only market that is experiencing an enormous demand for housing and tenure

alternatives, the middle income market continues to experience rapid growth where prospective residents are looking for well situated / located properties in sought-after areas close to good schools, shopping centres, social facilities and places of work or close to high order roads. Prospective homeowners in this market are also looking for places where they are close to nature and open space / recreational facilities, similar to the attributes of the subject property.

The need for a residential township in this location is evident from the surrounding area and developments here which reflect the market demand for the housing here. It also reflects that there is a need for a variety of housing typologies and ownership models to give future residents choices.

5.1.2 Land as scarce resource

Developable land inside the urban edge is a scarce non-renewable resource, which should be put to its highest-and-best productive use. There is therefore a need to develop the subject property to its highest and best use.

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)

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

Furthermore, there is pressure in the marketplace for land in established urban areas, with ever diminishing vacant land left for development. This results in the redevelopment of existing land for purposes of denser living

close to amenities in line with the policies of the CTMM, as directed by market forces.

The present township establishment application will therefore see to the optimised use of existing resources available (open space, public facilities, infrastructure, etc.) in an area which is undergoing rapid transformation to suburban living.

5.1.3 Specific demand

- The need / necessity stems from a demand for development land in this specific location for especially the residential market. This part of Pretoria East is experiencing intense development pressure due to its locality close to higher-order roads, social and recreational facilities and employment opportunities. The forward planning for the area is in support of the future development of a residential township here.
- Developers have responded positively to a strengthening demand for smaller dwelling-units in particular localities and started moving away from low-density single erf developments on the urban periphery. There is a strong market demand for housing alternatives. This is a function of *inter alia* population growth and urbanization, but also of the disposable incomes and credit-worthiness of households. With the reduction in interest rates due to the Covid-19 crisis, many families are now looking at purchasing properties instead of renting as it is more affordable currently. There is another segment of the market that has been battered by the Covid lockdowns where many small enterprises are struggling to keep their businesses afloat and need to consider scaling-down on unnecessary expenses moving away from the historic, conventional low-density housing typology.
- The concept being mooted here is for a development comprising of both a medium-density townhouse complex and low-density group-housing dwellings. The townhouses will attract middle-income groups, which will accommodate homeowners who prefer privacy and their own garden but can not afford purchasing a single residential stand or prefer the security of being in a residential estate. The land-use typology of townhouses attracts young families as well as older persons who are looking at downscaling pursuant to their stage in the life cycle of a family. The group-housing enclave will attract homeowners who are looking at still maintaining a full-title dwelling-house with young children with a manageable garden and the convenience and security of being in a secure environment.

5.1.4 Synthesis

It follows from the above that there is a need / necessity for additional housing in the local area and on the particular development site. The

proposed security village is furthermore appropriate with two housing typologies that will find favour in the market segment targeted. The need for housing of the mentioned variety and configuration here has its backbone in *inter alia* the demand caused by natural population growth and the forming of new families as part of the life cycle, a net immigration of individuals and families, upward socio-economic mobility of individuals / families, as well as existing and future employment opportunities in the area.

The applicant has planned and designed the proposed security village with these market characteristics in mind and contends that it will be appropriate for the purpose. It will furthermore serve to fulfil at least in part the existing market demand, which is increasing over time pursuant to the urban dynamics prevalent in the surrounding area.

5.2 DESIRABILITY AND SUSTAINABILITY

5.2.1 Accessibility

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

- Atterbury Road (M11 route) southwest of the Property which connects the Property with Mooikloof Heights / The Hills approximately 4,2 kilometres further southeast and with Lynnwood Road approximately 9,5 kilometres further northwest. This effectively connects the Property with the following landmarks / suburbs along this route:
 - Boardwalk extensions, including Boardwalk Manor and Boardwalk Villas
 - The Wilds Residential Estate
 - Solomon Mahlangu Drive (M10-route)
 - Pretorius Park extensions
 - Garsfontein extensions
 - Faerie Glen extensions
 - Lynnwood Glen
 - Menlyn (including Menlyn Park Shopping Centre and Menlyn Maine Precinct)
 - The N1 National Road
 - Menlo Park extensions
 - Lynnwood
 - The Bus Rapid Transit Route Line 2B
- Olympus Drive connecting Atterbury Road with Solomon Mahlangu Drive (M10-route)
- De Villebois Mareuil Drive connecting Atterbury Road with Delmas Road (R50-route) 6,7-metres further southwest, which becomes Piering Road and connects to Boeing Road (M57) parallel to Albertina

Sisulu Freeway (R21-route). This route connects the site with the following suburbs / landmarks:

- Plantland Olympus
 - Maragon College / Doxa Deo Church
 - Woodhill College
 - Garsfontein Road (M30-route)
 - Woodlands Boulevard shopping centre
 - Moreleta NG Church
 - Wingate Park
 - Elardus Park
 - Rietvalleirand extensions
 - Waterkloof Agricultural Holdings
- Solomon Mahlangu Drive (M10-route) which becomes Trichardt Road and Wierda Road further west before terminating in Voortrekker Road (R55-route) linking the site to the following, in addition to the suburbs and / or landmarks that have already been mentioned:-
 - Mamelodi
 - Nelmapius
 - Bronkhorstspuit Road (R104)
 - N4 National Road
 - Willow Park Manor extensions
 - Silverlakes
 - Equestria extensions
 - Lynnwood / Graham Road (M6-route)
 - Wapadrand
 - Constantia Park extensions
 - Waterkloof Glen extensions
 - Erasmuskloof extensions
 - Waterkloof Ridge
 - Monument Park
 - Kloofzicht
 - Lyttelton Manor
 - Valhalla
 - Glen Lauriston
 - Eldoraigue
 - Raslouw
 - Sunderland Ridge

The Property is also connected to lower-order municipal roads which serve as local connections to the immediate area, especially to the west, south and southwest of the Property. There are no links to the northeast due to the Bronberg Mountain Range and its environmental sensitivity which prevents development on its ridges.

All higher-order roads are in a good condition and being maintained well by the relevant roads authorities. The lower-order roads in the area (including Achilles Way) are a work-in-progress as developers are upgrading these spasmodically as properties alongside same are being developed, to municipal standards.

- (2) Pedestrian accessibility between the development site and *inter alia* Olympus Drive / De Villebois Mareuil Drive and Atterbury Road where employment opportunities exist and / or which connect the area to other areas of employment, there are few opportunities for pedestrian accessibility with only Olympus Drive having proper pedestrian walkways from Midas Avenue northwards and along Achilles Way from the circle at Olympus Drive to the entrance of Cormallen Hill Estate and along the boundary of Komuro Estate.

The existing circumstances are however less than ideal and walkability needs to be improved in line with the RMSDF proposal for De Villebois Mareuil Drive, Atterbury Road, Eros Avenue and Olympus Drive from Eros Avenue to Solomon Mahlangu Drive being identified as proposed non-motorised transport routes, furthermore Solomon Mahlangu Drive seen as both a non-motorised transport route and a future BRT extension.

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

- (3) Accessibility by public transport: Olympus Drive / De Villebois Mareuil Drive, Atterbury Road and Solomon Mahlangu Drive westwards are all existing public transportation routes, although these are limited at this stage to municipal buses and more frequented by mini-bus taxis. As mentioned Solomon Mahlangu Drive has been earmarked for a future extension of the BRT route and this will therefore increase the accessibility of public transportation in future. In order for bus routes to be more viable, it is necessary for "more roofs" in terms of the laws of agglomeration.

