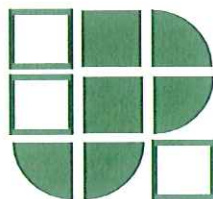


MEMORANDUM

**MOTIVATION OF MERIT OF PROPOSED
TOWNSHIP ESTABLISHMENT ON
REMAINDER PORTION 89, FARM
NOOITGEDACHT 268-IT, MSUKALIGWA
LOCAL MUNICIPALITY, MPUMALANGA
PROVINCE.**

- PROPOSED ERMELO EXTENSION 47 -



J PAUL VAN WYK

*URBAN ECONOMISTS
& PLANNERS CC*

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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

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April 2014

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TOWNPLANNING MEMORANDUM

MOTIVATION OF MERIT OF PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER PORTION 89, FARM NOOITGEDACHT 268-IT, MSUKALIGWA LOCAL MUNICIPALITY, MPUMALANGA PROVINCE.

- PROPOSED ERMELO EXTENSION 47 -

1. INTRODUCTION

1.1 APPLICATION

Application is hereby made for establishment of a township on the Remainder of Portion 89 of the farm Nooitgedacht 268-IT in Ermelo town in terms of Section 96(1) of the Townplanning and Townships Ordinance, 1986 (Ord 15 of 1986) ['the Ordinance'].

The township will be known as Ermelo Extension 47, the name and extension number reservation which have been confirmed in writing by a representative of the Msukaligwa Local Municipality (MLM) in a letter dated 2 April 2014.

[ANNEXURE 'A' : TOWNSHIP NAME AND NUMBER
RESERVATION]

1.2 PURPOSE

1.2.1 Development rights

The purpose with the application is to obtain the necessary development rights to establish and operate a new regional shopping centre on the property concerned.

1.2.2 Memorandum

The memorandum has the following purpose, *viz* to:-

- * collate all relevant information in a cohesive document;
- * formulate a township development proposal and layout plan;
and
- * motivate the merit of the development proposal from a need and desirability perspective in accordance with Regulation 18 of the Ordinance.

1.3 APPLICANT

1.3.1 Property owners

The registered owners of the property under consideration known as Die Ermelo Distrikslandbou-Unie ['EDLU'] authorized the current townplanning application to be made on its behalf.

1.3.2 Lessee

A private company registered at the Companies and Intellectual Property Commission (CIPC) as Stylestar Investments (Pty) Ltd (Reg No 2008/003442/07) [‘Stylestar’] has entered into a long term lease agreement with the EDLU in terms of which the company has secured the right to establish and operate a shopping centre on the property concerned for a sixty year period.

1.3.3 Representative

The EDLU has authorized the representatives of Stylestar who has in turn authorized the firm J Paul van Wyk Urban Economists and Planners cc (herein represented by J Paul van Wyk Pr Pln (A 089/1985) to undertake the application for township establishment on its behalf.

[ANNEXURE ‘B’ : ERMELO DISTRIKSLANDBOU-UNIE AND COMPANY RESOLUTIONS AND SPECIAL POWER OF ATTORNEY]

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

- * Project Manager : C J (Lampies) Lamprecht of the Moolman Group
- * Environmental practitioner : Dr Gwen Theron of LEAP
- * Electrical engineer : Wirjan Joubert of SVR Consulting Engineers
- * Civil engineer : Leon Wentzel of CivilConsult Consulting Engineers
- * Land-surveyor : Robin Buckley of Buckley & Strydom Land-surveyors
- * Transportation engineer : Francois Janse van Vuuren of WSP Consulting Engineers
- * Architect : Lars Franzsen of Lars Franzsen Architects
- * Engineering geologist : Louis Kruger of Louis Kruger Geotechnics
- * Conveyancing attorney : Roelof Grové of Adams & Adams Attorneys

1.4 JURISDICTION

The property concerned is located within the municipal boundaries of the Msukaligwa Local Municipality (MLM) with decision-making authority with regards to the present application vested in the Msukaligwa Council.

2. PROPERTY PARTICULARS

2.1 DESCRIPTION

The property forming the subject of the present application for township establishment is held under Title Deed T 6075/1953 at the Deeds Office. Its official description confirmed in the Conveyancer's Report by mr Roelof Grové of Adams & Adams Attorneys is the following:

"REMAINING EXTENT OF PORTION 89 OF THE FARM NOOITGEDACHT 268 REGISTRATION DIVISION IT, PROVINCE OF MPUMALANGA"(unnumbered first page).

Reference to this property in the balance of the memorandum will be as 'the Property', 'subject property', 'Portion R/89', 'the site' or 'development site'.

[ANNEXURE 'C' : TITLE DEED AND CONVEYANCER'S REPORT]

2.2 EXTENT

The Property extends to 10,9677 hectares.

2.3 LOCALITY

2.3.1 Geographic coordinates

The approximate centre-point of the subject property is located at:-

- * South : 26° 32' 09,62"
- * East : 29° 59' 36,84"

2.3.2 Urban context

The subject property is situated in the central-eastern parts of the Ermelo town on the south-side of Voortrekker Avenue approximately 200 metres east of the main north / south – route (N11) through town known as De Emigratie (south of Voortrekker) and Church Street (north of Voortrekker). The historic central business district (CBD) of Ermelo is situated approximately six streetblocks (\pm 1 kilometre) north / northwestwards of the site.

[FIGURE 1a : LOCALITY IN URBAN CONTEXT]

2.3.3 Local scale

The subject property is bounded by the following roads, viz:

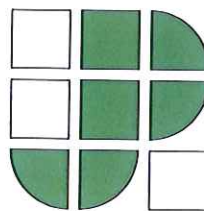
- * North : Voortrekker Avenue
- * East : Nederlandse Road and Dahlia Avenue
- * South : Juliana Avenue and Piekaar Avenue

REMAINDER OF PORTION 89, FARM NOOITGEDACHT 268-IT



FIGURE 1a: LOCALITY IN URBAN CONTEXT

PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER OF PORTION 89 OF THE FARM NOOITGEDACHT 268-IT



J PAUL VAN WYK

URBAN ECONOMISTS
& PLANNERS cc

TEL : (012) 996-0097
FAX : (086) 684-1263
CELL : (082) 893-7370
EMAIL: airtaxi@mweb.co.za

P.O. BOX 11522
HATFIELD 0028

Its western boundary is formed by two components, being a small shopping centre (northern part) and residential dwellings (southern part).

[FIGURE 1b : LOCALITY IN LOCAL CONTEXT]

2.4 SHAPE AND DIMENSIONS

The development site is irregular in shape but nevertheless represents a crude rectangle with its long sides (\pm 415m) orientated north / south and its short sides (\pm 280m) east / west.

Its shape and configuration lend it ideally for the envisaged development project.

[ANNEXURE 'D' : SURVEYOR GENERAL DIAGRAM]

2.5 OWNERSHIP

2.5.1 Deeds Office

As explained in para 1.3 *supra* the registered owners of the Property at the Deeds Office are (and will remain) the Ermelo Distrikslandbou-Unie.

2.5.2 Possession and control

Messrs Stylestar Investments (Pty) Ltd (Reg No 2008/003442/07) will by means of a long term lease agreement to be registered against the title deed of the Property obtain full possession and control of the subject property for a 60-year period.

2.6 MORTGAGE BONDS

There are no mortgage bonds registered against the subject property.

2.7 RESTRICTIVE CONDITIONS / SERVITUDES

As confirmed in the Conveyancer's Report (refer Annexure 'C') there are no restrictive conditions and / or servitudes registered against the Property.

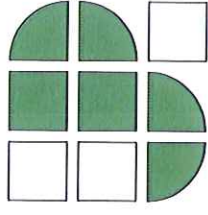
2.8 LEASE AGREEMENTS

The Ermelo Distrikslandbou-Unie has not entered into any lease agreements, verbal or otherwise, with regards to any of the land and/or buildings on the development site which are still current.

REMAINDER OF PORTION 89, FARM NOOITGEDACHT 268-IT

FIGURE 1b:
LOCALITY IN
LOCAL CONTEXT

PROPOSED TOWNSHIP
ESTABLISHMENT ON
REMAINDER OF PORTION
89, FARM NOOITGEDACHT
268-IT



J PAUL VAN WYK
URBAN ECONOMISTS
& PLANNERS cc

TEL : (012) 996-0097
FAX : (086) 684-1263
CELL : (082) 893-7370
E-MAIL: airtaxi@mweb.co.za

P O BOX 11522
HATFIELD
0028



3. ZONING AND LAND-USE

The current and future zoning (use-rights) and land-use on the subject property form the subject of the present section of the memorandum.

3.1 CURRENT ZONING

The Msukaligwa Local Municipality has in a Zoning Certificate dated 2 December 2013 confirmed the current zoning of the subject property to be Agricultural in terms of the Ermelo Town Planning Scheme, 1982 [ETPS]. The primary use-rights accruing to the Property by virtue of its current zoning allow for the following land-use activity to be conducted on the premises:

- * Agricultural buildings.

An agricultural building is defined in Clause 2 of the ETPS as follows:

"(A) building designed for use in connection with, and which is ordinarily incidental, or reasonably necessary in connection with the use of the land on which the building is sited as agricultural land, and may include a dwelling house"(p3)

[ANNEXURE 'E' : ZONING CERTIFICATE & EXTRACT FROM ETPS]

3.2 PRESENT LAND-USE

Portion R/89 has for many years been (and is still being) utilized as agricultural showgrounds. As such it is host to several buildings and other structures associated with the use of the Property for this purpose. Examples include the following:

- * Exhibition halls
- * Cattle enclosures and shelters
- * Stables and feeding pens
- * Fenced encampments
- * Administrative offices and ablutions
- * Spectator pavilions.

The site furthermore sponsors vast open spaces informally configured in a number of terraces connected by means of a gravel ring-road more or less around the outer-perimeter of the development site. The open space areas are interspersed with quite a few mature trees contributing to the desired character for the present use of the Property.

It was noted during a site visit on 27 November 2013 that the bulk of the buildings and stables on the southwestern parts of the site are

being used as equestrian facility, and seemingly also a riding school. Several horses have been observed of which some were saddled with riders and others that were merely lazing about grazing.

3.3 FUTURE USE

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

The proposed new shopping centre will ultimately extend to a total of 60 000m² gross floor area, which will be implemented in phases – the first development phase being in the order of 40 000m² gross floor area.

