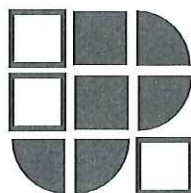


MEMORANDUM

**MOTIVATION OF MERIT OF
APPLICATION FOR
AMENDMENT OF APPROVED
TOWNSHIP ON A CERTAIN
PART OF PORTION 69 OF THE
FARM KOEDOESPOORT 325-JR.
-QUEENSWOOD EXTENSION 14-**



J PAUL VAN WYK

**URBAN ECONOMISTS
& PLANNERS CC**

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-QUEENSWOOD EXTENSION 14-

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MOTIVATIONAL MEMORANDUM

MOTIVATION OF MERIT OF APPLICATION FOR AMENDMENT OF APPROVED TOWNSHIP ON A CERTAIN PART OF PORTION 69 OF THE FARM KOEDOESPOORT 325-JR.

-QUEENSWOOD EXTENSION 14 -

1 INTRODUCTION

1.1 APPLICATION

Application is hereby being made for the amendment of the approved township of Queenswood Extension 14 on a certain part of Portion 69 of the farm Koedoespoort 325-JR in terms of Section 100 read with Sections 98(5) and 96(1) of the Townplanning and Townships Ordinance, 1986 (Ord 15 of 1986) [‘the Ordinance’].

The application comprises of the following components:

1.1.1 Revised township layout plan

The amendment of the approved township layout plan to reflect the following:

- The delineation of the area of Erf 1404 to be rehabilitated and conserved based on an *in loco* investigation *versus* the area to be conserved as required by the City of Tshwane Metropolitan Municipality (CTMM): Environmental Management Department (denoted by the green line of the architect’s draft site plan – Annexure ‘C’);
- The zoning description in the land-use table;
- The panhandle of Erf 1404 to fall away and be replaced by a servitude of access over erven in the north-lying Queenswood Extension 13 and Erf 1403 in favour of Erf 1404¹; and
- The new plan number.

1.1.2 The conditions of establishment

In terms of the conditions of establishment, this requires the amendment of Section 4, in particular 4.2. The proposed changes will take the form of development parameters, in particular to Erf 1404 as well as the inclusion of access servitudes (refer to para 3.2 *infra*).

1.2 BACKGROUND

1.2.1 Approvals

An application for the establishment of a residential township on the property known as Portion 69 of the farm Koedoespoort 325-JR has been approved by the City of Tshwane Metropolitan Municipality (CTMM) at a City Planning Committee

¹ This has come about due the applicant undertaking a thorough site investigation and determining that the panhandle linking the development to the public road system *via* the reciprocal access servitudes in Queenswood Extensions 13 and 14, was in fact too steep in its existing position and that the eastern boundary where the servitude is being proposed is much gentler.

Meeting held on 25 September 2008. An application for the amendment of the township was submitted to create an additional erf in the township in order for Queenswood Extension 12 to be divided to form Extensions 13 and 14. Both these applications were granted on 10 July 2015.

[ANNEXURE 'A' : APPROVAL LETTER, CONDITIONS OF ESTABLISHMENT AND TOWNSHIP LAYOUT PLAN FOR AMENDED QUEENSWOOD EXTENSION 12 DATED 10 JULY 2015]

[ANNEXURE 'B' : APPROVAL LETTER FOR THE DIVISION OF QUEENSWOOD EXTENSION 12, CONDITIONS OF ESTABLISHMENT AND TOWNSHIP LAYOUT PLAN FOR QUEENSWOOD EXTENSION 14 DATED 10 JULY 2015]

1.2.2 Current validity of the township approval

The township of Queenswood Extension 14 is still current and will remain so until 10 July 2016 where after, if necessary, the firm will submit an application for extension of time to comply with Section 72(1) of the Ordinance i.e. the surveying, preparation and lodging of the General Plan for the township with the Surveyor-General's office.

Section 72(1) of the Ordinance reads as follows:

"An applicant who has been notified in terms of Section 71(4) that his application has been approved shall, within a period of 12 months from the date of such notice, or such further period as the Director may allow, lodge for approval with the Surveyor General such plans, diagrams or other documents as the Surveyor General may require, and if the applicant fails to do so the application will lapse."

Due to the fact that the applicant has not yet complied with this Section of the Ordinance, no General Plan exists for the township that may need to be revoked and / or cancelled. The approved township name of Queenswood Extension 14 will therefore still remain current (Refer Section 100(a) of Ordinance).

1.2.3 Erf 1404, Queenswood Extension 14

Currently unregistered Erf 1404 Queenswood Extension 14 has been reserved in the township approval for private open space purposes where only one dwelling house may be erected (with a development footprint of a maximum of 1 000m²) and all development should be contained to below the 74-metre contour.

It is important to note that the City of Tshwane: Environmental Management Department imposed the above-mentioned restrictions on the development of Erf 1404 with the original township establishment application even though the Gauteng Department of Agriculture and Rural Development (GDARD) did not require an environmental process for the proposed 14 dwelling-units per hectare at the time and confirmed during the division of township referral process that there are "... *surrounding developments to the proposed development site*".

[ANNEXURE 'C' : GDARD LETTER OF COMMENT DATED 13 SEPTEMBER 2010]

The applicant is now in the implementation stage of the township Queenswood Extension 13 on the northern part of the parent property and is also clearing the southern part of the property on which the present township will be established from exotic vegetation. During this exercise he has had a detail look at the parent property and the extent of the damage to the environment as well as the extent of the developments and damage adjacent to the application site.

The applicant has recently consulted with an independent environmental practitioner (dr Gwen Theron of LEAP) with regards to the use of the property from an environmental conservation viewpoint *versus* the rights approved by the City of Tshwane. The applicant met with dr Theron on site in order to verify the useable portion of Erf 1404 and the areas that should be maintained for conservation purposes, and to consider whether these are in line with the requirements of the Environmental Management Department of the City of Tshwane.