Private taxis, especially Uber and Taxify services have in recent times become an important public transport option which is gaining popularity for its customized service in public transport worldwide. As is the case with minibus taxis these are also private sector (for profit) services which follow the market. Thus as the Boardwalk area becomes increasingly more populated it is expected that these services would follow.

5.2.2 Development context

Schedule 6, Paras 9(c), (e)(ii)(bb)(aaa) and (e)(iii) of the Bylaw require of the applicant to discuss the development context of the area, the impact of the proposed development on surrounding properties / land-uses and *vice versa* and how the township will accord with the future development pattern of the area.

The assessment of the proposed new township for residential purposes should be done against the backdrop of focused and pro-actively promoted residential densification and non-residential intensification by all spheres of government in its policy documents, for future "smart growth" development. In this particular locality, residential densification of 25 dwelling-units per hectare is being encouraged for the development site and southwest- southeastwards.

The existing developments found within a 1-kilometre radius of the site are as follows:

1. Immediately southwest of Achilles Way the area has been largely developed between Ajax Road and Olympus Drive. These developments comprise of formal township establishments for residential estate purposes. The size of full-title erven range between approximately 595 m² and 900 m².
2. South/ southeast of Ajax Road most of the properties are used for rural residential purposes (varying from 1-hectare to 2-hectares in extent and the largest being 4,2-hectares), a nursery school (Piccoli), new residential complexes, a gymnasium (Planet Fitness), a private college (Advance / Bronberg College), a mini-storage facility, and a church (EG Kerk).
3. Northeast of Achilles Way the following existing land-uses can be found:
 - Hedianga Farm (a walking / cycling / hiking trail which allows dogs / horses);
 - A stack simplex complex;
 - Safari vehicle conversion workshop;
 - A day spa;
 - A couple of residential estates / complexes
 - An art exhibition hall
 - A restaurant
 - Agricultural holdings (average extent of between 8 500m² and 1-hectare) and farm portions (approximately 4,2 to 4,4 hectares in extent).
4. Northeast of the site is a 140-hectare property which accommodates part of the Bronberg Mountain Range which separates Olympus

Agricultural Holdings / Tweefontein 372-JR / Boardwalk / Olympus from Shere Agricultural Holdings further northeast. There are no direct access routes between the northeastern and southwestern slopes of the Bronberg Mountain in this area. The Bronberg Mountain Range therefore effectively cuts the former off from the area to the northeast.

[FIGURE 3: LAND-USE MAP]

Most of the developments described above have been established on farm-portions or agricultural holdings, except where a township has been established (relating mostly to the residential security estates / complexes immediately southwest of Achilles Way and a few of the others mentioned).

Where townships have been established, these have created erven in townships which confirms smaller erven for either single residential "security estate", group-housing or townhouse development purposes.

The proposed establishment of a township comprising of two housing typologies will therefore be fully commensurate with the prevailing land-use pattern in the surrounding area, especially with regards to the increasing transformation of the area for residential clusters / estates. The proposed township will therefore not have a negative impact on the development of surrounding properties and will indeed accord with the future development pattern of the area.

5.2.3 Surrounding zoning and land-use

The zoning of surrounding properties are reflected on the zoning map (Figure 4).

[FIGURE 4: ZONING MAP]

From same it is evident that current zonings in the immediate vicinity of Portion 313 range from Undetermined (mostly northeast of Achilles Way), Special (directly southwest of the Property), Residential 1 (south of the Property and southeast) and a few pockets of Residential 3 and 4 (southeast and southwest) as well as a defined private open space component along the Tweefontein Spruit.

From the above it can be concluded that:-

- The land-use of the surrounding properties in the area are for the most part commensurate with the zoning shown on the zoning map.
- Northeast of Achilles Road has remained undeveloped until recently with more focus on development to the south / southwest; and

- The majority of land-uses in the area are residential complexes and associated uses with the applicable zoning for same.

The proposed establishment of a township for residential purposes on proposed Portion 313 will be consistent / compatible with the prevailing zoning and land-use patterns of the surrounding area.

5.2.4 Electricity supply

Messrs Pienaar Erwee Consulting Electrical Engineers (represented by mr Willie Jordaan) have prepared an Electrical Service Report for both the proposed:-

- subdivision of Portion R/242 in two land-portions (separate concurrent application); and
- township establishment for residential estate purposes on proposed Portion 313.

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

- The current electrical service provider to the Property is City of Tshwane Metropolitan Municipality and the site is located in the supply area of the Mooikloof 132/11kV Primary Substation.
- There is spare capacity at the substation for the development.
- There is an existing underground medium voltage network installed close to the site with a 11kV cable on the corner of Achilles Way and Neptune Road to which the site can connect via a mini-sub in the road reserve.
- There is existing street lighting along Achilles Way directly in front of the development site.
- The existing electrical connection to the site is by means of a single-phase overhead line.
- The project engineers have calculated the anticipated load as follows based on the CTMM guide:
 - Residential 2 (Erf 622) : 5kVA per dwelling (i.e. 115kVA total load)
 - Residential 3 (Erf 623) : as per formula $\frac{3N}{[(N+4)/(N+1)]}$ (i.e. 128,78 kVA total load)
 - Gatehouse : 5kVA
 - LOAD FOR DEVELOPMENT: 248,78kVA

- Bulk service contribution will be payable as well as connection fees to CTMM. The former will be in accordance with the CTMM standard fees for the applicable financial year.

A copy of the electrical service report has been included as Annexure 'O'.

[ANNEXURE 'O': ELECTRICAL SERVICE REPORT]

5.2.5 Civil engineering services

A Civil Engineering Services Report was prepared by messrs PVA Consulting Engineers to inform both the subdivision and township establishment proposals. The following information was gleaned from the report:

(1) Roads

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

- Achilles Way has been shown as a Class 4(a) collector road for non-residential traffic on the Tshwane Road Master Plan. According to the latter, the existing road-reserve width of Achilles Way is inadequate at 18,89-metres (former 50 Cape Feet) as set out on the General Plan for Olympus Agricultural Holdings, and needs to be widened to 20-metres.
- This area previously fell under the jurisdiction of Kungwini Local Municipality (KLM) which did not have a road master plan in place. At that time, the development of Boardwalk Meander (the neighbouring development directly across Achilles Way) took place prior to the incorporation of the KLM within the City of Tshwane, and thus no provision was made for road-widening. This means that the full extent of the required road-widening to bring the road-reserve width in line with CTMM requirements, is required to be accommodated within the proposed township.
- The envisaged road-widening of 1,11 m on the subject property has been secured by means of a servitude registered against the title deed of the parent Property by means of an endorsement, as alluded to more fully in para 2.7.3 *supra*.

The township layout plan reflects this servitude in position along the southwestern boundary of the township, along Achilles Way.