It is important to note that the application does not include the use-rights (now or in future) for a filling station or public garage. The applicant is of the opinion that the town is well-served by existing facilities in this regard and that additional rights for same may lead to over-trading of the market area.

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

3.4 ZONING REQUIRED

The new zoning to be bestowed on the subject property by virtue of Section 125 of the Ordinance to be promulgated in the Mpumalanga Provincial Gazette at the same time as the proclamation of the township can be described as follows:

Special (Use-zone 9 of the Ermelo Town Planning Scheme, 1982) for the following land-use purposes:

- (1) Business premises
"a building used as an office, warehouse or for other business purposes, but does not include a place of instruction or place of amusement or any building mentioned, whether by inclusion in or exclusion from the definition of "institution" or a building designed and used as a shop, place of refreshment, public garage, industrial building or noxious industrial building."

- (2) Supermarket
"land and buildings used for the business of offering for sale all merchandise normally sold in a supermarket, including but not limited to a butchery, a bakery, a fishmonger, delicatessen and with fresh fruit and vegetables, a dispensary in pharmaceutical and health products and a financial and / or post office counter".

- (3) Shop
"a building designed and used for purposes of carrying on retail trade and includes an industrial building or workshop ordinarily used in connection with, but which is subordinate to the conduct of the retail business therein."
- (4) Place of refreshment
"includes a restaurant, tea-room or coffee-house and means a building, which is not a hotel, residential club or boarding house, but which is designed and used for the preparation and sale of meals and refreshments, and may include the retail sale of fresh produce, mineral waters, tobacco, reading material and sweets."
- (5) Place of amusement
"includes a building designed for use or used as a public hall, theatre, cinema, music-hall, concert hall, billiard saloon, sports area, skating rink, dance hall, or for other recreational purposes or for the purpose of exhibitions of trade or industry and which is carried out with a view to profit."
- (6) Retail industry
"means, inter alia, catering, a confectionary, dress-making, and tailoring, engraving, instant printing and copying, jewellery manufacturing, photographic processing, picture framing, and screen printing; as well as the servicing and repair of air conditioners, audio equipment, basket ware and cane furniture, canvas goods and tents, bicycles, electronic equipment, domestic equipment, leather-works and shoes, office equipment, television and video equipment, upholstery, watches, weighing machines and window blinds, but does not include a light industry and the wholesale selling of goods."
- (7) Automatic teller machine (ATM)
"means land and buildings used for a computerized unattended electronic machine that performs basic banking functions either outside of or located separately from the bank or other financial institution it represents for self-banking purposes."
- (8) Financial institution
"means land and buildings used by an accredited institution (public or private) that collects funds from the public or other institutions and invests it in financial assets, including a bank."
- (9) Fitness centre
"means a building where people exercise with or without exercise apparatus."

- (10) Car wash
"means land and buildings used for the washing, polishing and cleaning of vehicles by means of mechanical apparatus or by hand."
- (11) Garden centre
"means land and buildings used for the storage, cultivation and sale of plants, bulbs, seed, fish, birds, pots, compost, fertilizer, pesticides, herbicides and may include the sale of ancillary and subservient products."
- (12) Internet café
"means land and buildings or part of a building used for hiring of computers with internet linkage to customers for use on the premises."
- (13) Optometrist
"means land and buildings used by a specialist who is qualified to examine people's eyes to determine if they need eyeglasses or medical treatment and may include the sale of spectacle frames, sunglasses, contact lenses, eye care products and other ancillary and subservient uses."
- (14) Post office
"a local branch office where mail is received, sorted, and delivered, and where stamps and other postal materials are sold and may offer additional services such as providing and accepting government forms, processing of government services and fees, and banking services."
- (15) Ancillary and subservient
"means uses and activities which support and complement the main use on the property and which shall not exist on its own when the main use on the property is discontinued."
- (16) Billboard
"means any screen or board larger than 9m², supported by a free-standing structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting an advertisement and which is also known as an advertising hoarding. The main function of a billboard is to advertise non-locality-bound enterprises, activities or services."
- (17) Drive-through restaurant
"land and buildings used for a restaurant with kitchen, storage area, limited seating, delivery yard, manager's offices, ablutions a take-away restaurant / counter area as well as a driveway and

queuing space for patrons to order meals and drinks through a window to the restaurant from the comfort of their vehicles."

- (18) Taxi transport terminus
"means land and buildings designed and used as a terminus or gathering place for mini-bus taxis arriving from and departing in a variety of directions / routes and may include ablution facilities, a meeting room and other ancillary and subservient uses."
- (19) Conference centre
"means land and buildings used for congresses, seminars training, meetings, cultural events and social activities and may include a kitchen."

The proposed new shopping centre will thus ultimately comprise of a gross floor area of 60 000m² (all development phases) for the above-mentioned land-use activities, subject to the following proposed development controls:

- Height : Three storeys
- Coverage : In accordance with an approved site development plan
- Building-lines :
 - * Voortrekker Avenue - 8 metres
 - * Other street boundaries - 5 metres
 - * Other boundaries - In accordance with an approved site development plan.
- Parking requirement : Clause 22 Table H of the Ermelo Town Planning Scheme, 1982 provided that the total number of parking bays to be provided may be relaxed by the Municipality in accordance with an approved site development plan based on the findings and recommendations of a traffic engineer, in which case no advertising / public participation would be required for such relaxation.

For more detail on these and other development parameters / controls for the development site, refer to Annexure 'F'.

[ANNEXURE 'F' : DRAFT CONDITIONS OF ESTABLISHMENT]

4. DEVELOPMENT PROPOSAL

4.1 CONCEPT

The development concept being pursued is that of a regional shopping centre which, in the hierarchy of shopping centres, ranks lower than the CBD of a town / city and a super regional centre, but higher than community and neighbourhood shopping centres.

The CBD of Ermelo town ranks the highest in the hierarchy of shops / retails facilities, followed by two community centres, three neighbourhood centres, two big-box retailers and one local convenience centre (refer p14 of Demacon Market Study – Annexure 'H'). The proposed new shopping centre will therefore be the first regional shopping centre in town.

A regional shopping centre has a wider sphere of influence than lower-order centres and usually overlaps the market areas of these. It is not uncommon to find up to three community centres and more local convenience (neighbourhood) centres established and operating successfully in the same wider sphere of influence of the regional shopping centre.

The concept of a regional centre allows for a diversified range of stores to allow for comparative shopping by patrons, i.e. in household items or foodstuffs. It furthermore provides for an enhanced lifestyle shopping and recreation experience made possible by the particular tenant mix of shops, restaurants, medical facilities, amusement outlets (e.g. bowling alley), etc. Being situated in an enclosed mall will further enhance the experience of patrons due to increased safety and security as well as protection from adverse weather conditions.

4.2 DRAFT SITE PLAN

The project architect has prepared a draft site plan (DSP) for the proposed development project, which has been included as Annexure 'G'.

[ANNEXURE 'G' : DRAFT SITE PLAN]

It is hereby emphasized that the DSP has been prepared merely to demonstrate at this stage in the overall planning process that the proposed 60 000m² GLA can be accommodated on the development site with due consideration to *inter alia*:

- * the preferred siting of the buildings and the parking area in relation to the main road (Voortrekker Avenue) for visibility / exposure purposes;
- * a preferred access and parking scenario;

- * building set-backs from adjoining streets and properties;
- * a possible shopping centre layout with tentative positioning of anchor tenants.

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

4.3 BUILDING POSITIONING AND CONFIGURATION

The buildings have been proposed on the southernmost and southwestern parts of the Property, to enable the provision of parking between Voortrekker Avenue and the buildings. Research has proven that shopping centres are better supported if passing motorists can visually observe the adequacy of parking availability at the centre from adjacent roads.

The architect has made use of the gradient of the site southwestwards to provide for lower-levels below the main buildings, on the southern parts on the Property. The shopping centre will thus be configured on three levels, with the two higher levels accommodating the majority of retail space. The current proposal entails the following ratio:

* Ground Floor (Gross Leasable Area)	: 36 453m ² (60,75%)
* Lower Ground Floor (Gross Leasable Area)	: 21 864m ² (36,44%)
* Basement (Gross Leasable Area)	: <u>1 683m²</u> (2,81%)
TOTAL	: 60 000m ² (100,0%)

4.4 ACCESS AND VEHICULAR CIRCULATION

The project architects and traffic engineers are proposing two accesses to the future shopping centre, both from the north-lying Voortrekker Avenue. These are the following:

- * One from a position across from Kleijnhans Street, to the eastern parts of the site; and
- * Another from a position across from Breijtenbach Street, to the western parts of the site.

These accesses will be designed to form full intersections between Voortrekker Avenue and Kleijnhans and Breijtenbach Streets respectively, and will both be signalized.

The eastern access will lead onto an area of structured parking, between the main body of the shopping centre and Voortrekker Avenue, i.e. from Voortrekker Avenue up to a traffic circle, with two legs dispersing traffic onto the parking deck, and a third forming a ramp down to the lower parking deck.

The western access will lead to a lower parking deck, positioned between a lower shopping level and Voortrekker Avenue. It will similarly lead to a traffic circle with two legs dispersing traffic on to the parking area and a third leading to a ramp to the upper parking deck. The western-most leg from the circle also leads to a further delivery / parking area below the mentioned two upper-levels.

The vehicular access proposal is safe and adequate, considering the traffic lights to be implemented. There will be no accesses on other roads. Neither for patrons to the site, nor for deliveries.

4.5 PARKING

The DSP makes provision for a total of 3 764 parking bays on site. This is 164 bays more than the minimum of 3 600 calculated at 6 bays per 100m² for a total GLA of 60 000m² as prescribed for shops and places of refreshment in the Scheme. In addition, provision has been made for 40 taxi-bays. For purposes of flexibility the applicant is proposing a method to deal with a possible future relaxation of the official parking requirement for incorporation of the following condition of zoning in the Section 125 – Amendment Scheme for the township:

“Parking requirement: Clause 22, Table H of the Scheme, provided that the total number of parking bays to be provided may be relaxed by the Municipality in accordance with an approved site development plan based on the findings and recommendation of a traffic engineer, in which case no advertising / public participation would be required for such relaxation.”

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

4.6 TOWNSHIP LAYOUT

4.6.1 Layout plan

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

[FIGURE 2 : TOWNSHIP LAYOUT PLAN]

The township will cover the entire Portion R/89 with its outside figure coinciding with that of the current agricultural property.