The site visit and assessment revealed that much of the property situated above the 74m contour line was in fact badly disturbed and not worthy of conservation and there were other areas below this line that were more conservation worthy. As a result of the above dr Theron suggested an alternative conservation area where a number of existing indigenous trees, vegetation and rocky outcrops could be found (refer to green line on the architects draft site plan – Annexure 'D').

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

It is important to note that the previous land owner, his environmental consultant at that stage, officials from the City of Tshwane: Environmental Management Department as well as professor George Bredenkamp (specialist botanist) were on site on 06 October 2005 to discuss the development potential of the property. The southern portion of the property on which Queenswood Extension 14 will be established, was overgrown with alien vegetation and was virtually inaccessible at that stage. The Environmental Management Department could only make comments on what was visible from a distance – upslope from the north. Both the Department and the specialist botanist indicated that the site had been badly degraded because of overgrazing by small game that were kept at that stage. The likelihood of the environment to recover to its full potential was doubted by the specialist botanist.

In terms of the present context of the property in the area and the built environment adjacent to the property, the significance of the area from an environmental conservation viewpoint, has been completely destroyed. Not only is there a large amount of rubbish and illegal dumping that has taken place on the adjoining Portion R/6 of the farm Koedoespoort 456-JR and Portion 29 of Koedoespoort 325-JR (which belong to the CTMM), but there is also an existing concrete track to the reservoir further east and this access road is being used by a number of residents in Queenswood Extension 1 to access their garages and dwelling-houses.

One further example of this is the extensive excavations and building work that has been taking place on Erf R/9/1011, Queenswood sharing the southernmost part of the eastern boundary with Erf 1404 (refer to images taken on-site). The construction on site seems to be for the purposes of erecting a boundary wall² and the creating of a building platform for the owner to erect a dwelling-house and associated outbuildings (refer to images overleaf).

IMAGES 1 AND 2: FOUNDATION EXCAVATIONS BETWEEN ERVEN R/9/1011 QUEENSWOOD AND ERF 1404 QUEENSWOOD EXTENSION 14



IMAGE 3: EXCAVATOR CLEARING THE SITE WITH EXISTING DWELLING HOUSE ON ERF 10/1010 QUEENSWOOD IN BACKGROUND



² Please note: the owner of the township of Queenswood Extension 14 was not consulted with regards to the moving of his palisade fence on the boundary between the two properties and is not participating in the construction of the wall.

IMAGE 4: EXCAVATED MATERIAL AND WORKERS' ABLUTIONS ON SITE WITH EXISTING DWELLING HOUSE ON ERF 10/1011 QUEENSWOOD IN BACKGROUND



Furthermore, there are several existing dwelling-houses erected close to the northern boundary of Portion R/6 of the farm Koedoespoort 456-JR and Portion 29 of Koedoespoort 325-JR in the established townships of Queenswood (Proper) and Extension 1 on the east and western sides of Queenswood Extension 14 respectively, as depicted on the attached plan.

[ANNEXURE 'E' : MAP SHOWING THE ADJOINING TOWNSHIPS *vis-a-vis* QUEENSWOOD EXTENSION 14]

[ANNEXURE 'F' : MAP SHOWING THE POSITION OF EXISTING STRUCTURES ABUTTING QUEENSWOOD EXTENSION 14]

The present application is thus for the amendment of the township of Queenswood Extension 14 to allow for the erection of seven dwelling-units on the most disturbed and / or degraded areas of Erf 1404 (including the infrastructure required to service these dwelling-units) and the conservation of the *in loco* identified conservation worthy part of the Erf.

1.3 PURPOSE OF APPLICATION

The purpose of the application is to amend the township with regards to the requirement to limit development on the erf, in order to permit the erection of seven dwelling-units on the most disturbed and less preservation-worthy part of Erf 1404, Queenswood Extension 14, and realigning / positioning of the area to be demarcated to be protected by a conservation servitude, based on *in loco* findings.

It is important to note that the land owners are very determined to retain the areas that are environmentally sensitive for conservation purposes as this will be the main attraction to the proposed residential village. In terms of the protection of environmental areas it is necessary to develop a certain percentage to ensure that it is economically viable to retain and maintain areas that are conservation worthy, especially with properties in private ownership within the urban edge where land is at a premium.

1.4 APPLICANT

1.4.1 Owner / developer

The parent property (Portion 69 of the farm Koedoespoort 325-JR) is registered in the name of Pieter Schalk and Karla Petro van Heerden. Application is being made on their behalf.

1.4.2 Consultants

The owners have signed a special power of attorney authorising the firm to act on their behalf with regards to the proposed amendment and finalisation of the approved township.

[ANNEXURE 'G' : SPECIAL POWER OF ATTORNEY]

1.5 JURISDICTION

The subject property on which the township Queenswood Extension 14 has been approved is situated in the area of jurisdiction of the City of Tshwane Metropolitan Municipality (CTMM).

2 THE PROPERTY

2.1 DESCRIPTION

The township of Queenswood Extension 14 has been approved on a part of the property described in title deed T26231/2014 as follows:

"PORTION 69 OF FARM KOEDOESPOORT 325 REGISTRATION DIVISION JR, PROVINCE OF GAUTENG"(p 2)

Reference to the part of the property on which the township will be developed in the balance of the memorandum will be as 'the Property', 'site' or 'development site'.

Reference to the township of Queenswood Extension 14 in the balance of the memorandum will be as 'the township' or 'Extension 14' and the erven in the township by their reserved erf numbers, i.e. 'Erf 1403', 'Erf 1404' or collectively as 'the Erven'.

[ANNEXURE 'H' : REGISTERED TITLE DEED COPY]

2.2 SIZE

The parent property is 3,0529 hectares in extent. The township of Queenswood Extension 14 extends to approximately 1,8800 hectares of Portion 69.