Extract from the contents of the report:

- Internal roads will be held and maintained privately under the Home Owners Association to be established for the group-housing erf (Erf 622) and Body Corporate to be established for the sectional-title townhouse complex on Erf 623. The servitude over Erf 623 and infrastructure installed on same in favour of Erf 622 and Portion R/242 will be maintained privately by the mentioned Home Owners Association and Body Corporate.
- A single access is being planned to the development site on Achilles Way, in accordance with the recommendations and specifications in the TIS.
- Apart from the construction of Achilles Way in as far as abutting the development site, the applicant will also be responsible for the construction of all internal roads and the entrance to the development in accordance with generally accepted standards.
- The entrance / exit to the development will require a single entry and separate exit lane with a minimum of 12m queuing distance and a clearance width and height of 4,5m or greater.
- Bulk services and boundary contributions will be payable.

(2) Stormwater

- There is an existing municipal 450mm diameter stormwater pipe southwest of the development along Achilles Road reserve to which the development will connect.
- The design and implementation of the new stormwater link-connection will be in accordance with the standards and requirements of the CTMM: Roads & Stormwater.
- The project civil engineers have calculated that the pre- to post-development runoff for a 1:20 year flood occurrence will increase by 686l/s.
- New grid inlets will need to be installed at the lowest points in the development. This means that 3 grid inlets will be necessary (one on Erf 622 and 2 on Erf 623. Stormwater runoff from the Remainder of Portion 242 will be collected *v/a* a 110mm channel to connect to the grid inlet on Erf 622. A new 450mm pipe will be installed along the northwestern boundary and connect to the existing 450mm internal pipe on the boundary of Portion 312.

- Bulk services contributions and boundary contributions will be payable.

(3) Sewerage

- The Report contains a detailed breakdown of the sewer demand and flow calculation for both erven in the township, based on the proposed zoning of each. The total calculated demand for the development is 1,28 l/s.
- A new 160mm diameter link sewer line will have to be installed along the northwestern boundary of Erf 623 and connect to the existing 160mm uPVC sewer link located on the boundary of Portion 312. This will connect to the existing municipal 400mm diameter uPVC bulk line to the southwest of Remainder of Portion R/242 along Achilles Way
- All materials used and construction of the line will be consistent with official requirements for service installations on non-dolomitic soils.
- Bulk services and boundary contributions will be payable.

(4) Water

- The Report contains a detailed breakdown of the water demand and flow calculations for both erven in the township, based on the proposed zoning of each. The total calculated demand for the development is 24,03 l/s.
- A new 110mm diameter water pipe will be constructed in the 13m right-of-way servitude for the erven in the township before connecting to the existing 250mm diameter uPVC municipal water pipe along Archilles Way.
- All materials used and construction of the new link will be consistent with official requirements for service installations on non-dolomitic soils.
- Bulk services and boundary contributions will be payable.

(5) Refuse removal

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

(6) Synthesis

It follows from the above synopsis that the township will be properly serviced with regards to water, stormwater, roads and

sewerage connections to the bulk municipal system. Service installations will be done in compliance with official requirements for engineering services on non-dolomitic soils.

[ANNEXURE 'P': CIVIL SERVICES REPORTS]

5.2.6 Traffic impact assessment

Messrs Techworld were appointed to undertake a traffic impact study (TIS) for the township establishment on Portion 313. The following information was gleaned from the mentioned TIS:

- The upgrades as a result of this site has been assessed by considering the latent rights of the approved Olympus Extension 1 further northwest and the upgrades required by the township owner of same (i.e. construction of a section of Leander Road north of Achilles Way.
- The TIS indicates an expected trip rate of 54 trips per weekday morning peak and 54 trips per weekday afternoon peak.
- A section of Achilles Way will need to be reconstructed between Neptune Way and the northern boundary of the site, to a 7,4m wide two way road carriage way.
- Taxi and bus loading zones need to be constructed in Achilles Way downstream from the intersection with Leander Road. Furthermore a pedestrian walkway of 1.8m wide on the boundary of the site to facilitate ease of movement to / from the public transport loading areas, and as part of the non-motorised transport plan of CTMM.
- The TIS makes specific recommendations on the on-site positioning and configuration of the access control facility (e.g. number and width of lanes, queuing distance of entering vehicles) which will be complied with.
- The applicant will comply with the official parking requirement of the CTMM and will comply with all the other recommendations in the TIS.

[ANNEXURE 'Q': TRAFFIC IMPACT STUDY]

5.2.7 Geological conditions

Messrs Geo Simplicity Geotechnical Engineering (Pty) Ltd have conducted a geological investigation on the Property for the township and prepared a report on same.

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

- Six test pits were excavated on site and the soil scientifically tested for its suitability for township establishment for residential purposes. The test pit positions were selected to ensure that the results of the investigation would be representative of the entire site.
- It was found the "*...site is underlain by hillwash transported, whilst talus transported, reworked residual quartzite and residual quartzite were encountered ...towards the north eastern boundary of the site. Quartzite bedrock daylights towards the most north eastern boundary and is expected to occur with depth slightly south westwards thereof. A relatively thin and sporadic pebbles marker transported, followed by reworked residual and residual diabase underlie the hillwash transported over the majority of the site*"(pp2, 4).
- There is adequate surface water run-off with only a moderate probability of sporadic ponding. All new building platforms, access road and parking areas are therefore recommended to be slightly elevated to assist channeling and with maintaining stability of structures. Apron slabs are also recommended to prevent differential movement.
- Test hole TH06 was found to have a collapsible soil grain structure and therefore foundations in this area need to be designed to accommodate same and associated "intolerable settlement".
- The majority of the in-situ soil tests indicated that the site has low potential for swell and is therefore not considered potentially expansive. The sandy and clayey silt however, has a high and medium potential for swell respectively.
- There was no ground water seepage encountered during fieldwork but may occur during the rainy season.
- Certain parts of the development site was found to have boulders which would mean additional costs to excavate parts of the site.
- The sidewalls of the test pits were found to be stable but water could impact on same. Excavations should therefore be battered back or shored.
- It is recommended to take a cautious approach with regards to corrosiveness of the soil and rather design for moderate exposure and thus treat or sleeve subsurface services to prevent corrosion.
- The soil was classified as H3/S2, S2/H1 and C2/R in terms of the NHBRC specifications and requirements which zones have been depicted on the attached township layout plan.

- Appropriate engineering solutions for the foundations of buildings are proposed and furthermore conditional exclusion of certain soils as possible road building material.

[ANNEXURE 'R': GEOLOGICAL INVESTIGATION REPORT]

5.2.8 Environmental considerations

Messrs Delron Environmental Assessment Practitioners have prepared an environmental compliance summary to inform the present township establishment application. This summary has been included for information purposes as Annexure 'S'.

As mentioned earlier, a small part of the development site is affected by the ridge area of the Bronberg Mountain Range and will be protected from development by an conservation servitude over same.

Furthermore:-

- The development site is located within the official urban edge;
- The development site is minimally affected by a ridge pursuant to the Ridges Guideline, 2001 (amended February 2019) of the Gauteng Department of Agriculture and Rural Development (GDARD);
- The site is not affected by floodplains or associated wetland areas;
- The site is located in an area of transformation with existing residential developments and various other properties are in the process of being developed, which have indicated the support for this type of development in the area by the relevant authorities, subject to proper application processes;
- According to the Regionalized Municipal Spatial Development Framework, 2018 for Region 6, the northern part of the site (where the existing rural residential dwelling-house is located and will in future be known as Remainder of Portion 242 after the concurrent subdivision has been approved) is located in an area earmarked as a "low-density" zone where tourism related land-use activities would find support. The remaining southwestern part of the site (proposed Portion 313) is located in an area earmarked for suburban densification where residential densification of up to 25 dwelling-units per hectare would be supported.