4.6.2 Number of erven

The Ordinance stipulates that any new township being established should comprise of a minimum of two erven. The applicant however only requires a single development site. The township layout being proposed for proposed Ermelo Extension 47 consists of two erven, which will be consolidated simultaneously with the declaration of the township as an approved township in the Provincial Gazette in terms of Section 103 of the Ordinance.

A condition will be inserted in the conditions of establishment of the township providing for the consolidation of proposed Erven 1 and 2 in the township to proceed without any additional approval requirements in a separate process in terms of Section 92(1)(b) of the Ordinance. This condition will also be instrumental in ensuring that the second erf would not have to be serviced prior to proclamation of the township – i.e. water, electricity, sewer and stormwater connections.

4.6.3 Servitudes

As confirmed in the Conveyancer's Report there are no existing servitudes registered against the Property title which need to be transferred to future erven in the township (refer Annexure 'B').

Proposed Erf 1 will be subject to a 6m x 3m electrical servitude to be registered in favour of the Msukaligwa Local Municipality, to accommodate electrical switch-gear necessary to energize the proposed new shopping centre on the development site. The servitude has been shown on the township layout plan (figure 2) in a position on the northern boundary of the Property along Voortrekker Avenue.

4.6.4 Land-use and zoning

The proposed land-use and zoning for the township are reflected in table 1:

TABLE 1 : FUTURE LAND-USE & ZONING

KEY	ERF NUMBER	AREA		LAND-USE	ZONING
		.(ha)	.(%)		
.	Erf 1	8,6362	78,7	Business premises, shop, place of refreshment, place of amusement, retail industry, supermarket, automatic teller machine (ATM), financial institution, fitness centre, car wash, garden centre, internet cafe, optometrist, post office, drive-through restaurant, billboard, taxi transport terminal, conference centre and all ancillary & subservient uses.	Special
.	Erf 2	2,3315	21,3		Special
	TOTAL	10,9677	100,0		

LAND-USE TABLE

KEY	ERF NUMBER	AREA		LAND-USE	ZONING
		(ha)	(%)		
	Erf 1	8,6362	78,7	Business premises, shop, place of refreshment, place of amusement, retail industry, supermarket, automatic teller machine (ATM), financial institution, fitness centre, car wash, garden centre, internet cafe, optometrist, post office, drive-through restaurant, billboard, taxi transport terminus, conference centre and all ancillary & subservient uses.	Special
	Erf 2	2,3315	21,3	Business premises, shop, place of refreshment, place of amusement, retail industry, supermarket, automatic teller machine (ATM), financial institution, fitness centre, car wash, garden centre, internet cafe, optometrist, post office, drive-through restaurant, billboard, taxi transport terminus, conference centre and all ancillary & subservient uses.	Special
	TOTAL	10,9677	100,0		

TOWNSHIP LAYOUT PLAN

GENERAL NOTES:

1. APPROXIMATE AREAS AND MEASUREMENTS SHOWN ONLY
2. TOWNSHIP BOUNDARY: ABCDEFGHJKLMN
3. TITLE DEED NUMBER: T6075/1953
4. MINIMUM ERF SIZE: 2,3315 Ha
5. MAXIMUM ERF SIZE: 8,6362 Ha
6. LINE aE REPRESENTS THE DIVIDE BETWEEN ERVEN 1 & 2
7. ERVEN 1 AND 2 TO BE CONSOLIDATED
8. ALL EXISTING BUILDINGS TO BE DEMOLISHED
9. NHBRC GEOLOGICAL CLASSIFICATION ZONES

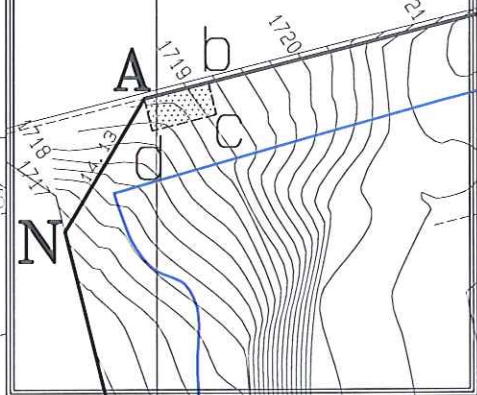


FLOOD-LINE:

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 REGULATION 18(a) (xvi) OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORD 15 OF 1986) AND SECTION 44 OF THE NATIONAL WATER ACT, 1998 (ACT 36 OF 1998) RESPECTIVELY.

PR. ENG. *W. Engel* DATE 30/04/2014

INSET:



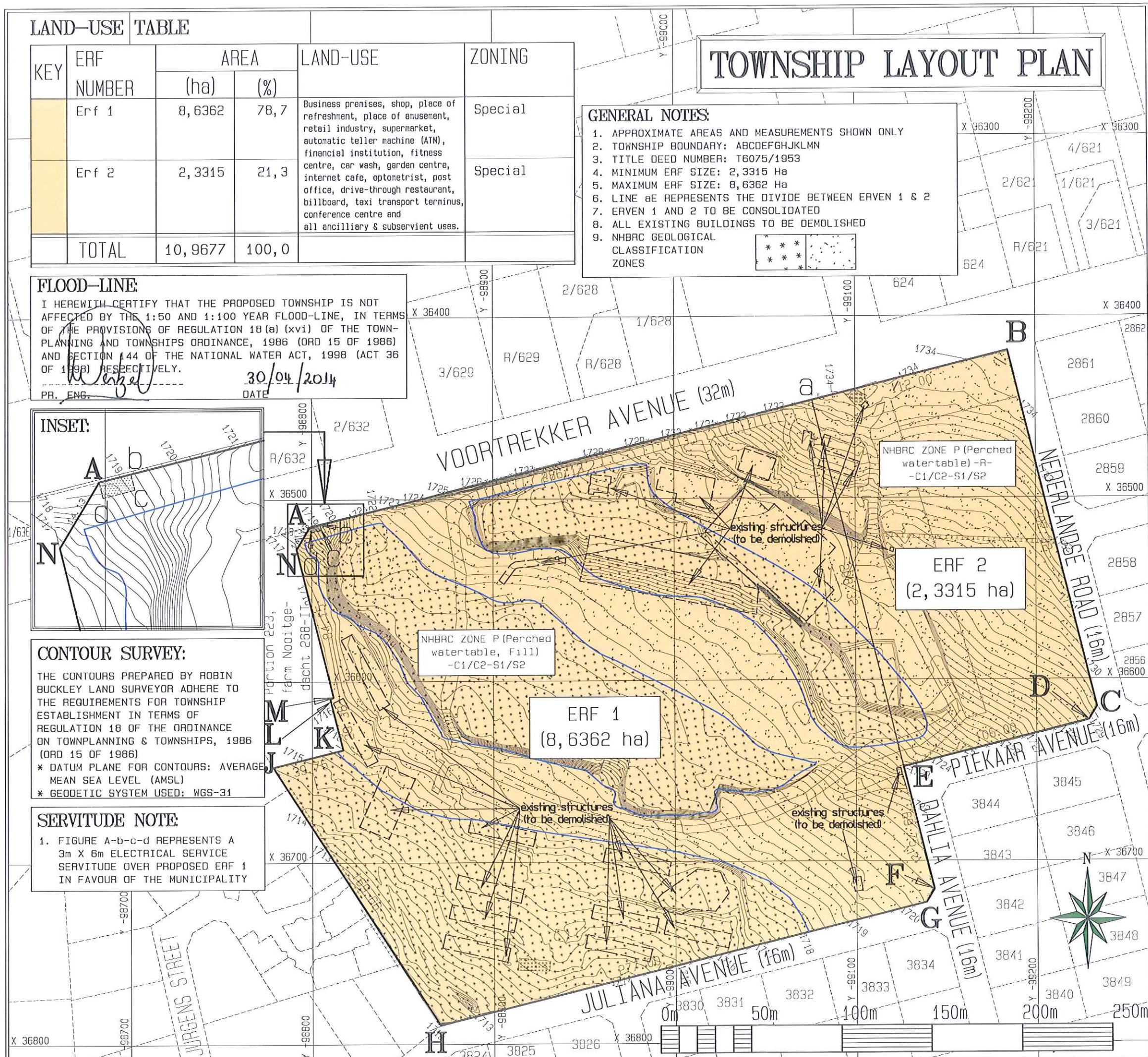
CONTOUR SURVEY:

THE CONTOURS PREPARED BY ROBIN BUCKLEY LAND SURVEYOR ADHERE TO THE REQUIREMENTS FOR TOWNSHIP ESTABLISHMENT IN TERMS OF REGULATION 18 OF THE ORDINANCE ON TOWNPLANNING & TOWNSHIPS, 1986 (ORD 15 OF 1986)

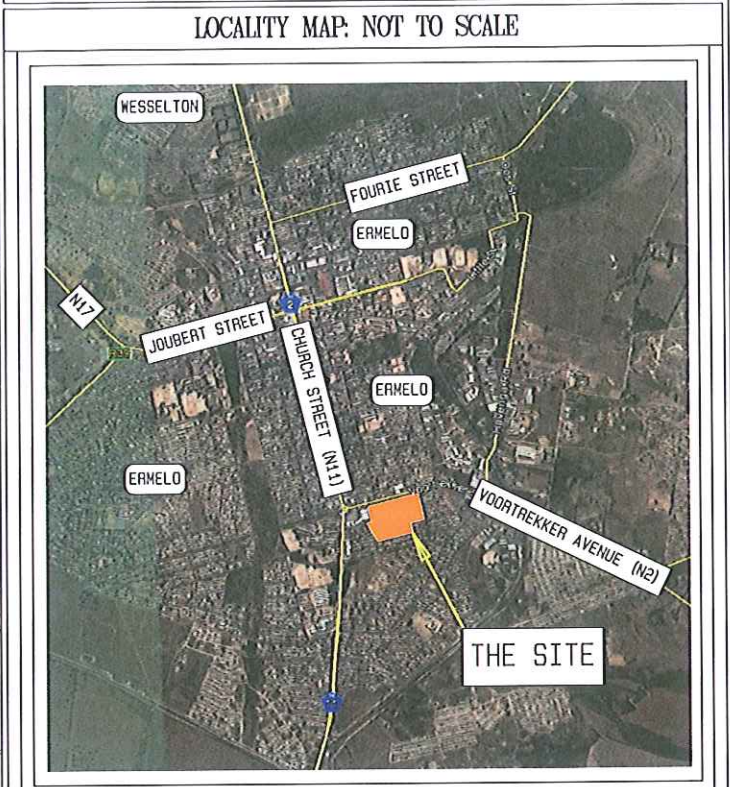
- * DATUM PLANE FOR CONTOURS: AVERAGE MEAN SEA LEVEL (AMSL)
- * GEODETIC SYSTEM USED: WGS-31