2.3 LOCALITY

2.3.1 Urban context

The township is situated in an area to the north-east of central Tshwane which is bounded by the following major roads:

- **East** : CR Swart Drive (M22- route)
- **South** : Stanza Bopape Street (R 104-route)
- **West** : Gordon Drive (M7-route)
- **North** : Soutpansberg Road (M22-route)

FIGURE 1a : LOCALITY IN URBAN CONTEXT

2.3.2 Local context

The following neighbouring properties define its locality in local context:

- **North** : Queenswood Extension 13 (in process)
- **East** : Portions 3, 4, 5, R/6, 10 and R/9 of Erf 1011 in the township of Queenswood (Proper)
- **South** : Portion 29 of the farm Koedoespoort 325-JR and Portion R/6 of the farm Koedoespoort 456-JR
- **West** : Erven 1033, 2/1040 and R/1040 in the township of Queenswood Extension 1

FIGURE 1b : LOCALITY IN LOCAL CONTEXT

2.4 SHAPE AND DIMENSIONS

The shape of the property approaches that of a rectangle with an additional point along the southern boundary, with the sides³ measuring as follows:

- **North** : 96 metres
- **East** : 187 metres
- **South-east** : 71 metres
- **South-west** : 28 metres
- **West** : 196 metres

2.5 OWNERSHIP

As mentioned in para 1.4.1 the Property (Portion 69 of the farm Koedoespoort 325-JR) is registered in the name of Pieter Schalk and Karla Petro van Heerden. The owners of the Property are also the owners of the townships of Queenswood Extensions 13 and 14, the latter being the subject of the present application.

2.6 MORTGAGE BONDS

The properties are not subject to a mortgage bond registered in favour of a financial institution or any other party.

2.7 MINERAL RIGHTS

The Department of Mineral Resources (DMR) has given its official consent for the establishment of the townships of Queenswood Extensions 13 and 14 on 13 March 2010.

[ANNEXURE 'I' : MINERAL RIGHTS HOLDER'S CONSENT]

The letter indicates that the consent is valid for a period of five years after issuing (i.e. until 13 March 2015). Application has therefore been made to the DMR to request the Department's consent again or for the original consent to be extended for a further period.

[ANNEXURE 'J' : APPLICATION TO THE DMR FOR MINERAL RIGHTS HOLDER'S CONSENT]

2.8 CONDITIONS OF TITLE AND SERVITUDES

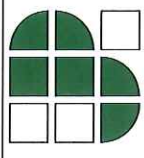
2.8.1 Existing conditions and servitudes

The conditions of title have been dealt with appropriately in Sections 1.2 and 2.3 of the approved establishment conditions of Queenswood Extension 14 (refer Annexure 'B' pp 1 and 3). The conditions of title that will be cancelled deal with servitudes applicable to an original parent property, of which Portion 69 forms a subsequent subdivision and which do not affect the township.

³ These measurements are approximate and are subject to a final survey.



FIGURE 1b: LOCALITY IN LOCAL CONTEXT
 PROPOSED AMENDMENT OF APPROVED TOWNSHIP: QUEENSWOOD EXTENSION 14 ON PART OF PORTION 69 OF THE FARM KOEDOESPOORT 325-JR



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2.8.2 New conditions and / or servitudes

Four new servitudes will be registered either against or in favour of the township for proper functioning of the erven in same, some of which have already been included in the original approval of Extension 14. The servitudes to be registered include *inter alia*:

- An access / right-of-way, engineering services and refuse storage servitude over Erven 1/1402 and 2/1402, Queenswood Extension 13 in favour of Erven 1403 and 1404, Queenswood Extension 14.
- An access / right-of-way and engineering services servitude over Erf 2/1402, Queenswood Extension 13 in favour of Erven 1403 and 1404 Queenswood Extension 14.
- An access / right-of-way and engineering services servitude over Erf 1403, Queenswood Extension 14 in favour of Erven 1/1402 and 2/1402, Queenswood Extension 13.
- A varying-width access / right-of-way and engineering services servitude over Erf 1403, Queenswood Extension 14 in favour of Erf 1404, Queenswood Extension 14.
- An environmental conservation easement / servitude over Erf 1404, Queenswood Extension 14.

These servitudes have been depicted on the amended township layout plan (figure 2).

3 EFFECT OF THE APPLICATION FOR AMENDMENT OF THE APPROVED TOWNSHIP

In order for the township to be amended for purposes of accommodating an additional six dwelling-houses (i.e. the right to erect one dwelling house on the property has already been approved) and the protection of the conservation areas identified on site, requires the amendment of the conditions of establishment and the imposing and approval of development controls.

3.1 TOWNSHIP LAYOUT PLAN

The township layout plan will change, as follows:

- The hatch denoting the areas to be conserved, as required by the Environmental Management Department to be amended to show the areas identified on-site (denoted by the green line of the architect's draft site plan – Annexure 'D');
- The zoning description in the land-use table;
- The panhandle of Erf 1404 to fall away and be replaced by a servitude of access over erven in the north-lying Queenswood Extension 13 and Erf 1403 in favour of Erf 1404⁴; and
- The plan number.

3.2 THE CONDITIONS OF ESTABLISHMENT

In terms of the conditions of establishment, this requires the amendment of Section 4, in particular Condition 4.2. The proposed changes will take the form of partially revised development parameters, as follows:

3.2.1 Erf 1403, Queenswood Extension 14

1	Use Zone	II: Group Housing
2	Uses permitted	Table C, Column 3
3	Uses with consent	Table C, Column 4; excluding one additional dwelling house.
4	Uses not permitted	Other uses not in Columns 3 and 4
5	Definitions	Dwelling units as per Schedule IIIC, excluding Condition 2.
6	Density	23 dwelling units per hectare (maximum 14 dwelling-units)
7	Coverage	In accordance with the approved site development plan.
8	Height	The height of the dwelling-houses shall not be more than two storeys, provided that a second storey shall only be allowed if the Municipality is satisfied that such additional storey will not detrimentally affect the privacy of the adjoining property owners.
9	Floor space ratio	In accordance with the approved site development plan.
10	Site development plan and landscape development plan	(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably

⁴ This has come about due to the applicant undertaking a thorough site investigation and determining that the panhandle linking the development to the public road system via the reciprocal access servitudes in Queenswood Extensions 13 and 14, was in fact too steep in its existing position and that the eastern boundary where the servitude is being proposed is much gentler.