[ANNEXURE 'S': ENVIRONMENTAL EXECUTIVE SUMMARY]

5.2.9 State and impact of social infrastructure

In terms of Section 16(4) read with Schedule 6, Para 3(9)(d)(v) of the Bylaw the applicant is required to address the state and impact of social infrastructure pursuant to the present application. In this regard the RMSDF directs that an increase in residential development densities should be supported by social and community facilities in the area.

Social infrastructure refers to public or community facilities which can range from higher-order facilities such as hospitals and universities to middle-order facilities like high schools and clinics, to lower-order facilities like a pre-primary school or crèche.

Existing social and recreational facilities in the area include religious centres, schools / crèches, shopping centres, etc. as discussed in para 5.2.2 *supra* (and refer to figure 3 for a graphical representation), are mostly located within fairly close proximity of the proposed township, providing adequate support for the proposed new 63 dwelling-units in the township.

5.2.10 Economic development and job creation

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

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

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

5.2.11 Compliance with Section 42(1)(c)(i) and (iv) of SPLUMA

Section 16(4) read with Schedule 6 para 3(9)(d) of the Bylaw require compliance with Section 42 (deciding an application). Two of the aspects listed in Section 42 are dealt with here, i.e. public interest and the rights and obligations of affected parties. The latter also includes the impact on neighbouring properties.

i. Public interest

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

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

- Being commensurate with the planning policies for the area namely the RMSDF for Region 6, MSDF and IDP for Tshwane;
 - The township will hold tremendous advantages in terms of the provision of additional housing stock in a high-demand market segment and sought-after area;
 - Increased revenue for the Municipality as additional rates & taxes will become payable for the increased land-use rights on the subject property;
 - The proposal is in accordance with the general use of the area and surrounding character. Potential environmental adversities will be mitigated substantially and no detrimental environmental impacts will result from the present application. It may even lead to the better preservation of environmentally sensitive elements in the localised area;
 - The application will follow a public participation process as per official requirements of Section 16(1)(f) of the Bylaw, where members of the community and surrounding land-owners will be afforded the opportunity to participate in the planning process;
 - The development of a residential estate will make a most valuable contribution to the upliftment and wellbeing of the community. The township will realise in a more secure area from a safety perspective and will also serve to create more secure futures for the residents, with the opportunity to own a dwelling which they may not previously have been able to; and
 - The township here will furthermore create opportunities for better utilisation of social and recreational facilities in the localised area (i.e. schools, shopping centres, churches, gymnasiums, etc.). This in turn will also mean more localised spending by residents in support of businesses in the area, to the benefit of the surrounding community.
- ii. Rights and obligations of affected parties
No rights of potentially affected parties will be infringed as the proposal will not have a detrimental effect on any of the following:
- Character of the area;

- Development trends for the area;
- Right of any member of the community to participate in the application process (as part of the public participation process);
- Privacy infringement or solar deprivation of surrounding residential development.

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

- Application will lead to opportunities for further development in future (upgrading of engineering infrastructure and expansion / upgrading of existing facilities in the area);
- The general upliftment of the community through the rates and taxes generated by the township establishment;
- Further financial advantages where money will be spent in the area in the development in future;
- Application will lead to the benefit of the area where the land will be better utilized and thereby not be targeted for illicit squatting and / or dumping;
- All community members will be given the right to participate in an inclusive approval process.

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

iii. Impact on neighbouring properties

The impact of the township development on the neighbouring properties will be mitigated as much as possible to limit same through the use of:-

- careful architectural design, e.g. placement of fenestrations and balconies *vis-a-vis* neighbouring properties' private areas to prevent overlooking, orientating bedrooms and living rooms away from exposed areas;
- screening of yard areas;;
- placement of units *vis-a-vis* the site boundaries with cognizance to building setbacks;
- dwelling-unit orientation to maximise solar penetration of living rooms in winter, and to minimise heat retention in

- summer, as well as to minimise overshadowing of neighbouring properties;
- plantscaping, etc.

It should be noted that the only residential township in the vicinity of the development site at present is the southwest-lying Boardwalk Meander. The latter is separated from the subject property by Achilles Way, an existing 18,89m wide public street being widened to a reserve-width of 20 metres. The probability of the future two-storey duplex dwellings on the development site causing any adversities like overshadowing or overlooking at the existing residential complex is therefore negligible and indeed virtually impossible.

6. STATUTORY PLANNING FRAMEWORK

6.1 STATUTORY REQUIREMENTS

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

- "Reference to the objective and principles contained in this By-law as well as the Principles as contained in section 7 of the Act;" (Bylaw Schedule 6, Para 3(9)(a)) [The 'Act' refers to the Spatial Planning & Land Use Management Act, 2013 (Act 16 of 2013) ["SPLUMA"]]
- "Reference to the Integrated Development Plan and Municipal Spatial Development Framework, and all its components and any other policies, plans or frameworks with specific reference to how this application complies with or departs from it as well as the desirability thereof;" (Bylaw Schedule 6, Para 3(9)(b))
- "As required in terms of section 42 of the Act (i.e. SPLUMA) indicate the following:
(i) The public interest (already addressed in para 5.2.11 *supra*)
(ii) The constitutional and transformation imperatives and the related duties of the State;" (Bylaw Schedule 6, Para 3(9)(d))

The statutory policies, plans and principles adopted by government in national, provincial and metropolitan / local spheres all in essence have as goal to reduce the three main challenges of society today, *viz* unemployment, poverty and inequality. These are addressed in the balance of this section of the memorandum. According to the Schedule 6 it is not required to measure the application to all national policies, nor provincial policies.

6.2 OBJECTIVE AND PRINCIPLES

6.2.1 City of Tshwane Land Use Management Bylaw, 2016

- The objective of the Bylaw is as set out in its preamble (p5) explaining the need for a uniform national approach to municipal planning and it being an instrument, *inter alia*:-

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

- Also relevant is the Land Use Scheme as a practical tool to give effect to the Vision of the City as contained in the Municipal Spatial Development Framework and its constituent Regionalized Municipal Spatial Development Frameworks through appropriate land development applications as guided / directed by the Bylaw. In this regard Section 9(1)(b) of the Bylaw describes the purpose of the Land Use Scheme (in this instance the Tshwane Town Planning Scheme, 2008 (Revised 2014)) and the outcomes of a land development application in terms thereof and / or to amend the Scheme, as follows:

"(1)... provided that:

(a) ...