SERVITUDE NOTE:

1. FIGURE A-b-c-d REPRESENTS A 3m X 6m ELECTRICAL SERVICE SERVITUDE OVER PROPOSED ERF 1 IN FAVOUR OF THE MUNICIPALITY



PROJECT
 PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER OF PORTION 89 OF THE FARM NOOITGEDACHT 268-IT
 - PROPOSED ERMELO EXTENSION 47 -



LOCAL AUTHORITY:	APPLICANT:
MSUKALIGWA LOCAL MUNICIPALITY P O BOX 48 ERMELO 2350	STYLESTAR INVESTMENTS (PTY) LTD P O BOX 72689 LYNNWOOD RIDGE 0040

J PAUL VAN WYK
 URBAN ECONOMISTS & PLANNERS cc

POSBUS 11522
HATFIELD 0028

TEL : (012) 996-0097
 FAXS : (086) 684-1263
 SEL : (082) 893-7370
 E-POS: airtaxi@mweb.co.za

P.O. BOX 11522
HATFIELD 0028

TEL : (012) 996-0097
 FAX : (086) 684-1263
 CELL : (082) 893-7370
 E-MAIL: airtaxi@mweb.co.za

DRAWN	CVW/DdP	ola	FIGURE
SCALE	DATE	CAD NO.	2
1:2000 (A3)	2014-05-07	erm-ts-layout04	
DESIGN	CONTOUR INT.	PLAN NUMBER	
J.P. van Wyk	0,25 metres	TOWNSHIP/ERMELO EXTENSION 46/02	

Since proposed Erven 1 and 2 will be consolidated the break-down between the erven is academical. The proposed land-use and zoning are however pertinent and appropriate, reflecting the use-rights and land-use activities to underpin the proposed new shopping centre complex on the development site. It is important to note that the application does not include an application for filling station or public garage purposes.

4.6.5 Floodlines

The township is not affected by any river, stream or other water course or body on or near the development site. There are therefore no floodlines (1:50 or 1:100 – year) which would otherwise have had a restrictive influence on the utilization of the Property for the envisaged purposes.

The project civil engineers have certified the absence of such floodlines in terms of the relevant legislation on the township layout plan (figure 2).

5. INSTITUTIONAL CONTEXT: FORWARD PLANNING

5.1 RELEVANCE

The applicant has familiarized itself with the forward planning documentation and plans which may have a bearing on the current development proposal, on national, provincial and municipal (district & local) levels. It is important to ascertain whether the proposed development will be compatible with the official forward planning vision, policies and strategies of the relevant authorities and to determine the contribution which the project would make towards achieving these ends. These documents and plans form part of the statutory base of the townplanning field which requires substantial compliance of development projects with same, to ensure:-

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

5.2 PLANNING LEGISLATION & DOCUMENTATION

The following planning legislation and related documentation and plans were perused for relevance to the present application:

(1) National Level

- * The Constitution of the RSA
- * Spatial Planning and Land Use Management Act, 2013
- * National Development Plan

(2) Provincial Level

- * Mpumalanga Economic Growth & Development Path, 2011.
- * Provincial Growth & Development Strategy, 2004-2014.

(3) District Municipal Level

- * Gert Sibande District Municipality Integrated Development Plan, 2012/13 – 2016/17
- * Gert Sibande District Municipality Integrated Development Plan, 2011/12 – 2013/14
- * Gert Sibande District Municipality District Integrated Transport Plan, 2008

(4) Local Municipal Level

- * Msukaligwa Local Municipality Spatial Development Framework, 2010 (SDF)

The context and contribution *vis-à-vis* the development proposal underpinning the present application will become evident from the

following extracts from these documents, discussed in the balance of this section of the motivating memorandum.

5.3 NATIONAL LEVEL

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

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

The non-residential township being proposed will benefit not only the local area but also the province and the country as a whole as it will create much needed employment opportunities which is described on all levels of government as a priority and essential for a well-functioning economy.

- The Constitution outlines the function of local government under Section 152(c) *inter alia* "...to **promote social and economic development...**"(own emphasis).

This allocated function together with others are essential for municipalities to fulfil their **developmental responsibilities**.

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

- Section 7 of Chapter 2 of SPLUMA, 2013 details development principles, where the following are applicable to the present application:
 - "*(b) (vi) promote land development in locations that are sustainable and limit urban sprawl*
(vii) result in communities that are viable"
 - "*(c) the principle of efficiency, whereby –*
(i) land development optimises the use of existing resources and infrastructure;"

As mentioned previously, the proposed township will be developed on the Ermelo Showgrounds which is located within the urban area of Ermelo, just outside of the Central Business District thus intensifying land-uses within the urban area and limiting sprawl. The area is already well serviced in terms of existing infrastructure and will thus optimise these.

There are already a number of businesses that have been established along the northern side of Voortrekker Avenue as well as a smaller shopping centre at the corner of De Emigratie Street and Voortrekker Avenue. The proposed shopping centre is therefore well located.

5.3.3 National Development Plan: Vision for 2030 (NDP)

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

The NDP goes on to say that the creation of job opportunities and development is not only a responsibility of the public sector but all sectors of the economy. The present application is a private initiative for better utilisation of existing scarce resources, in this case development land.

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

As mentioned above, the proposed township is a private initiative with a vision of better utilising the Ermelo Showgrounds within the changing face of the immediate area. Any upgrades to the existing infrastructure necessary for the proposed shopping centre will be indirect investment in same. This concept is further strengthened by the fact that the NDP acknowledges the necessity for "... shifting from a paradigm of entitlement to a development paradigm that promotes the development of capabilities, the creation of opportunities ..." (p5).

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

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

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

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

- One of the key target areas that the NDP focuses on is the lowering of the unemployment rate through the creation of job opportunities (p28). The proposed development will create a large number of employment opportunities both in the construction phase as well as once the township has been established and the shopping centre has been developed and is operational.

Reducing the unemployment rate and creating sustainable employment opportunities will have a wider impact than on the individual only. The spin-offs will benefit the families of these persons, their broader community and the country as a whole. It most importantly gives dignity to the individual and improves overall welfare levels for his family and community (p90).

- The NDP describes South Africa's economy as much stronger than its immediate neighbours (p224) and therefore it is the epi-centre of economic activities of the region. The proposed township is located at the convergence of two of the three high-order roads in Ermelo which link the country, the region and the town to its neighbours.
- Chapter 4 of the NDP deals with economic infrastructure and stresses the need to invest in "... economic infrastructure designed to support the country's medium and long-term objectives. Achieving this vision is possible if there is targeted development of **transport**, energy, water resources, and information and communication technology (ICT) networks."(p137) (own emphasis). As mentioned the site is located at the convergence of two of the three major roads, i.e. the N2 and N11 National Roads. Both these roads have either been upgraded or are in the process of being upgraded to accommodate the vehicles that use these roads especially with the new mining operations that have been

established in the vicinity. There is a process underway to investigate the feasibility to in future, possibly partially realigning the National Roads to by-pass the town of Ermelo or to create additional roads, due to the trucks and other heavy vehicles making use of these roads.

- The NDP envisages a reduction of 6% of the unemployment rate by 2030 and this would mean that 11 million fulltime employment opportunities need to be created (p90).

The NDP goes on saying "*...domestically oriented industries will be actively stimulated, as they will be the main source of employment creation.* (p108)

- Regional development is also seen as important (p93). The present application for township establishment will benefit and grow the surrounding region.

5.4 PROVINCIAL LEVEL

5.4.1 Mpumalanga Economic Growth & Development Path (Final Draft) October 2011 [MEGDP]

- The MEGDP aligns itself with the National Economic Growth Plan (NEGP) and is informed by same. MEGDP mentions that a focal point of the NEGP is for "*... massive investments in infrastructure as a key driver of job creation across the economy.*" (p2) (own emphasis). The aim is to "*maximise the creation of decent work opportunities*" by focusing all efforts on such activities. (p81).
- The document identifies the Province as having a rich diversity of natural resources in terms of metals, minerals and stones and as a result of the existence of same has "*...contributed to the emergence of significant downstream linkages ...*" (p43). Although the linkages mentioned refer to industrial uses in the document, other linkages will definitely emerge as more mines are opened in the region and the employees requiring certain daily essentials which can be purchased at the proposed shopping centre.
- The MEGDP identifies certain constraints for growth in this sector including "*inadequate infrastructure to unlock economic growth and job creation opportunities*" and suggests the following interventions:
 - "*Invest in infrastructure, that is, dams, power stations, roads, rail, etc*
 - "*... comprehensive support to SMMEs to exploit opportunities ...*" (p70)

The present application is a private initiative that proposes to address the need for providing for the establishment of supporting facilities in close proximity to existing and future urban functions, agricultural and mining operations as well as to the workforce. It is also easily accessible due to the high-order roads.