		<p>qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) An approved site development plan shall only be amended with the consent of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.</p>
11	Building-lines	<p>(1) A building-line of 2 metres shall be applicable along Edgehill Lane.</p> <p>(2) Other building-lines as per approved site development plan.</p>
12	Parking requirements	Table H1
13	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.
14	Access to the Erf	Entrances to and exits from the Erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
15	Loading and off-loading	All loading and off-loading activities shall take place on the Erf
16	Turning facilities	Turning space for light vehicles shall be provided on the Erf to the satisfaction of the Municipality: Provided that this requirement may be relaxed with the consent of the Municipality, (excluding of the provisions of Clause 18 of the Pretoria Town-Planning Scheme, 1974)
17	Physical barriers	Physical barriers shall be erected and maintained on the street boundaries of the Erf (approved entrances and exits excluded) to the satisfaction of the Municipality.
18	Health measures	<p>(1) Any requirements for air pollution-, noise abatement- or health measures set by the Municipality shall be complied with to the satisfaction of the Municipality without any expense to the Municipality</p> <p>(2) No air-conditioning units or compressors may be mounted to the exterior walls of buildings without the prior consent of the Municipality.</p>
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the Erf without the written consent of the Municipality first being obtained in terms of the municipal by-laws for outdoor advertising.
20	General	(1) Each dwelling-unit shall have direct access to its own private adjoining

	garden to the satisfaction of the Municipality.
(2)	That portion of the Erf between the building(s) and the street boundary which is not used for traffic purposes, shall, within six months from the date on which the Erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.
(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 consent thereto.
(4)	An engineer must 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, he must certify that all his specifications have been met.
(5)	Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval, and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.
(6)	In addition to the above conditions the Erf and buildings thereon are further subject to the general provisions of the Pretoria Town-planning Scheme, 1974.

3.2.2 Erf 1404, Queenswood Extension 14

1	Use Zone	II: Group Housing
2	Uses permitted	Table C, Column 3
3	Uses with consent	Table C, Column 4; excluding one additional dwelling house.
4	Uses not permitted	Other uses not in Columns 3 and 4
5	Definitions	Dwelling units as per Schedule IIIC, excluding Condition 2.
6	Density	6 dwelling units per hectare (maximum seven dwelling-units)
7	Coverage	In accordance with the approved site development plan.
8	Height	The height of the dwelling-houses shall not be more than three storeys, provided that a third storey shall only be allowed if the Municipality is satisfied that such additional storey will not detrimentally affect the privacy of the adjoining property owners.
9	Floor space ratio	In accordance with the approved site development plan.
10	Site development plan and landscape development plan	(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans. (2) The landscaping in terms of the landscape development plan, shall be completed by completion

		<p>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) An approved site development plan shall only be amended with the consent of the Municipality and building plans which do not comply with the proposals and conditions as set out in the approved site development plan, will not be approved by the Municipality.</p>
11	Building-lines	In accordance with the approved site development plan.
12	Parking requirements	Table H1
13	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.
14	Access to the Erf	Entrances to and exits from the Erf shall be sited, constructed and maintained to the satisfaction of the Municipality.
15	Loading and off-loading	All loading and off-loading activities shall take place on the Erf
16	Turning facilities	Turning space for light vehicles shall be provided on the Erf to the satisfaction of the Municipality: Provided that this requirement may be relaxed with the consent of the Municipality, (excluding of the provisions of Clause 18 of the Pretoria Town-Planning Scheme, 1974)
17	Physical barriers	<p>(1) Physical barriers shall be erected and maintained on the street boundaries of the Erf (approved entrances and exits excluded) to the satisfaction of the Municipality.</p> <p>(2) Appropriate fencing should be provided along the southern boundary of the Erf abutting the conservation area to allow for migration of smaller animals between the Erf and Portion 29 of the farm Koedoespoort 325-JR (e.g. palisade-type fencing).</p>
18	Health measures	<p>(1) Any requirements for air pollution-, noise abatement- or health measures set by the Municipality shall be complied with to the satisfaction of the Municipality without any expense to the Municipality</p> <p>(2) No air-conditioning units or compressors may be mounted to the exterior walls of buildings without the prior consent of the Municipality.</p>
19	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the Erf without the written consent of the Municipality first being obtained in terms of the municipal by-laws for outdoor advertising.
20	General	<p>(1) The development of the Erf shall be preceded by a site and landscape Development Plan, incorporating a rehabilitation plan and proposals for approval by the Environmental Open Space Management Section of the Municipality.</p>

	<p>(2) Each dwelling-unit shall have direct access to its own private adjoining garden to the satisfaction of the Municipality.</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 consent thereto.</p> <p>(4) An engineer must 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, he must certify that all his specifications have been met.</p> <p>(5) Proposals to overcome detrimental soil conditions to the satisfaction of the Municipality shall be contained in all building plans submitted for approval, and all buildings shall be erected in accordance with the precautionary measures accepted by the Municipality.</p> <p>(6) In addition to the above conditions the Erf and buildings thereon are further subject to the general provisions of the Pretoria Town-planning Scheme, 1974.</p>
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The applicant has revised the approved township layout plan to reflect the amendments described above. The applicant has also updated the approved conditions of establishment in a similar manner (refer figure 2 overleaf).