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

- It is important to note that the subject property is located in an area that is currently undergoing rapid transformation from a formerly rural residential area to formal townships for residential security estates and associated land-uses. As mentioned in paras 5.2.2 and 5.2.3 *supra*, the area northeast of Achilles Way is predominantly still agricultural holdings or farm portions and the majority of development has taken place southwestwards. This may perhaps be due to the perceived environmental sensitivity of the properties directly adjacent to the Bronberg Mountain Range.
- The townships and other developments in the immediate surroundings have been developed in line with the vision of CTMM in terms of the contents of the Municipal Spatial Development Framework for the City and the Regionalised Municipal Spatial Development Framework for Region 6. This policy document has been prepared based on the contents of the national and provincial strategies and visions and are an amplification of these in terms of being applicable within the municipal area and the region / local area. The documents, irrespective of the sphere (i.e. national, provincial or metropolitan) had to be public participated to ensure support from the public.
- Municipalities have been given a responsibility in terms of the Constitution of South Africa as well as in terms of Spatial Planning and Land Use Management Act, 2016 (Act 13 of 2016) [SPLUMA], to ensure that they are developmental and that their visions are in line with constitutional and transformation imperatives, and comply with the development principles and objectives of the SPLUMA. It is the CTMM's responsibility to ensure that the vision for the area is within its fiscal, institutional and administrative means.
- The applicant has gone to great lengths to prove compliance of the application with the objective and principles of the Bylaw, for example:
 - Co-ordinated and harmonious development: Suitability of the proposed development in this particular locality in relation to surrounding land-use activities – current and future.

- Principle of a healthy environment through introduction of a compatible residential typology properly planned to be developed according to official norms and standards. The proposed use is clean, with no noise or air pollution.
- Safety of future inhabitants will be ensured by adoption of CPTED-principles for the township and residents will furthermore not be a threat to the safety of the surrounding community of which it will form an integral part.
- The balance of the prevailing good order will not be disturbed. The proposed residential security estate / village will contain a self-sufficient 'community' within the surrounding community, yet with certain integrative factors like sports, recreation, shopping, worshipping, etc. together.
- Likewise will the prevailing amenity of the area not be adversely affected. The new residential development represents an infill-development that will *inter alia* contribute to an enhanced urban environment through infrastructure improvement (e.g. road upgrade, street lighting). The buildings and other structures will furthermore be architect's designed and the site and sidewalk areas fully landscaped and maintained, making a huge contribution to uplifting of the amenity of an area in process of transition from rural residential to urban in form and function.
- Convenience relates amongst others to proximity of residents to other urban facilities like employment opportunities, places of public worship, education institutions, parks, shopping facilities and more. This has been discussed in more detail elsewhere in the memorandum.
- The proven desirability and sustainability of the development proposal in virtually every section / sub-section of the memorandum prove unequivocally the nett contribution of same to the general welfare of the area.
- Efficiency and economy are two requirements which private sector developments automatically strive for, in pursuance of the profit motive at the base of our capitalistic system. Whereas the developer will in this regard strive to minimize inefficiency to maximize economy, it is the municipality's role to optimize the end-result of the development in favour of the general wellbeing and proper functioning of the surrounding community. This process plays itself out in *inter alia* the negotiations and conclusions of engineering services agreements between the CTMM and the developer.

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

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

(1) Norms and standards

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

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

(2) Development principles

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

The present application is evaluated against the principles below.

(i) Principle 7(a): Spatial justice

This principle has six requirements and can also be read with some of the norms and standards mentioned in Section 8(2)(b) of SPLUMA. A number of these requirements also reflect the requirements of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (as amended) ["Constitution"]. Furthermore, the National Development Plan Vision for 2030 highlights certain of these requirements too. The Medium Term Strategic Framework, 2014-2019 (MTSF) also finds applicability here.

The present application will comply with this principle as follows:

- In terms of the Municipality's duties, the spatial development frameworks for the Municipality as well as the region and the land-use scheme had to be prepared in compliance with Section 7(a) to address inclusion of persons and areas previously excluded / disadvantaged from same, which has been done. This area does not fall in an area where previously disadvantaged persons live or used to live.
- The forward planning and land use management for the Municipality and therefore the area has an aspect of flexibility in it, when considering that the documents do not specifically require a certain area to have a fixed / rigid blanket zoning but that there are maximum and / or minimum controls in same guiding development and implementation of same. The township is envisaged to include both sectional and full-title ownership dwelling-units in the form of duplex townhouses and group-housing.
- The benefits of the residential township here will include addressing of the need for quality housing in a sought-after area close to opportunities, provision of a variety of housing typologies and ownership models in the market, better utilisation of existing engineering services, increased rates and taxes to assist with financing of provision of public services, security for the area, increasing the value of properties in the area, etc.

(ii) Principle 7(b): Spatial sustainability

This principle has seven requirements, some of which are reflected in certain of the rights and responsibilities contained

in the Constitution. Furthermore the NDP also confirms certain of the requirements. The MTSF finds applicability here too where one of the priorities listed is to create sustainable human settlements and improve quality of life as well as the protection of environmental assets and natural resources.

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

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

Thus the goals identified in the GSP are to:

- *"Facilitate a spatial structure conducive to shared economic growth*
- *Decisive spatial transformation of the Gauteng City Region*
- *Ensure sustainable resource use and development*
- *... Pursue an agreed spatial vision and coordinated planning processes and tools"*

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

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

The present application will comply with this principle as follows:

- The development project requires no contribution from the public sector for its implementation.
- The development will enhance the financial wellbeing of the Municipality through the additional rates and taxes, electricity consumption, sewer connection levies, water consumption and refuse removal to result from the additional dwellings on the subject property. These monies can contribute to enhancement and upgrading of which will in turn uplift the local community and benefit public interest. It may also become a catalyst for further development / improvement / regeneration.
- The new development will constitute in-fill development, as the surrounding area is in process of transformation from rural residential to higher density residential within the urban edge as part of alignment with the official RMSDF policy of the CTMM which states that the area should be promoted for suburban densification (i.e. intensification of residential land-use and improvement of services infrastructure to the area) as well as the 'smart growth' principle of compaction and densification. Furthermore, the proposed development can be construed as a "brownfields" development transforming the development potential of the site from being only viable for a single residential dwelling to that of 63 additional dwellings, thereby minimising urban sprawl.
- The development of the residential complex on the subject property in compliance with the TTPS will represent the optimum use of the subject property as a scarce natural resource, in the context of the surrounding development pattern / structure. The Property is currently under-utilized and ideally suited for the intended purposes.
- No appeals would be made on scarce and / or valuable agricultural land, conservation land or otherwise threatened land for the new development since it is situated within the urban edge and in process of transformation to higher density residential land-uses and surrounded by urban development and linked to municipal infrastructural support services. The proposal therefore optimises the use of land, bulk infrastructure, roads, etc. Urban sprawl will therefore be curbed and not come into play as a result of this application.

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

(iii) Principle 7(c): Spatial efficiency

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

The present application will comply with the above as follows:

- There can be no doubt that the proposed new residential village on the subject property would optimise the use of the development site in terms of fulfilling the vision of the future planning policies of the CTMM through urban residential densification. Land is a scarce resource and this proposal would represent a much more productive use for the Property.
- The forward planning for the area has been prepared as part of the Integrated Development Plan which outlines

the priority projects that the Municipality has planned for the next 5 years (reviewed annually) based on its budget and expected income. In support of this, the areas for development have been identified in the RMSDF as a signal to developers where development is encouraged and the type of developments preferred, optimizing existing resources and infrastructure as well as to minimise negative impacts when considering the financial, social, economic or environmental aspects of same.