5.4.2 Provincial Growth and Development Strategy (PGDS) 2004-2014.

- The task team responsible for the preparation of the PGDS identified strategic responses that were required, including *inter alia* "...economic development" consisting of "...job creation, SMMEs, BEE, tourism, agriculture, mining and manufacturing"(p2)
- The district of Gert Sibande has "... the largest agricultural sector in the Province. It houses major petrochemical linked industries" (p8). Recently coal deposits have been found in the area and thus the commencement of new mining operations in the area too.
- The document mentions that the challenges in the Province mostly stem from severe poverty it is experiencing "... and the high inequality between the rural poor and well-serviced urban centres"(p17)
- The Province and more importantly the Gert Sibande district (under which Msukaligwa Local Municipality resorts) is ideally located as it is at the convergence of three major roads rendering it "...easily accessible to Gauteng, Richards Bay and Durban". (p8)
- The PGDS contains certain strategic responses, including:
 - Economic development by "...promoting and mobilising investment to create sustainable employment opportunities for all."
 - Provision of development infrastructure by "... long-term investment programmes that seek to maintain existing economic activities and unlock latent economic potential."(p20)

5.5 DISTRICT MUNICIPAL LEVEL

5.5.1 Gert Sibande District Municipality Integrated Development Plan 2012/2013 – 2016/2017 (GSDM: IDP)

- The GSDM: IDP document lists a summary of issues that were raised at the public meetings, including *inter alia* "...job creation (Unemployment rate is high and its mainly the youth)..."(p12)
- "By applying and contextualising the NSDP in the Province, the following spatial construct emerges for the Gert Sibande District Municipality from the Mpumalanga Growth and Development Strategy in terms of variations in social need (poverty), economic activity

(potential) and environmental sensitivity..." that Msukaligwa Local Municipality (in which Ermelo is located) has both *"...high levels of poverty concentration..."* and *"...area(s) of combined poverty and economic activity..."*(p14)

- Furthermore, Ermelo is seen as a first-order primary activity node in alignment with certain classifications in the NSDP, i.e. having *"...high levels of formal local economic activity..."* and a *"...high dependence on surrounding area for resource inputs..."*(p14).
- GSDM has the smallest population size of all the districts in the Province, approximately 30%. The Msukaligwa Local Municipality accommodates 14% of the overall population of the District (p27).
- Ermelo is not only important on this level only but also in terms of being the home of the Gert Sibande District Municipality (GSDM) since a decision was taken to move it from Secunda to Ermelo. The reason for moving *"... was to establish the offices centrally in the Gert Sibande DM area, thus ensuring that average travelling times to and from the District Offices are reduced."*(p32)
- *"Unemployment remains one of the pressing socio economic challenges throughout South Africa, Mpumalanga and globally. High rates of unemployment have direct links with the other social issues and problems such as poverty, inequality, social instability and crime."* (p53). GSDM's unemployment rate increased from 17,3 % (1996) to 27,2 % in 2010 where Msukaligwa Local Municipality's (MLM) increased from 15,5 % to 25,3 % during the same time period. On a poverty level, this increased from 33,9% in 1996 to 48,7% in 2010 in MLM (p31).
- Of those inhabitants of MLM that are employed, half of them are in formal employment with approximately 20% in informal and agriculture respectively. The remaining 10% are employed in private households. MLM has the second highest employment share of the District.
- The GSDM: IDP document contains the spatial development framework (SDF) for the District. The SDF was approved and adopted in August 2009. The aim of the GSDM SDF is to *inter alia*:
 - *"Create a more consolidated settlement structure, so as to allow for the cost-effective and sustainable provision of modern-day engineering and community services and infrastructure;*
 - *Ensure the sustainable use of land and other resources;*

- *Ensure the channeling of resources to areas displaying both economic potential and development need;*
- *Functionally link the main growth centres/areas of greatest economic activity;*
- *Unlock the development potential of existing towns..."*

Furthermore, *"... the SDF seeks to strengthen and supplement the functional economic strips/corridors characterising the District's space-economy, as well as developing industry specific economic clusters/activity areas."*(p140)

- There is a total of ten development principles with regards to the GSDM SDF, including the following which are applicable to the present case:
 - *"...Principle 2: To optimally capitalize on the strategic location of the District and its five key economic strips / corridors, and to functionally link all towns and settlements to one another through establishing and maintaining a strategic road ... network comprising internal and external linkages.*
 - *Principle 3: To utilise the existing ... man-made activity areas within the District as Tourism Anchors and Nodes ...*
 - *Principle 6: To unlock the development potential of existing towns through developing industry specific Special Economic Zones / Economic Clusters throughout the District...*
 - *Principle 8: To establish a functional hierarchy of towns and settlements in the District, and to ensure equitable access to social infrastructure and the promotion of local economic development ...*
 - *Principle 10: To consolidate the urban structure of the District around the **highest order centres by way of infill development** and densification in Strategic Development Areas (SDAs)." (own emphasis)*
- The GSDM: IDP mentions that the SDF should be used as a guide with regards to the *"...redirection of growth..."* and *"...promotion of development along major movement routes..."* The development site is located on an extension (into Ermelo) of the N2 National Road (Voortrekker Avenue) with a number of businesses developed along same. The Property is also located close to the intersection of the N11 (De Emigratie Street) with Voortrekker Avenue (N2 National Road extension), one of three high-order national roads that converge in

Ermelo. The document further details that both public and private investment should be focused on areas which amongst others "...best:

- *Promote economic generation potential.*
- *Maximise opportunities for the poor.*
- *Promote accessibility.*
- *Minimise cost of physical expansion..."*(p 142)

The site is ideally located within the town of Ermelo along a major route which is already fully serviced. It's proposed development as a shopping centre will create job opportunities for the unemployed and provide them with skills.

The above-mentioned principles are aligned and in support of the National Principles contained in SPLUMA (and the preceding Development Facilitation Act, 1995 (Act 67 of 1995)).

- Projects listed in the GSDM: IDP includes the upgrading of the N2, N11 and N17 National Roads as well as the maintenance of these. This emphasizes the importance of these roads.

5.5.2 Gert Sibande District Municipality Integrated Development Plan 2011/2012 – 2013/2014 (GSDM: Reviewed IDP)

- The document highlights a development principle mentioned in the 2009 SDF as still being important, the principle of capitalizing on the "... *strategic location of the District and its five key economic strips / corridors, and to functionally link all towns and settlements to one another through establishing and maintaining a strategic road and rail network comprising internal and external linkages.*" (p61)

The document further describes the GSDM as functioning on more than just a regional level but as part of the "... *sub-continental space-economy...*" thus requiring properly functioning linkages "...*to surrounding districts and even bordering countries (like Swaziland) in order to ensure an efficient flow of goods and services in all directions...*" Five corridors (mentioned at Provincial level) that link prominent activity nodes are located within the GSDM where the following are applicable in terms of criss-crossing through Ermelo:

- ***"The N17/N2 Corridor with Trichardt-Evander-Kinross-Secunda ...***
- ***The N11 National Corridor which is the main road link between the Limpopo Province through Mpumalanga and into KwaZulu-Natal...***

- **The R35 Corridor** which links the central and western parts of the Gert Sibande District converging with the N11 to the Limpopo Province. To the south it links to the national N3 Corridor between Gauteng and KZN.
- **The R33 Corridor** which extends along the eastern border where it runs parallel to the border with Swaziland. It also gives access to a number of border posts with Swaziland, including Oshoek, Sicunusa, Gege and Mahamba.”(p61)
- The GSDM: IDP Review describes the importance of developing the mentioned corridors in order to “...*harness the growth of the District economy...*” for the benefit of the local municipalities in order to be able to improve basic service provision. Certain concepts are mentioned for the development of the corridors, including the construction and operation of “*shopping centres or malls*”.
- The SDF incorporated in the review-document is similar to the previous version discussed above. It does however describe Ermelo as one of the important “*district level urban areas*” and has “...*high levels of economic diversification*”. Diversification is important when considering that we live in a capitalistic society where competition is healthy for growing the economy.
- Mining and quarries “...*are present along the N17 around ... Ermelo and coal fired power generation is a major industry in GSDM*”(p166). There is also mention of new mines being opened around Ermelo meaning that there may be an influx of people to Ermelo seeking work and opportunities as a result thereof.
- The aim of the SDF process is described in the document as “...*a desire to capacitate local municipalities*” with certain indicators, including:
 - “...*Plan for economic growth and diversification in order to create employment, reduce poverty and reduce dependency ratios.*”
 - “...*Balanced and sustainable development is to be achieved.*”
- It further describes connectivity, concentration and conservation as the C’s to guide development and these differ for each town / place, the existing circumstances and a willingness from the municipalities to implement same. The benefits of these 3 C’s will be far-reaching in terms of economic, social and environmental aspects.

Connectivity is applicable in Ermelo in terms of the convergence of high-order routes in Ermelo near the site, described in the document

as the "OCTOPUS" corridor with the N2, N11 and N17 National Roads joining here.

- According to the GSDM: IDP Review the GSDM has developed a 5-year programme as part of the National Spatial Development Perspective, which if implemented fully will result in attracting "... good investment into the District and this will have a direct impact on many people's lives within the District by creating long-term, sustainable employment, push back the frontiers of poverty, and build more skilled young people and entrepreneurs." (p144)
- The following two strengths were identified during the SWOT analysis to the GSDM: IDP Review:
 - *"The location of the district offices in Ermelo are central and provide strategic advantage for access and other opportunities*
 - *Economic opportunities and accessibility to the district provided by the upgrade of the road network on N17, N2, N11 and R23"* (p30)
- One of the major projects being pursued at District level is to develop Ermelo from town status to that of a city. The SDF currently describes Ermelo as a first-order service centre. One idea currently being investigated is the development of a regional airport which will form part of this project. This reinforces the importance of Ermelo on a district level.

5.5.3 Gert Sibande District Municipality District Integrated Transport Plan. Final Report October 2008 (GSDM: DITP)

The document highlights certain items already discussed regarding the importance of corridor development along the high-order roads in the District, and developing certain land-uses along these, including shopping centres and malls.

5.6 LOCAL MUNICIPAL LEVEL

(Msukaligwa Local Municipality SDF. Final Report March 2010 (MLM: SDF))

- *"Ermelo is the commercial hub of Msukaligwa and is also the administrative centre for the areas surrounding it." It is situated "...in the central part of the municipality at the convergence of National Roads N2, N11 and N17, is by far the biggest urban area in Msukaligwa ..."* (p9). As a result of the convergence of these roads in Ermelo a number of logistic / transportation firms have established themselves in the town.

SANRAL is responsible for the maintenance of these roads.

- The two national corridors that MLM is located in are the Gauteng/Richards Bay and the Gauteng/Swaziland corridors. According to the MLM: SDF the MLM wants to *maximise "...development opportunities emanating from these corridors and to tap the latent development energy along the major transportation routes through the area."*(p69)
- 69% of the population in the MLM is located in Ermelo / Wesselton. The majority of inhabitants living in Ermelo live in single residential dwellings, especially in the older parts of the town. There has been a trend towards densification of these areas and the development of higher density new developments in recent years in the form of townhouses and flats (maximum density of 40 dwelling-units per hectare being encouraged (p123)).

There are also approximately 5 500 informal "shacks", mostly on the outskirts of town. This is as a result of a *"... gradual migration of people from the farms and rural areas towards the urban centres ... which is perceived by the surrounding rural population as the place with the greatest economic opportunities."* This is *"...in line with international and national trends..."* and is *"... expected to continue in the foreseeable future."*(p70)

The challenge exists here to keep a balance where you need to cater to a certain extent for the influx of job seekers to urban areas and to create more opportunities in the rural areas for the population located there.