FIGURE 2 : REVISED TOWNSHIP LAYOUT PLAN

[ANNEXURE 'K' : AMENDED CONDITIONS OF ESTABLISHMENT]

3.3 TOWNSHIP LAYOUT

The amendment has resulted in a small change to the area of the erven in the township, as follows:

TABLE 1 : EXTENT OF ERVEN

ERF NUMBER	AREA	
	Ha	%
Erf 1403	0,6177	32,86
Erf 1404	1,2623	67,14
TOTAL	1,8800	100,00

Erven 1403 and 1404 will not be consolidated, but will be developed as two separate enclaves, each with its own unique architectural style, finishes and target market. The two built environment enclaves will be separated by the conservation easement / servitude over Erf 1404, to protect the natural environment component.

Access to Erven 1403 and 1404 from the public road network (Edgehill Lane) will be derived *via* the reciprocal access / right-of-way, engineering services and refuse storage servitude over the adjoining Queenswood Extension 13. Access to Erf 1404 will further be subject to the registration of a similar servitude but over Erf 1403 in favour of Erf 1404.



SERVITUDE NOTES:

- FIGURE defghjka DENOTES AN ACCESS / RIGHT-OF-WAY, ENGINEERING SERVICES AND REFUSE STORAGE SERVITUDE OVER ERVEN 1/1402 AND 2/1402, QUEENSWOOD EXTENSION 13 IN FAVOUR OF ERVEN 1403 AND 1404, QUEENSWOOD EXTENSION 14.
- FIGURE jpbk DENOTES AN ACCESS / RIGHT-OF-WAY AND ENGINEERING SERVICES SERVITUDE OVER ERF 2/1402, QUEENSWOOD EXTENSION 13 IN FAVOUR OF ERVEN 1403 AND 1404 QUEENSWOOD EXTENSION 14.
- FIGURE Akimno DENOTES AN ACCESS / RIGHT-OF-WAY AND ENGINEERING SERVICES SERVITUDE OVER ERF 1403, QUEENSWOOD EXTENSION 14 IN FAVOUR OF ERVEN 1/1402 AND 2/1402, QUEENSWOOD EXTENSION 13.
- FIGURE kbqrstl DENOTES A EIGHT METRE WIDE ACCESS / RIGHT-OF-WAY AND ENGINEERING SERVICES SERVITUDE OVER ERF 1403, QUEENSWOOD EXTENSION 14 IN FAVOUR OF ERF 1404, QUEENSWOOD EXTENSION 14.
- FIGURE uvwxyz aa ab ac ad ae DEF af ag ah aj r DENOTES AN ENVIRONMENTAL CONSERVATION EASEMENT/SERVITUDE OVER ERF 1404, QUEENSWOOD EXTENSION 14 IN FAVOUR OF THE BODY CORPORATE.

NOTES:

- APPROXIMATE AREAS AND MEASUREMENTS SHOWN ONLY
- BOUNDARY OF TOWNSHIP: ABCDEF
- TITLE DEED NUMBER: T26231/2014
- MINIMUM ERF SIZE: 0,6177 Ha
- MAXIMUM ERF SIZE: 1,2623 Ha
- MINIMUM STREET GRADIENT: NOT APPLICABLE
- MAXIMUM STREET GRADIENT: NOT APPLICABLE
- TOTAL LENGTH OF STREET: NOT APPLICABLE
- NHBCR GEOLOGICAL SITE CLASS

FLOOD-LINE:

I HEREWITH CERTIFY THAT THE PROPOSED TOWNSHIP IS NOT AFFECTED BY THE 1:50 AND 1:100 YEAR FLOOD LINE IN TERMS OF THE PROVISIONS OF ARTICLE 144 OF THE WATER ACT 1998 (ACT 36 OF 1998)

PR. ENG.

[Signature]

7/5/10
DATE

CONTOUR SURVEY:

I HEREWITH DECLARE / CERTIFY THAT THE CONTOUR SURVEY ADHERES TO THE REQUIREMENTS FOR TOWNSHIP ESTABLISHMENT IN TERMS OF THE ORDINANCE ON TOWNPLANNING AND TOWNSHIPS, 1986 (ORD 15 OF 1986)

LAND SURVEYOR

[Signature]

05/05/2010
DATE

LAND-USE TABLE

ERF NUMBER	AREA		ZONING
	(ha)	(%)	
1403	0,6177	32,86	GROUP HOUSING (25 du/ha)
1404	1,2623	67,14	GROUP HOUSING (5,6 du/ha)
TOTAL	1,8800	100,00	

APPLICABLE NHBCR SITE CLASS DESCRIPTIONS:

Typical founding material	Character of founding material	Expected range of total soil movements (mm)	Assumed differential movement (% of total)	Site class
Rock (excluding mud rocks which may exhibit swelling to some depth)	Stable	Negligible	-	R
Silty sands, sands, sandy and gravelly soils	Compressible and potentially collapsible soils	<5 >10	75% 75%	C C2
Fine grained soils (clayey silts and clayey sands of low plasticity), sands, sandy and gravelly soils	Compressible soils	<10 >20	50% 50%	S S2

PROJECT:

PROPOSED AMENDMENT OF APPROVED TOWNSHIP:
QUEENSWOOD EXTENSION 14 ON PART
OF PORTION 69, FARM KOEDDOESPOORT 325-JR

LOCALITY PLAN: NOT TO SCALE

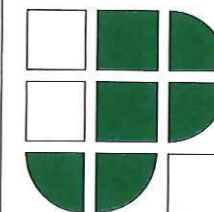


LOCAL AUTHORITY:

CITY OF TSHWANE
METROPOLITAN MUNICIPALITY
P.O. BOX 3242
PRETORIA
0001

APPLICANT:

MR AND MRS P S VAN HEERDEN
P O BOX 531
BERGVLEI
2012



J PAUL VAN WYK

URBAN ECONOMISTS &
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DRAWN

CVW

UOS

FIGURE

SCALE
1:1000 (A3)

DATE
2014/10/16

CAD erf1403_1404qw
NO. 12-layout06

2

DESIGN
J.P. van Wyk

CONTOUR INT.
0,5m

PLAN NUMBER
K13/2/QUEENSWOOD X 14/05

The township layout plan also reflects the proposed edge of the conservation area *vis-a-vis* the proposed development area over Erf 1404, the latter being the area with the greatest environmental degradation with little (if any) prospect of rehabilitation as determined by the independent environmental consultant.