- Special care has been taken during the preparation of the application to ensure a desirable outcome in terms of financial, social, economic and environmental impacts. This was done by commissioning the necessary specialist consultants to inform the planning process (e.g. environmental practitioner, civil, traffic and electrical engineers). Impacts identified will be mitigated / minimized, if applicable.
- The applicant, in conjunction with the Municipality will strive towards the smooth and expeditious processing of the application to facilitate commencement of the implementation phase of the project in the shortest possible time. Regulations to SPLUMA indicate specific timeframes for submission of information and the process to be followed in terms of the processing of a development application. These timeframes will be adhered to.
- The proximity of the site to higher-order roads and existing social services forms part of proving efficiency, examples include:
 - Roads: Atterbury Road, Olympus / De Villebois Mareuil Drive, Solomon Mahlangu Drive, etc.;
 - Places of work: Various offices / businesses / shopping centres;
 - Recreational areas and shops: Woodlands Boulevard, Boardwalk Meander, Olympus Village, Atterbury Value Mart, etc.;
 - Open space: Hadienga Farm; and
 - Schools: Woodhill College, Advance College, Bronberg College, Montessori School, Piccoli.

(iv) Principle 7(d): Spatial resilience

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

This is largely a responsibility of the municipality 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 and the particular area.

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

(v) Principle 7(e): Good administration

This principle has five requirements, which relate 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 for the most part clear.

6.3 METROPOLITAN

This section deals with the documentation available within the municipal sphere of governance. It is important to remember that this section should be read in context of the broader planning framework as mentioned earlier.

6.3.1 Tshwane Vision 2055

This policy document contains six broad outcomes that represent the areas that are key for the City of Tshwane's overall development logic over the medium to long term. In short, these intend to create a resource-efficient city with a growing competitive economy supporting happiness, social cohesion, safety and health of citizens.

The present application will contribute to (and therefore comply with) this Vision in the following way:

- It will assist with creating a competitive economy in the area where the proposed township will comprise of two different housing typologies, as thus adding variety to the existing mix in the area. The same can be said with regards to the employment opportunities that will be created.

- The area is experiencing development pressure for specifically residential developments and this application is thus addressing market demand.
- The residential development of the Property will also not restrict the colour or creed of the persons who will reside in or work here in future.
- The development proposal will not impact negatively on the health of the residents in the area and / or future residents in the development as the land-use is non-toxic or –noxious.
- The development will assist with creating a more secure environment for the area where it will be densified to optimised development potential. The proposed development will furthermore adopt crime prevention through environmental design principles which would benefit the surrounding residential complexes as well as the residents in the township.

The township is therefore in compliance with the contents of the City's Vision and desirable in this location.

6.3.2 City of Tshwane 2019/2020 Review of 2017/21 Integrated Development Plan (Adopted 30 May 2019)

This document is the second review of the IDP discussed in para 6.3.3 *infra* premised on the principles contained in the 5 year IDP mentioned.

The document states the 5 strategic pillars for development:

- 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.

It is seen as a reflection on progress made with the 5-year IDP vision and as the "preamble" to the development of the 2019/2023 IDP in preparation of same.

The plans and deliverables for the Departments of CTMM are guided by certain key focus areas as a result of the reflections and visions mentioned above. This has led to the context for the reviewed IDP with focus on the following and as guide of how the City envisages implementing its mandate in terms of the mentioned strategic pillars and priorities:

- Stabilising the administration in year 1;
- Revitalising the economy in years 1 to 3
- Deliver services to everyone, especially the poor, in years 1 to 5

According to this IDP Review the MSDF is currently under review and was programmed to be finalised by mid-2020. This has not happened as yet due to complications brought on by Covid-19 and the lockdown hampering progress with same.

The document mentions that Region 6 had the second highest average annual growth rate between 2007 and 2017. This Region also has the highest number of "*very formal dwelling-units*"(p53) and thus also proper services, almost a third of the total of Tshwane.

6.3.3 City of Tshwane 2017 / 21 Integrated Development Plan, March 2017 (Adopted May 2017)

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

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

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

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

Spatial challenges that are currently being experienced by the Municipality relate largely to the "*mono-functional neighbourhoods with limited economic and social opportunities*"(p46) and in terms of human potential

transformation, "(a) society riddled with division, poverty, inequality and social ills" (p46).

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

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

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

- The township establishment will see to the more productive use of the available land for economic gain.
- The development of the Property will create jobs during the implementation of the proposed township (construction of structures, installation of engineering services) and during operation of the development (security personnel, cleaners, gardeners, etc.). It will furthermore create indirect employment opportunities for service companies (e.g. plumbers, electricians, etc.)
- The Property is reflected in the future planning documentation as earmarked for Suburban Densification. It will as such serve a buffer function *vis-à-vis* deeper-lying low-density rural residential (proposed new Remainder of Portion 242) and conservation-worthy areas (Bronberg Mountain Range and associated buffer areas).

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

6.3.4 Metropolitan Spatial Development Framework, 2021

The City of Tshwane Metropolitan Spatial Development Framework was approved / adopted by the Metro Council on 29 July 2021 (MSDF) and replaces the MSDF, 2012. Commencement with the preparation of this document started in July 2018 and culminated in this latest version which

complies with SPLUMA (promulgated on 01 July 2015). The document was required in terms of SPLUMA to be evidence based.

The MSDF is a core component of the IDP, serving as a management tool that provides a spatial strategy to achieve the City's vision. The MSDF document explains the context and relevance of several policies, plans and related institutional documents on international and all government levels, including *inter alia* the Local Government: Municipal Systems Act, 2000, the United Nations Sustainable Development Goals and New Urban Agenda 2030, the National Spatial Development Framework (still in draft), the National Development Plan, the Integrated Urban Development Framework, 2016, the Comprehensive Rural Development Programme, 2009, Gauteng Transformation Modernization and Reindustrialization Strategy, 2014, Gauteng Provincial Environmental Management Framework, 2010, 25-Year Gauteng Integrated Transport Master Plan, 2013, the Gauteng Rural Development Plan, 2014, Gauteng Spatial Development Framework, 2030, Gauteng City-Region Overarching Climate Change Response Strategy and Action Plan, 2018, City of Tshwane Vision, Roadmap towards Tshwane 2030, etc. It is influenced by various other strategic policies, like the Compaction and Densification Strategy, Tshwane Retail Strategy, Tshwane Integrated Transport Plan, Tshwane Built Environment Performance Plan, as well as the Tshwane Integrated Environment Plan. The applicant will not here regurgitate the contents of these.

This policy document identifies Tshwane as having aspirations of being a leading African Capital City requiring positioning within the Gauteng City-Region (GCR), the continent and globally. The aim is to be a "... *globally competitive metropolitan economy that empowers its residents with positive ripple effects on neighbouring cities.*" (p24). The linkages in terms of air and road transport make the city ideal for business in terms of imports and exports. A number of nodes for investment and development have been identified in the document as the focus areas for intensified development over the next 5 to 10 years.

Tshwane is the administrative capital of South Africa and hosts over 90% of all research and development institutions nationally, as well as higher-value functions and services, giving it a competitive advantage over other areas and making it a key anchor in the GCR, and provincial economic core.

The development site is located in Region 6, one of the City's regions with the most development pressure, the highest income *per capita* in its southeast, with low income and a desperate need for sustainable jobs to the areas in its northeast, and experiencing the most explosive growth. This Region is popular with regards to retail and office uses and it furthermore accommodates the most important industrialised area in Tshwane.