- Ermelo / Wesselton is the *"...most important business destination in Msukaligwa..."* where *"...80,5% of the total number of business concerns in the municipality is situated in this area."* (p20). The businesses located in Ermelo / Wesselton are predominately retail trade (67,6%). The document goes on to describe Ermelo as *"... the seat of all the higher order businesses serving the wider area..."* (p21). Ermelo was the only town in the MLM that experienced a strong growth-phase during the last decade.

Most of the businesses are located in the CBD with a number of new shopping and business complexes in recent years. Ermelo is also home to a host of regional offices for government departments in the MLM.

- According to the MLM: SDF coal mining operations are expected to increase especially in the areas around Ermelo. With an increase in mining activity there will be economic spinoffs and these should be exploited (p70). The downside is the increase in the number of heavy vehicles that will use roads in the core area of town and there are some who reckon it might be sensible to build a bypass for these

around town to prevent traffic problems and the loss of amenity in the town.

- Ermelo is predicted to experience the bulk of development pressure in future (p83) as a result of the mining operations together with the influx of workers to the area. As mentioned previously it is also a primary urban node and the seat of the GSDM, has high-order community facilities and accommodates most of the governmental departments for the region.
- As mentioned the N2, N11 and N17 National Roads currently converge in the town of Ermelo. There are discussions with regards to realigning these roads to bypass the town. This should not be considered lightly. These roads, although needing to maximise mobility, the *"... passing traffic on these very roads contribute substantially to the local economy in Ermelo and their possible future realignment to bypass the town will cause massive damage to existing business and the future growth prospects of the town."* (p94).
- The intersection of Church / De Emigratie Street (National Road N11) and Voortrekker Avenue (National Road N2 extension) is specifically mentioned under the development guidelines for Ermelo / Wessleton. It is located just west of the development site. This intersection is seen as *"...an existing node on the southern edge of the core area..."* consisting of mostly retail developments. (p95). Both the Church / De Emigratie Street (National Road N11) and Voortrekker Avenue (National Road N2 extension) are described as mixed-use development spines (p96) and both are promoted as opportunities to create priority job opportunities for poor communities. Voortrekker Avenue (National Road N2 extension) is mentioned under the Local SDF as a spine where *"...business/retail, showrooms, small-scale, non-intrusive manufacturing and assembly, restaurants, guesthouses, etc..."* will be allowed. *"Care should be taken that the character of adjacent residential properties will not be compromised."* (p121)
- The CBD area is proposed to grow in a southern direction towards Voortrekker Avenue and is described as the CBD transitional area (p118). Transitional land-uses are being promoted here such as home offices, medical / professional rooms, guesthouses and medium-density residential uses.

5.7 SYNTHESIS

From a spatial geographic perspective these forward planning documents and plans are *ad idem* on the high-order central place function of Ermelo in district and regional context. This can be ascribed to firstly its high level of accessibility in wider context facilitated through several high-order national and regional roads traversing the area and converging on Ermelo, and secondly to well-established and successful agricultural and mining

sectors within its sphere of influence. Ermelo town serves as a service node for these sectors while its high-order status in the hierarchy of towns and cities in the area is further bolstered by the presence of many regional offices of major business concerns and governmental departments and parastatals in town. There is therefore a strong inter-dependency between the activities in town and its surrounding hinterland. This inter-dependency is reinforced by excellent road connectivity.

High-order towns with a strong central place function underpinned by a well-established agricultural and mining sector will tend to attract a noticeable proportion of rural-urban and other migrants in search for employment and a better life. Ermelo is no exception and is host to a variety of less-formal and informal residential neighbourhoods accommodating individuals and families of varying degrees of poverty and socio-economic needs. With unemployment having spiked from 15,5 percent to 25,3 percent between 1996 and 2010 and a concomitant increase in poverty from 33,9 percent to 48,7 percent during the same period, the Msukaligwa Local Municipality faces serious challenges to address the situation (GSDM: IDP, p31).

The forward planning documentation on all governmental levels is in agreement that social enhancement and the improvement of the lives of the poor and deprived can only be achieved through economic growth and development. It also concurs that job and income creation should be a collaborative endeavour between the public and the private sector since investment capital is a scarce resource in high demand in many localities and sectors, necessitating prioritization to focus on the most pressing needs first.

With capital investment of around R500 to R600 million in infrastructural services and economic infrastructure upgrades in Ermelo the proposed new shopping centre is foreseen to make a huge contribution to the goals / aims of the forward planning documents / plans for the town and the surrounding district. Several temporary and permanent new employment opportunities will be created with associated skills development and transfers of / to employees. These new jobs will go a long way towards poverty alleviation, restoring of dignity and pride, improving the livelihood of individuals and families with an associated reduction in social evils (e.g. crime, safety, drug abuse).

The proposed development will finally be sustainable from a social, economic and environmental point of view, as required. The development project has been assessed from an environmental impact perspective by an independent environmental practitioner and found to be environmentally sustainable

6. MERIT OF APPLICATION

6.1 NEED / NECESSITY

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

"Ermelo Shopping Centre Market Study. Market Research Findings & Recommendations" (March 2014)

This Report forms an integral part of the townplanning application for township establishment and should be studied in its entirety for an understanding of the need / necessity (Regulation 18 of Ordinance) and the economic sustainability of the development proposal. The Executive Summary of the Report has been attached to the memorandum as Annexure 'H'

[ANNEXURE 'H' : EXECUTIVE SUMMARY OF MARKET STUDY]

The study includes a scientific assessment of the development site and concomitant development proposal and rates it in terms of a set of locational factors at 75,9 percent. It explains that a site rating of:-

- * 80%+ is exceptional;
- * *70 to 80% is high and indicates that the most important fundamentals for successful retail development are in place;*
- * 60 to 70% indicates some critical factors may be lacking but could possibly be addressed; and
- * below 60% is not recommended for consideration. (p13).

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

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

- * Almost 78 percent of respondents in the primary market and 87 percent respondents in the secondary market indicated a shortcoming in the Ermelo retail market... *"forcing them to visit centres outside of town."* (p8).

- * Respondents in the primary market area would prefer additional... "big box centres, hyper centres and regional centres" while the preferences of respondents in the secondary market area demand.... "value centres, big box centres and regional centres" (p8)

These consumer responses together with other related responses confirm a strong demand (and hence need) for the proposed new shopping centre. The study incorporates existing retail supply in the decision-making equation before concluding that there exists a "medium to high" need for a "regional shopping centre" to provide in an "effective market gap" (p17).

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

- (1) Baseline scenario: Recommended centre size of $\pm 42\,000\text{m}^2$ gross leasable area, with average market share of 22,5 percent. Could be implemented immediately to commence business around 2017/18.
- (2) Optimistic scenario: Recommended centre size of $\pm 59\,200\text{m}^2$ gross leasable area with average market share of 32,5 percent.

The study concludes as follows:

"Based on market research it is recommended that a fully-fledged regional mall could be developed in the market area (55 000 to 60 000 shopping GLA)." (p18)

The positive outcome of the market study confirms unequivocally the need for the proposed new regional shopping centre on the subject property of $60\,000\text{m}^2$ gross floor area, which will *ceteris paribus* be implemented in two development phases, viz:-

- * an initial phase of around $40\,000\text{m}^2$ floor area; and
- * a subsequent (second) phase of a further approximately $20\,000\text{m}^2$ floor area.

6.2 DESIRABILITY

6.2.1 Preceding sections

Several aspects relating to the merit of the development proposal on Portion R/89 have already been addressed in preceding sections of the memorandum. The entire memorandum should therefore be read for a full understanding of the need, desirability and sustainability of the proposed new shopping centre.

6.2.2 Spatial development dynamics

As is evident from para 5.6 *supra* the central business district (CBD) of the Ermelo town is in process of expanding southwards, towards the development site. The intersection of the two high-order national roads of Voortrekker Avenue (N2-route extension) and De Emigratie / Church Street (N11-route) is furthermore being viewed as a secondary activity node on the southern periphery of the core development area. The intersection of the mentioned roads is a mere 200 metres to the west of the development site and serves an important role as point of convergence where high accessibility and visibility / exposure levels have already stimulated the development of higher-order non-residential uses in its vicinity.

The locational advantages of the mentioned intersection between the N11 and N2 (extension)-routes in town have already served to attract a variety of higher-order business and other non-residential land-use activities to same. Both these roads are being regarded as mixed-use development spines in the Msukaligwa Spatial Development Framework (p96) and already host higher-order land-use activities like showrooms, shops/retail, restaurants, service industries and the like.

The proposed new shopping centre will be situated within the sphere of influence of this intersection of the high-order N2 extension and N11 development spines, on the former where land-use activities like the proposed new shopping centre are being encouraged. It will as such be commensurate with the future planning vision / goals for the particular part of the Ermelo town where it is situated.

6.2.3 Accessibility and proximity

One of the main reasons for selecting the site for the proposed new shopping centre has been the exceptional accessibility which it enjoys in both local and regional context. Apart from the mentioned two high-order roads intersecting just west of the development site and both carrying high volumes of regional and local traffic, the area around the site is furthermore host to a well-developed and maintained municipal street network which serves to contribute further to the high level of accessibility of the site.

Examples of local streets enhancing the accessibility of the site include Nederlandse Road, Dahlia Avenue and Juliana Avenue abutting the Property on its east and south respectively, Piekaar Avenue (south) and further out Merino Street and Horster Street serving a link-function to the southeast of the site between the N11 (southwest) and the N2 (northeast) routes.

The N17-route (Joubert Street) further west also adds to the accessibility of the CBD of Ermelo (and *via* Church Street southwards towards the site) in regional context, from the area to the west of

town. Voortrekker Avenue (N2-route extension abutting the site on its north) can be singled out as main access route to / from town from / to the high-density low-income formal and informal residential areas east- and southeastwards, and the industrial / commercial area to its north.

The development site is furthermore situated in close proximity to certain established residential neighbourhoods, e.g. Nederland Park. These are according to the SDF increasingly subject to densification which will in the medium to long term strengthen and reinforce the primary trade area of the proposed shopping centre.