3.4 DEVELOPMENT CONCEPT AND CONFIGURATION

Messrs Minnaar and Minnaar Architects have prepared a draft site plan to depict a typical layout for Erven 1403 and 1404 with regards to the following aspects:

- The two development enclaves, with the typical "townhouse" units on Erf 1403 and free standing units on Erf 1404;
- The revised conservation area as determined by dr Gwen Theron in conjunction with the project architects, and the position of the proposed dwelling units *vis-a-vis* same.

The township owners are committed to ensure that the environment created within the easement servitude is responsibly linked to the areas between the dwelling-units to ensure an ideal balance.

3.5 PUBLIC PARTICIPATION

It is the applicant's contention that the proposed amendment of the approved township, especially in terms of the amendments being made to the development control parameters of Erf 1404 is material as it is in effect increasing the development potential of this property. It would therefore be necessary to re-advertise the township, under the guidance of the City of Tshwane Metropolitan Municipality, in terms of the requirements of the Ordinance.

4 MOTIVATION OF MERIT

4.1 PRECEDING SECTIONS

The motivation of the proposed technical amendment of the approved township, and the division of township has been addressed to a large degree already in preceding sections of the memorandum. For a full comprehension of the merit of the application the memorandum should therefore be read in its entirety. This includes the need, desirability and sustainability.

4.2 NEED, DESIRABILITY AND SUSTAINABILITY

4.2.1 Need

- **Development and conservation**

The availability of developable land in an already well-established township such as Queenswood and Extensions is extremely rare. The parent property has for a long time remained undeveloped by the previous land-owner. The cost of maintaining such a large portion of land within the urban edge / confines of the suburban area of Queenswood is high and was no longer viable.

The previous land-owner commenced with a township establishment process that culminated in the approval of the township Queenswood Extension 12. This township was subjected to a number of objections from land-owners in the area who did not want to see the development of the property for various reasons and therefore it took a couple of years for the township to be approved.

As discussed earlier, the CTMM: Environmental Management Department required the preservation of part of the parent property and made it a condition of approval of the original township of Queenswood Extension 12 which has carried over subsequently to division of the township in Extensions 13 and 14. The applicant is in agreement that in general terms the conservation of areas that are pristine and form part of a pre-determined larger network of open space should be protected as far as possible.

The part of the property that the Department required to be protected however, on detailed investigation by an independent environmental consultant and a specialist botanist has been found not to be pristine and conservation worthy. This has also been confirmed by the support of GDARD for development of the overall property. There are however pockets that the specialist environmental practitioner has identified on site that should preferably be conserved and rehabilitated.

Unfortunately, maintaining land for conservation / protection of the natural environment is an expensive exercise and especially when looking at the cost within an urban context as in the present case. In order to balance this, there has been a worldwide shift in thinking to allow limited development in order to fund conservation. In the United States of America they call this "conservation development" where limited sustainable development is allowed and it is characteristic of having a certain percentage of a development dedicated for open space purposes. It is

important to also note here that the officially adopted definition of "sustainable development" is "... *development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.*" (Brundtland Report, 1987). Furthermore it is important to remember that sustainable development has four pillars on which it stands: i.e. social, economic, cultural and environmental and these should work hand in hand. The present application for the development of Erf 1404 for limited residential purposes complies with these requirements.

- **A variety of residential typologies**

The need for the proposed amendment of the township is a function of the active demand exerted by households for dwelling units in the greater Tshwane residential property market.

The type of residential unit is again a function of the:-

- stage of the household in the family cycle; and
- the socio-economic status of the household.

Furthermore a property or dwelling located at the right address and in close proximity to access routes (for those residents who would need to commute to other areas of Tshwane or Gauteng) would attract certain residents. Similarly with regards to the values of families and their concern for safety of their families (where smaller dwellings within a complex give a better sense of security), the protection of the environment and / or the feeling of peace exuded by a secluded home while maintaining the ease of accessibility of same.

There has been an increased demand for residential dwelling-units in the Queenswood area as it is seen as one of the old established suburbs in Tshwane where large single residential stands exist with opportunities for densification. The market here has increased due to the ease of access to major routes in the area (e.g. Soutpansberg Road, Gordon Drive, etc.), the fantastic view northwards and the tranquility of the suburb with well-established tree-lined streets.

The present amendment of township application will respond to not only one potential market segment, but two. In terms of the approval of Queenswood Extension 14, Erf 1403 can accommodate up to 25 dwelling-units per hectare, typically a cluster / group housing complex with a selection of two- and three-bedroom dwellings. This part of the overall development will appeal to both the young individual / family (two bedroom unit) as well as the family with smaller children (two- and three-bedroom units).

The much bigger and more exclusive residential homes being proposed to be developed on a certain part of Erf 1404, will be aimed at serving in the market need for the more mature family who has already accumulated a higher socio-economic standing in society. These residential units will be

nestled in nature, enjoying panoramic views northwards, representing a much sought-after lifestyle for the more discerned market niche.

The demand for housing, in general, is propelled by normal population growth, accelerated by a net in-migration of rural families to metropolitan cities, serves as further underlying reasons for the present application.