Throughout the City there is a need to reduce travel-time and -costs between places of education and / or work and residence by creating living opportunities in areas close to places of work / social / etc. This in turn creates more liveable, efficient, walkable and sustainable cities in line with smart growth principles. This also goes hand in hand with opening up opportunities for integration of previously disadvantaged societies to participate in structured city life.

The document outlines the following regarding spatial planning directives:

"Ultimately, the intention is to reverse apartheid spatial planning, which would result in an integrated, equitable and efficient spatial form for Tshwane through spatial targeting actions that will –

- *support social and economic inclusion;*
- *improve economic efficiencies;*
- *build sustainable settlements;*
- *preserve and enhance natural resources; and*
- *enhance resilience and the efficacy of infrastructure delivery and use.*

The cross-cutting term for these interventions within the context of the MSDP is spatial restructuring or spatial transformation. This is a spatial planning concept that aims to redress an unsustainable spatial form by redirecting growth to areas of opportunity. It encourages development around nodes and densification along corridors and residential developments near areas of economic activity with supporting social facilities. It also defines spaces through spatial design. (p77)

Some of the core components of the above as applicable to the development proposal include the following:

- Nodal development and spatial targeting: Through smart growth where efficient and effective resource allocation is promoted, including infrastructure. Restricting of City to areas with, close to or easily accessible to existing opportunities.
- Compaction and densification: Increases viability of public transport use, developable land close to higher-order roads and employment opportunities is in high demand, higher densities can also make it easier to enter the market, decreased travel costs, protection of scarce and environmentally sensitive land but at the same time using such land as a focus point for passive and active recreational pursuits and thus in turn making environmentally sensitive land more economically viable. Providing choices to the market in terms of ownership type and size, creating quality living spaces for a diverse market, etc.

- Urban edge: Containing development to preserve valuable environmentally sensitive land and high yield agricultural land. Agglomeration of economies.
- Social infrastructure and retail developments: Supporting of existing infrastructure to make these facilities more viable and accessible to a wider range of communities. Examples include parks, churches, shopping centres, schools, etc. Opportunities to close the distance between employment opportunities and home, decreasing transport cost and time.
- Mobility and connectivity: Already discussed under some of the other points. Close to areas of connectivity where transportation costs can be lowered.
- Engineering infrastructure: Better use of existing infrastructure and upgrades will benefit the local community and unlocking future investments.
- Ecological infrastructure: Better use of and appreciation for ecological areas for passive and active recreation. Protection of areas in terms of sensitive fauna and flora for future generations to also enjoy. This also assists with ensuring climate responsiveness and sustainable development.

The present development proposal will be in support of the movement and connectivity initiative, being situated in an area where road infrastructure plays a primary connectivity role between the security village and employment opportunities. Furthermore will it also be in line with the environmental structuring initiative, as the part of the parent property on which the Bronberg Mountain Range encroaches will be subdivided to be excluded from the township to form part of a larger open space / environmental component.

- The IDP, MSDF and RMSDF together provide guidance to developers of where public investment will be focused to draw private investment to particular spatial destinations in pursuance of the realisation of the spatial vision for the City. The spatial vision includes *inter alia* the achievement of the development principles of SPLUMA.

More detail of the spatial vision for the City is found in the seven RMSDFs for same, which serve as a refinement of the aims and strategies of the MSDF. The subject property is situated in Region 6.

6.3.5 Compaction and Densification Strategy, 2005 (CDS)

- The CDS is a "smart growth" initiative aimed at the sensible restructuring of the City's spatial dimension towards a more efficient space economy, increased liveability and less pressure on

horizontal expansion around the urban periphery. The curtailment of urban sprawl holds numerous advantages, including preservation of valuable agricultural and conservation land as well as optimising the cost of providing infrastructure for intra-urban expansion.

- With the RMSDF as grassroots level policy for spatial direction on giving effect to the Vision of the City as embodied in *inter alia* the Roadmap Towards Tshwane 2030 already duly informed by amongst other the CDS as foundational policy instrument, an extensive elaboration on the CDS here again would be unnecessary / superfluous.
- The CDS has been informed by *inter alia* the Housing Strategy for the CTMM (Draft) and the Densification Study for the Identification and Evaluation of Land for Institutional Housing Development (p7) from which was gleaned the need for residential development to be undertaken on a... "*more focussed, sophisticated and efficient manner.*"
- The CDS identifies as "key legislative directives", including *inter alia* the following:

*"Ensure that residents have access to a range of choices with regards to **housing typologies as well as locations**"* (own emphasis)

Integrate residential development, movement systems, social facilities, employment opportunities and activity areas." (p 7)
- One of the reasons for densification is:
- "*... creating the necessary population thresholds for economic growth and healthy business in specific areas.*" (p 9)
- The document highlights the need to create more compact cities which are well designed. Densification should take cognisance of surveillance, diversity, social integration and mixed-use supporting densification.
- Four zones of densification are identified in the CDS and these have been incorporated in the RMSDF for the Regions too. The subject property is located in a Suburban Densification Zone.

The development proposal is in line with the CDS.

6.3.6 Regionalized Municipal Spatial Development Framework – Region 6, 2018

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

i. Urban Edge

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

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

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

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

ii. Suburban densification

Suburban densification zones are areas that have been identified in the Compaction and Densification Strategy for low to medium densification. Typically these are *"... existing suburban areas where there is potential for moderate densification because of the area's strategic location within the city (within a 25 km radius of the City). This zone makes for good application in areas that are close to places of employment, major retail centres and prominent transport routes, but where it is still desirable and warranted to maintain a suburban character"* (p77). The maximum densities that are envisaged here are 25 dwelling-units / hectare.

The document outlines certain core principles of densification of suburban densification areas, including *inter alia*:

- *Densification must contribute to the provision of lifestyle choices within the specific area. As an example provision must be made to sustain all the lifestyle phases from young working people and students, families with young children, and elderly people.*
- *Appropriate higher density housing opportunities at appropriate locations must be provided for all income groups to promote the aims of social integration.*
- *Specific areas of opportunity or need for restructuring should be identified (areas that should not be densified for specific reasons should also be identified)*
- *Areas targeted for densification should be treated as whole environments, i.e. densification should not happen in isolation but as part of a larger program aimed at creating a suitable high density environment.*
- *Areas targeted for densification should be well served by public transport, or have the potential to be well served by public transport in future.*
- *Pedestrianisation must be included into the densification process and 1.8 meter walkways must be provided on erf boundaries in these areas by developers as per NMT priority map in this document.*
- *Areas targeted for densification should be well served by social facilities such as education, place of public worship open space, recreation etc. or should have the potential to be well served by social facilities. Public space and specifically Council owned property should be kept in reserve as the need for social facilities increase. Other related uses such as schools, crèches and places of instruction must be accommodated in these areas as densification takes place.*
- *Preserve and enhance open space, farmland, natural beauty and critical environmental areas.*
- *Encourage community and stakeholder collaboration.*
- *Retain, enhance and encourage cultural assets” (p77).*

"In essence, within this zone the urban form remains the same as it currently is, only with an increase in general density and a change in typology and density around strategic points within these areas" (p77).