[FIGURES 3a & 3b : ACCESSIBILITY & PROXIMITY]

6.2.4 Suitability of site

The current use of the site for showgrounds purposes has reached the end of its usefulness in its present location. The site was historically located on the outer perimeter of the developed town. However, over time the town grew outwards, at some point in the past 'leap-frogging' over the site to continue developing south- and eastwards. In fact, it is presently surrounded on all sides by urban development in a radius of several kilometres.

Being situated within the confines of the development boundary of the town and especially considering the residential neighbourhoods south- and southeastwards its locality in its current position is no longer conducive. This is due to *inter alia* the foul odours and flies associated with farm and other animals on the premises. This was evident during a recent site visit, regarding the horses and stables found to be present on the southern parts of the Property.

A shopping centre is different in that it provides a service to adjoining neighbourhoods and with proper inward site planning, building set-backs and access management it can be viewed as complementary and consistent with the nearby residential function.

6.2.5 Subsurface soil conditions

Based on the laboratory test results of soil profile information gathered from 10 testpits and 20 Penetrometer (DPSH) tests messrs Louis Kruger Geotechnics determined *inter alia* the following:

- (1) The development site comprises of three engineering geological zones, *viz*:
 - * Zone 1 : Fill;
 - * Zone 2 : Colluvium, underlain by sandstone bedrock; and
 - * Zone 3 : Fill and colluvium, underlain by sandstone bedrock.

REMAINDER OF PORTION 89, FARM NOOITGEDACHT 268-IT

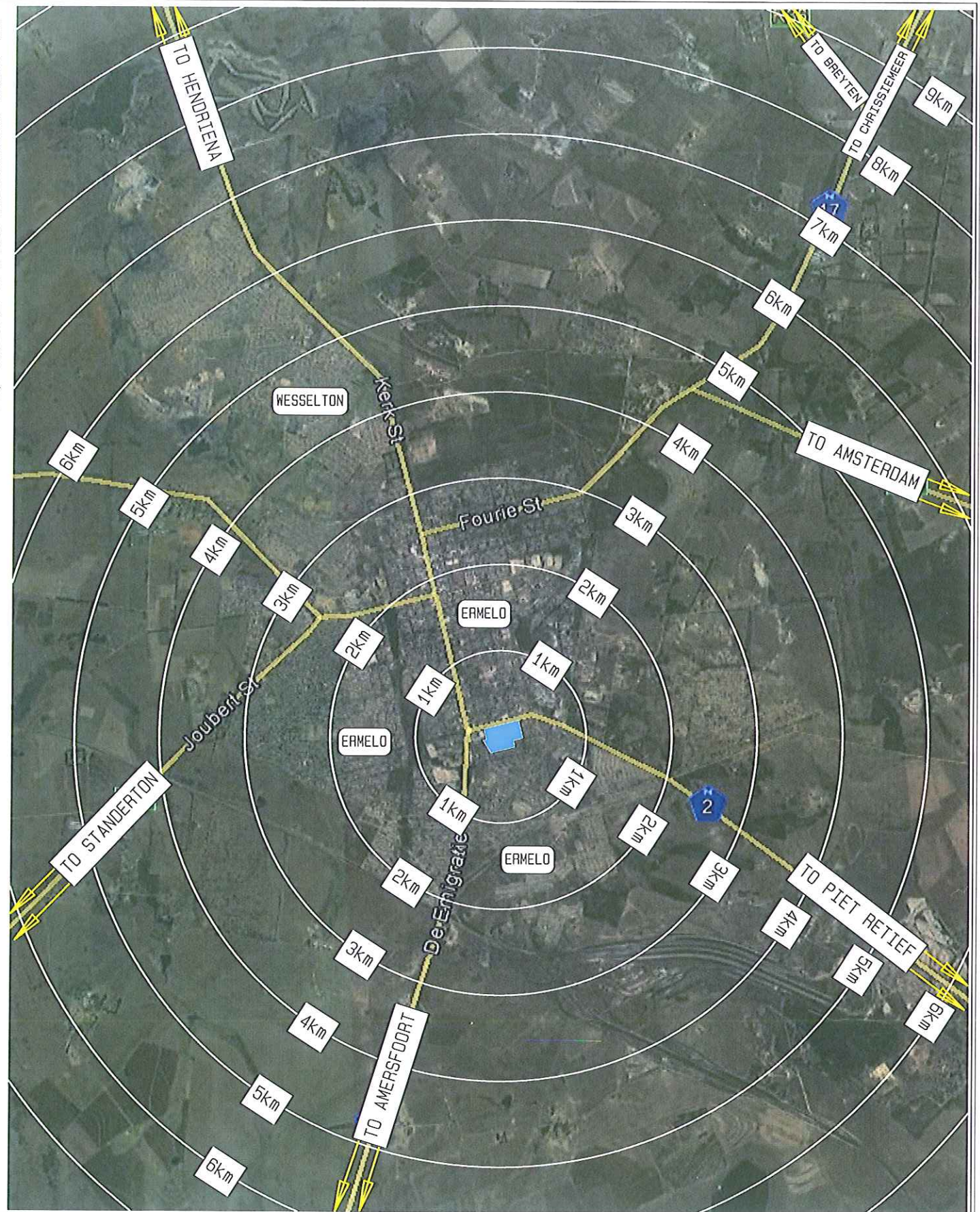
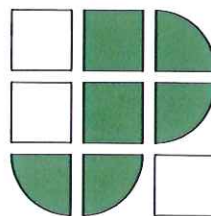


FIGURE 3a: VEHICULAR REGIONAL ACCESSIBILITY

PROPOSED TOWNSHIP ESTABLISHMENT ON THE REMAINDER OF PORTION 89 OF THE FARM NOOITGEDACHT 268-IT



J PAUL VAN WYK

URBAN ECONOMISTS & PLANNERS cc

P.O. BOX 11522
HATFIELD 0028

TEL : (012) 996-0097
FAX : (086) 684-1263
CELL : (082) 893-7370
EMAIL: airtaxi@mweb.co.za

(2) According to the Geotechnical Classification for Urban Development the site can for each of the engineering geological zones be classified as follows:

- * Zone 1 : 2A 1/2B 1C 2D 2E 2/3F 1L
- * Zone 2 : 2A 1/2B 1C 2D 2E 2/3F 1L
- * Zone 3 : 2A 1/2B 1C 2D 2E 2/3F 1L

For clarity on each particular constraint and its assessment in terms of "most favourable", "intermediate" and "least favourable" refer to para 13 of the accompanying geotechnical report by the mentioned engineering geologists titled:-

"Report on the Engineering Geological Investigation of the proposed new township Ermelo Extension 47 situated on the Remainder of Portion 89 of the Farm Nooitgedacht 268-IT for Township Establishment" (April 2014)

(3) These engineering geological zones translate to two NHBRC-Zones, as explained in para 14 of the geotechnical report. These NHBRC-Zones are the following:

- * NHBRC-Zone P (perched watertable, fill) – C1 / C2 – S1 / S2 (encompassing engineering geological zones 1 and 3)
- * NHBRC-Zone P (Perched watertable) – R – C1 / C2 – S1 / S2 (comprising engineering geological zone 2).

For clarity on the above refer to the geotechnical report where both the engineering geological and NHBRC-classifications are explained in detail.

The two NHBRC-Zones have been transposed on the township layout plan (refer figure 2).

[ANNEXURE 'I' : GEOTECHNICAL REPORT]

It is evident from the results of the geotechnical investigation that the subject property is developable in its entirety from an engineering geological perspective, provided certain "best practice" guidelines and recommendations are adhered to. An example include the recommendation that structures should preferably be founded on the underlying sandstone bedrock, and if too deep (due to e.g. the fill-requirement caused by the 20m elevational drop from northeast to southwest of the site) that particular engineering solutions be adopted / implemented to ensure suitable structural solutions.

The Report furthermore warns about a possible perched water table which may be problematic during the construction period

immediately after rainfall events. It also comments on several related matters like excavations, suitability of soils for fill and construction materials, the management and control of water runoff, and more. It is important that the Report be studied in its entirety for a more detailed and comprehensive assessment of the subsurface conditions and that the reader not only rely on the information provided in the townplanning memorandum alone.

6.2.6 Contextual milieu

The spatial context in which the proposed new shopping centre will be functioning is determined by three aspects, *viz*:

- * Surrounding land-use
- * Surrounding zoning
- * Future planning – SDF

The surrounding land-use pattern to a large degree corresponds with the current zoning of surrounding properties. This is evident from the Land-Use Map (figure 4) (overleaf) and Zoning Map (figure 5) for the area.

[FIGURE 4 : LAND-USE MAP]

[FIGURE 5 : ZONING MAP]

The area to the west of Portion R/89 reflects a mixed-use character, where a small shopping centre and other business premises seem to be coexisting in a mutually beneficial functional and spatial relationship. The segregation of residential and commercial traffic may contribute to this symbiotic relationship due to the residential uses deriving access from the south *via* Juliana Avenue and Jurgens Street while the non-residential uses derive its access from the west and north *via* De Emigratie Street (N11-route) and Voortrekker Avenue (N2-route extension) respectively.

The areas to the south of the subject property and to its immediate east are a low-density residential neighbourhood seemingly known as Nederland Park (according to Google search). There are several erven zoned for land-uses ancillary to a residential neighbourhood, e.g. school sites, a church site (developed), business and park erven.

Further east are found industrial and commercial zoned erven, many of which are fully developed and operational.

The area to the north of the site (opposite Voortrekker Avenue) is presently interspersed with a proliferation of non-residential business uses – especially along Voortrekker Avenue, and northwestwards along Church Street.