4.2.2 Desirability

The desirability of the proposed amendment has already been discussed in previous sections of the memorandum and can be summarized / expanded as follows:

- **Proximity**

The development site is in close proximity to the Hatfield growth node (a mere 2,5 kilometres) as well as the Central Business District (CBD). This has the advantage of creating opportunities for permanent residential accommodation for the families of owners, managers and employees in the business sector of the growth node, within easy traveling distance / time and close to public transport routes. This is also applicable to social and recreational amenities.

- **Accessibility**

This is applicable on an urban (macro) as well as a micro level where the erven are accessed from the higher-order roads located in the area, including the north/south N1-National Route east of the development site, the east/west N4 National Route to the south, as well as the intersection of the mentioned N1 and M4 National Routes (with traffic transferability opportunities). On a slightly lower level, accessibility is enhanced by the following roads:

- CR Swart Drive (M22-route)
- Soutpansberg Road (M22-route)
- Stanza Bopape Street (R104-route)
- Pretoria Street (R104-route)
- Cussonia Road (M16-route)
- Gordon Drive, Stead Avenue (M7-route)
- Nico Smith Street (M8-route)
- Meiring Naude Drive (M16-route)

These roads facilitate access to/from the development site from a variety of potentially related urban precincts and/or land use activities, for example: Steve Biko Hospital (westward), Silverton and Koedoespoort industrial areas (east- and northwards) and Menlyn Shopping Centre (south-eastward).

- **Densification**

Densification is encouraged within the urban edge of the City of Tshwane within existing suburban areas like Queenswood to curtail urban sprawl and horizontal growth of cities. The reason for encouraging densification in existing urban areas is due to the premium at which available land and associated engineering services in these areas come and as a way to manage these costs within a confined area such as within an urban or development edge.

The development density of 25 dwelling units per hectare over Erf 1403 is on par with the policy for suburban densification as contained in the Regional Spatial Development Framework (RSDF) for the area while still taking the site topography and its natural attributes in account, and is compatible with the densification already happening in the area.

The density over Erf 1404 will be much lower than that allowed for in the RSDF due to parts of the property having a steep topography and associated rock out-crops. Therefore, in order to enhance the part of the property that has natural vegetation that should be rehabilitated and preserved. The dwelling-units here will be positioned carefully to ensure minimal disturbance of the part of the natural environment that is preservation-worthy, simultaneously also creating an exclusive low-impact village character aimed at the upper-end of the residential property market with magnificent and undisturbed views northwards as a result of the gradient. The dwellings here will be placed on platforms where the vegetation is no longer pristine or has been destroyed.

It is also as a result of the location of the site in the wider context where proximity to facilities and accessibility are desired.

In addition there is also the aspect of the approved township being subject to the erecting of a semi-permeable boundary along its edges to allow for migration of animals where it becomes an issue when in the context it is impossible to dictate same to the adjacent land-owners who have already erected high boundary walls as a means to securing their properties from unwanted intruders as well as for privacy. As mentioned the land-owners are more than willing to accommodate the migration of small animals to / from the area but can only control a small part of their boundary for same along the shared boundary with the Municipal property to the south.

4.2.3 Sustainability

With the coming into operation of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] on 01 July 2015 land development applicants seeking to procure new development rights are obliged to demonstrate compliance with the relevant development principles as set out in Chapter 2 (Section 7) of SPLUMA.

These principles apply throughout the Republic of South Africa. Not all the general principles are usually applicable to a particular case and the applicant contends that the following apply to the application at hand:

- **Principle of spatial justice**

- (a) *The principle of spatial justice, whereby—*

- (i) *past spatial and other development imbalances must be redressed through improved access to and use of land;*

- (ii) *spatial development frameworks and policies at all spheres of government must address the inclusion of persons and areas that were previously excluded, with an emphasis on informal settlements, former*

homeland areas and areas characterised by widespread poverty and deprivation;

- (iii) spatial planning mechanisms, including land use schemes, must incorporate provisions that enable redress in access to land by disadvantaged communities and persons;*
- (iv) land use management systems must include all areas of a municipality and specifically include provisions that are flexible and appropriate for the management of disadvantaged areas, informal settlements and former homeland areas;"*

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

The proposed residential estate is seen as a culmination of the integration of the social, economic, institutional and physical aspects of land development. The social amenities (parks, shops, etc.) in close proximity, will inherently facilitate social integration and the general sharing of a lifestyle between all races and creeds of all economic standings. Similarly with regards to employment opportunities, that will result during the construction phase as well as during the operational phase with the employment of security staff, domestic workers, a caretaker and gardeners.

It will also create a diversification in the area in terms of the variety of building typologies and sizes.

In the present case these prerequisites are present for the urban development being proposed, as part of the formal economy and spatial structure of the CTMM.

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

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

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

The proposed development is not based solely on the value of the property on which it is being proposed but due to its many advantages, location, the better utilisation of valuable land within the urban area, the creation of viable environmental and related spaces and places, etc.

- **Principle of spatial sustainability**

- "(b) *the principle of spatial sustainability, whereby spatial planning and land use management systems must—*

- (i) *promote land development that is within the fiscal, institutional and administrative means of the Republic;"*

The development is a private initiative with no appeal on public funding. It will however enhance the financial wellbeing of the Municipality through the development as it will result in additional rates and taxes for the Municipality to spend in the localized area and also to uplift communities (i.e. it will have a public interest benefit).

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

The new development will constitute in-fill development, as the adjacent properties / surrounding area is already well established as a predominately residential area. Furthermore, the development is a densification of land-uses compared to the prevailing single residential stands in the immediate area. This is in line with the 'smart growth' principle of compaction and densification.

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

No appeals would be made on scarce and / or valuable agricultural land and the conservation-worthy part of Erf 1404 as identified on site will be retained. The township is situated within the urban edge and is already surrounded by urban development and linked to the municipal engineering supporting services.

The proposed development serves to optimize the use of land, bulk infrastructure, roads and transportation facilities.