The present application will comply wholly with the above where the character of the area is transforming from farm portions / agricultural holdings to suburban residential townships.

iii. Open space

It is also important to mention the following with regards to the township being directly adjacent to the Bronberg Mountain Range which functions as open space:

- Residential developments need to respond to adjacent open spaces and should front on same to maximise the potential created by same. Furthermore, the grain of the development should be fine and therefore large / long monotonous structures should be broken up to create interest with gaps linking to the open space every 70m (p67).
- *"Where extensive portions of land as part of a development are allocated for open space or ranks or other public amenities, the densities of **portions within this larger development can be higher**, in order for the overall density of a development to be in line with the preferred density of the area.*

Refer to the density map for a schematic illustration of densifications;" (p73) (own emphasis).

At the same time, it is important for developments to be sensitive to existing open space components, especially those that have unique characteristics. This means that where slightly higher densities could be supported adjacent to open spaces, it might make better sense for a grading of densities from street frontage (where there is more urban activity) towards the unique open space (where it is important to consider a more tranquil setting). It is evident from the information in the RMSDF that the Municipality has considered same in the simplest form, i.e. by creating "Low Density Zones" along the most northeastern boundary of the parent property. The applicant's intension with this township establishment application is to create the higher density cluster along the road edge (in the form of duplex townhouses) and have the lower density (more

spaced out) group-housing development adjacent to the Bronberg Mountain Range.

iv. Synthesis

As demonstrated in the foregoing sub-section of the memorandum, the establishment of a residential township on proposed Portion 313 find favour in the RMSDF, for *inter alia* the following reasons:

- The development site is situated within the official urban edge of Tshwane.
- The development will represent an infill development with resultant better utilization of land and engineering services as scarce resources.
- The Property is located in an area currently experiencing transformation from an agricultural holding and farm-portion character to a suburban area.
- The subject property is located in Administrative / Planning Region 6 which is being regarded as the urban region with both the highest income *per capita* and a component with a desperate need for sustainable and quality employment opportunities.
- The Property is located in an area earmarked for residential development at a density of 25 dwelling-units / hectare.

6.4 OTHER POLICIES / PLANS / FRAMEWORKS

The applicant is satisfied that the assessment of the development proposal against the provisions of the Bylaw, SPLUMA, Tshwane IDP, MSDP and RMSDF-Region 6 in the preceding subsections of Section 6 would serve to satisfy the obligation on the applicant pursuant to Section 16(4), Schedule 6, Paras 3(9)(a) and (b), and that no further policies, plans and / or frameworks need to be analysed for consistency of the development proposal with same. The reason for this is found in the fact that all the policies / plans / frameworks assessed above have been duly informed by an array of such related policies / plans / frameworks on national, provincial, district and municipal level. Examples include the National Development Plan (NDP), the Gauteng Spatial Development Framework-2030 (GSDF), Tshwane Vision 2055, Tshwane Compaction and Densification Strategy (CDS), Roadmap Towards Tshwane 2030, Tshwane Integrated Transport Plan, Tshwane Open Space Framework (TOSF) and more.

The institutional sustainability through compatibility and alignment of the development proposal with the prevailing statutory planning framework applicable has been proven unequivocally. The development is also commensurate with *inter alia* the various other policies / plans / frameworks mentioned but not addressed here specifically.

6.5 CONSTITUTIONAL TRANSFORMATION IMPERATIVES

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

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

*"The alternative to raising taxes is faster economic growth. This will require economic transformation. Government's objective is to transform the economy, not simply transfer ownership or hand out tenders. Transformation must aim to **build a new economic momentum, mobilize new investments, create new jobs and create new resources to support social change.**"* (p1) (own emphasis).
- Unfortunately redress through representivity has in many public bodies and parastatals led to a reduction in efficiency and effective service delivery, as evident by a multitude of dysfunctional municipalities today countrywide. This state of affairs is in stark contrast to the Constitutional role of municipalities which should be that of developmental agencies in pursuance of growth and development.
- Economic growth and development is seen as the ultimate prerequisite for socio-economic transformation, i.e. the catalyst to propel transformation into an achievable goal to culminate in job and income creation, enhanced dignity / pride, increased welfare and a better quality of life for all.

- The Covid pandemic has highlighted the huge division between economic classes as well as the underhanded way that people in power spend public funds and thus causing the decay of society and worsening the economic situation, contrary to the policy documents and calls for economic growth. The President of the Republic has called for rapid transformation to stimulate economic growth in order to see the country through the devastation caused by the pandemic. The recent rioting and looting has furthermore highlighted the tensions in the country and the urgent need to place the country on a positive growth trajectory.
- The proposed new security village on the subject property is in essence a support facility for people to "live and play" while working in one of the many employment opportunity locales in the surrounding area. It is evident that the area is sought-after for development due to its proximity to places of opportunity – whether it be educational, social, economic, etc. and / or the higher-order roads connecting the area to a far wider area of opportunity. The dwelling-units in the proposed new township will be available for all races, genders and people with varying socio-economic backgrounds where social inclusion and integration will be in the order of the day.

7. CONCLUSION AND RECOMMENDATION

7.1 CONCLUSION

As evident from the foregoing facts and argument it follows that the applicant has successfully discharged its responsibility to prove the merit of the application including the need, desirability and sustainability of the proposed residential township on proposed Portion 313 (a certain portion of Portion 242) of the farm Tweefontein 372-JR.

The information in the memorandum and annexures to same are evidence of amongst others the following:

- The development proposal being supportive of and commensurate with the objective and principles of the Bylaw as well as the development principles in Section 7 of the SPLUMA.
- The land development application is consistent with and reinforces the vision of the City with regards to compatibility of the proposed development in the particular locality with reference to the Tshwane IDP, MSDP, RMSDP and other associated forward planning policies, plans and frameworks guiding and informing spatial development in the City.
- The proposed housing project will be ideally located *vis-à-vis*:
 - a variety of quality employment opportunities;
 - existing open spaces;
 - higher order roads and public transportation; and
 - social facilities such as schools and religious centres.
- The development will be in the public interest, will serve the constitutional transformation imperatives to reduce unemployment, inequality and poverty – the three scourges plaguing society today.
- Municipal engineering services are available at sufficient capacities to ensure a viable and sustainable project, which will be supplemented with green building and green energy solutions.
- The application will be public participated as required in terms of Section 16(1)(f) of the Bylaw and everyone with an interest and / or being affected by the development proposal will be given the opportunity to participate in the decision-making process.
- The desirability of the development proposal from the perspective of *inter alia* the size and shape of the development site, its topographical features, availability of access, the absence of impeding servitudes on site, compatibility with surrounding uses with no reciprocal adversities identified, development concept, absence of floodplains and wetlands, developable sub-surface soil conditions, low traffic impact on roads, compliance with open space requirements of the City, safety through CPTED-principles and more has been proven unequivocally.

7.2 RECOMMENDATION

Based on the positive conclusion, the City of Tshwane Metropolitan Municipality is hereby urged to award the land development application its positive consideration and to approve the use-rights for a maximum of 40 townhouses and 23 group-housing units on the subject property in the township as being proposed.

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



U OLA SCHUMACHER-MALAN (Pr Pln)

in conjunction with

J PAUL VAN WYK (Pr Pln)

January 2022