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

In terms of the application process that is being followed the comments from internal departments of the CTMM will need to be complied with to satisfy same before being approved. This will include the requirements of

the Environmental Management Department as well as the Building Control Office who have policies with regards to environmental green practices.

The applicant will implement mitigation measures, if required, to enhance environmental sustainability.

The township of Queenswood Extension 14 is not underlain by unstable ground conditions / hazardous geological sub-strata or affected by the floodplains of watercourses. Neither is it undermined.

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

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

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

The development project will be efficient and well-integrated with existing social, economic and physical aspects of the part of City of Tshwane where it is situated, within the context of a well-functioning institutional establishment (can be considered as looking at the greater public interest of the area). It will *inter alia* be linked to and integrated with the existing municipal infrastructural services (roads, water, sanitation, electricity and stormwater) prevalent in the area. Furthermore will it blend with the surrounding context. It will also take cognizance of and preserve the environmental sensitivity of part of Erf 1404 as determined by the environmental consultant, by registration of a conservation easement / servitude.

Existing bulk infrastructure, roads and social facilities will also be better utilized as a result of the estate.

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

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

As mentioned above under the discussion of Section 7(b)(ii), no appeals would be made on scarce and / or valuable agricultural land, the conservation worthy part of Erf 1404 as identified on site will be retained.

The township is situated within the urban edge and is already surrounded by urban development and linked to the municipal engineering supporting services. Urban sprawl will therefore not come into play.

Furthermore, the proposed development will be an in-fill development transforming the development potential of the site from being only viable for a single residential dwelling to that of seven additional dwellings and thereby assist with minimising urban sprawl.

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

In addition to the comments already made, the proposed development is foreseen to add to the image of the urban communities through offering of an up-scale development. Furthermore by densifying an area it results in a more cohesive community than individual dwellings each on a separate erf. 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 Queenswood area.

A viable community does not only consist of a single land-use in an area but a variety of land-uses for work, play and sleep and opportunities of different sizes and typologies, thus looking at the importance of public interest where the development will have many a positive spinoff for the area.

- **Principle of efficiency**

"(c) the principle of efficiency, whereby—

(i) land development optimises the use of existing resources and infrastructure;

(ii) decision-making procedures are designed to minimise negative financial, social, economic or environmental impacts;"

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

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

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

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

- **Principle of spatial resilience**

"(d) the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are

accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks;"

This is a Municipal responsibility. Flexibility has been incorporated within the future planning documentation applicable to the present application. This is important and we trust the CTMM will evaluate our application in terms of the statutory frameworks that govern such applications.

- **Principle of good administration**

"(e) the principle of good administration, whereby—

(i) all spheres of government ensure an integrated approach to land use and land development that is guided by the spatial planning and land use management systems as embodied in this Act;

(ii) all government departments must provide their sector inputs and comply with any other prescribed requirements during the preparation or amendment of spatial development frameworks;"

Agreed. This is largely a Municipal responsibility.

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

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

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

"(iv) the preparation and amendment of spatial plans, policies, land use schemes as well as procedures for development applications, include transparent processes of public participation that afford all parties the opportunity to provide inputs on matters affecting them; and

(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public."

The Act allows for ample participation by the community (protecting public interest in terms of the public having an opportunity to comment on the application) in the planning approval process for the proposed amendment of the township of Queenswood Extension 14. The proposal will thus be subjected to a public participation process as part of the application process in compliance with statutory requirements. The applicant is aware of the

importance of public input in the decision-making process and intends pursuing constructive participation.

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

4.3 ENGINEERING SERVICES

The question of engineering services to the original township has been fully addressed, to the satisfaction of the CTMM as part of the township establishment application which served before the latter. Proof of the Municipality's satisfaction with the services provision is found in the fact that the township has been officially approved.

There will now however be an increase in demand for Municipal services due to the proposal including the erection of an additional six dwelling-units on Erf 1404 (as one dwelling-unit could already be erected on Erf 1404 in terms of the approved township). The project engineers have investigated the increased demand for the township and confirmed that the revised township could be fully serviced with municipal services. With Queenswood Extension 13 currently being finalized and implemented, it was decided to "right-size" the bulk link-services appropriately to provide sufficient capacity for the development of the entire Queenswood Extension 14 already at this stage.

4.4 ENVIRONMENTAL MATTERS

As mentioned earlier, GDARD was in support of the development of 14 dwelling-units on Erf 1404 during the previous round of notification and based their findings on the township being established in an area surrounded by similar township developments.

The present application for the partial development of Erf 1404 will realize in a density of 6 dwelling units per hectare which is less than half of the previous density that GDARD supported.

5 CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

As is evident from the foregoing sections of the memorandum, there is a need for the revision / reconsideration of the conservation easement / servitude over Erf 1404 based on an *in loco* investigation, and preservation of this area can be balanced with a limited amount of development on the less conservation-worthy portion of the Erf. Furthermore the desirability and sustainability of the proposal has been proven.

5.2 RECOMMENDATION

In light of the above we hereby wish to request your favourable consideration and approval of the proposed amendment of the approved township of Queenswood Extension 14 made in terms of Section 100 read with Sections 98(5) and 96(1) of the Ordinance, read together with the relevant provisions of SPLUMA, entailing:-

- the revision of the demarcation of the conservation easement / servitude over Erf 1404;
- the land-use rights to develop seven dwelling-units on a limited part of Erf 1404 not subject to the proposed conservation easement servitude;
- the repositioning of erf boundaries between Erven 1403 and 1404 to exclude the panhandle currently forming part of Erf 1403; and
- the extension of the existing access / right-of-way servitude over Erf 1403 along the eastern boundary of the township;

as manifested in the revised township layout plan and conditions of establishment, attached hereto for your consideration and approval.



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

in conjunction with

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

NOVEMBER 2015