REMAINDER OF PORTION 89, FARM NOOITGEDACHT 268-IT

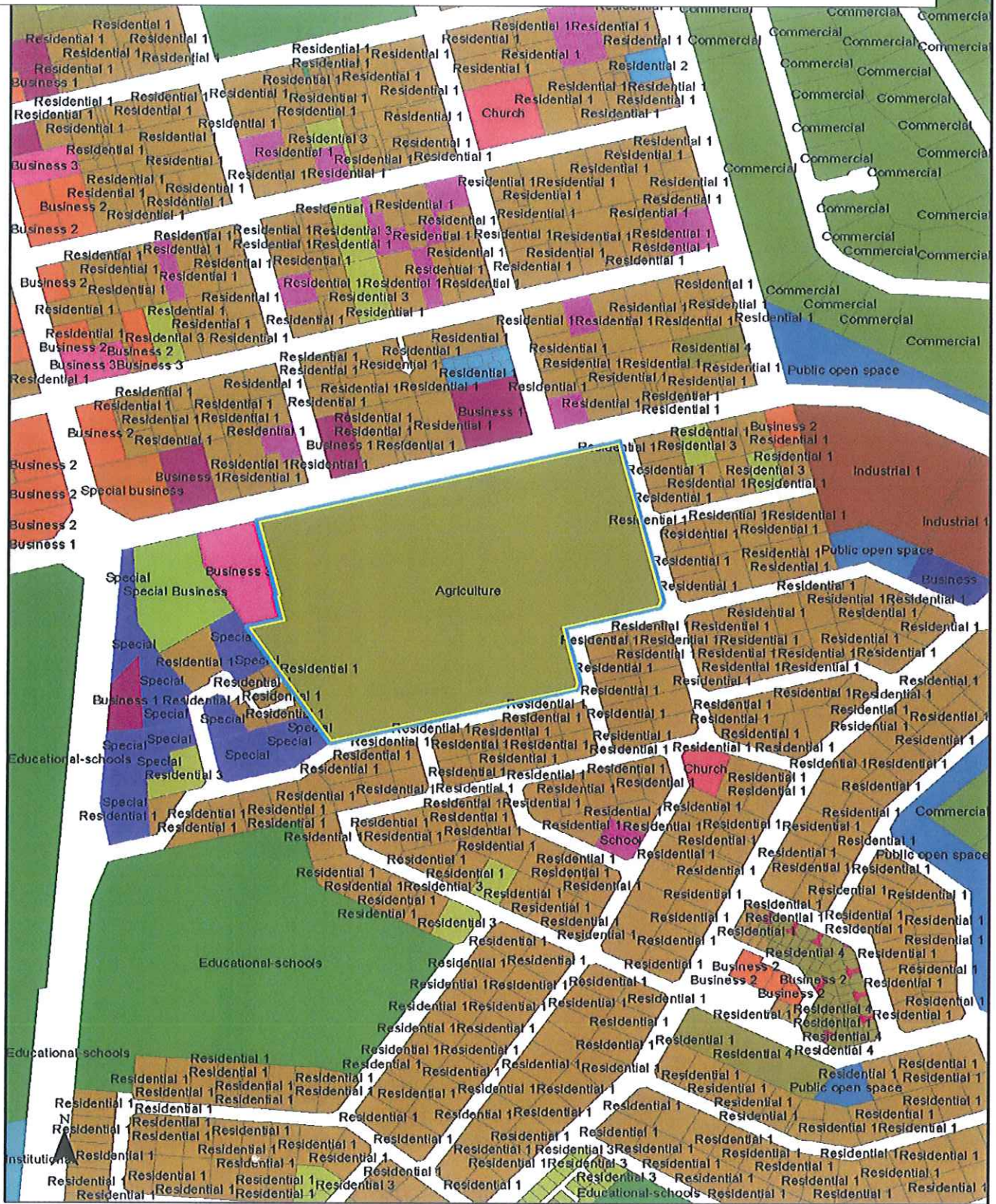
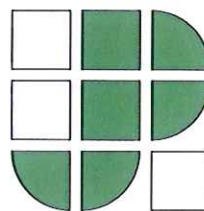


FIGURE 5: ZONING MAP

PROPOSED TOWNSHIP ESTABLISHMENT
ON REMAINDER OF PORTION 89 OF THE
FARM NOOITGEDACHT 268-IT



P.O. BOX 11522
HATFIELD 0028

J PAUL VAN WYK

URBAN ECONOMISTS
& PLANNERS cc

TEL : (012) 996-0097

FAX : (086) 684-1263

CELL : (082) 893-7370

EMAIL: airtaxi@mweb.co.za

The LSDF Proposals (Map 43c overleaf) elucidates on the future use for which certain areas / precincts have been earmarked.

[FIGURE 6 : LSDF PROPOSALS]

It is clear from the LSDF proposals that the area between the site and the CBD has been earmarked as "CBD Transitional Area", except along the main routes of Voortrekker Avenue, Church Street, Border Street and Taute Street which have been destined for "Mixed-use Development Spines". The particular site under consideration has been assigned a dual future use designation, *viz*:

- * North: Along Voortrekker Avenue - "*Mixed-use Development Spine*";
- * South: "*Priority site to be considered for residential infill*".

Assigning a dual use to a single site is not ideal and the entire site should rather have been earmarked for mixed-use purposes. Although strip-developments can serve a particular purpose along development spines, some uses like the shopping centre under consideration require a deeper site for proper functioning. Large sites with adequate street frontage and depth are extremely scarce, difficult and expensive to assemble from a compendium of smaller erven owned by different owners. The present case is therefore a unique opportunity which will be lost if the future use of Portion R/89 will be apportioned in a northern-use and a southern-use segment.

It is evident from the current and future spatial context that the proposed new shopping centre on Portion R/89 would be compatible with surrounding uses. Special care will be taken along especially the south-boundary of the site to ensure the minimization of any potentially adverse impacts on the adjacent residential neighbourhood.

For a more detailed interpretation of the potential influence of the proposed shopping centre on surrounding land-uses (and *vice versa*) with reference to figure 4, kindly refer to Annexure 'O'.

[ANNEXURE 'O' : IMPACT ON SURROUNDING LAND-USES]

6.2.7 Civil engineering services

Messrs Civilconsult Consulting Engineers have been appointed to the project to investigate and report on the availability of bulk civil engineering services to the proposed new township on the subject property for each of the identified development phases. The results of the investigation have culminated in two reports – one for each of the development phases, titled:

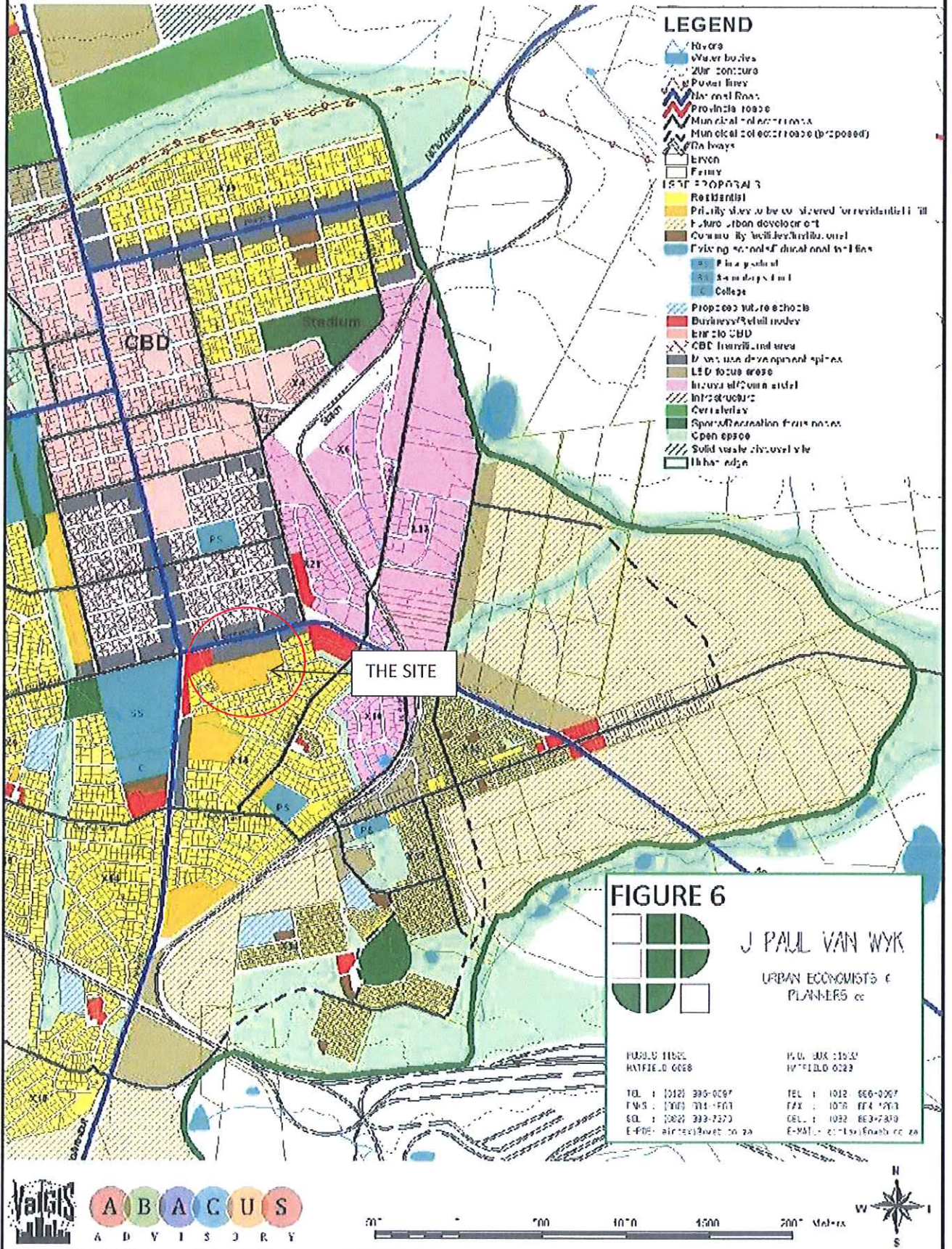
"ERMELO X 47 (PHASE 1 / PHASE 2): PROPOSED SHOPPING CENTRE (REMAINING EXTENT OF PORTION 89 OF THE FARM

Msukaligwa Local Municipality

LSDF Proposals: Ermelo/Wesselton (east)



Map 43c



NOOITGEDACHT 268-IT. BULK SERVICES AVAILABILITY REPORT."

Although certain aspects discussed in these reports have been highlighted here, it is important to note that these reports in its entirety form an integral part of the township application and should be dealt with as such.

(1) Water

The subject property is located in the supply zone of the Southern Water Treatment Works of the Municipality where water shortages are not being experienced. The reports confirm adequate water availability for both phases of the envisaged shopping centre development.

The water shortages currently being experienced (April 2014) pertain to the Northern Water Treatment Works of the Municipality, which will *ceteris paribus* be resolved upon completion of a new raw water bulk supply pipeline presently being implemented, within a few weeks. The estimated completion date is 16 May 2014. Once completed the temporary emergency scheme in terms of which water is supplied by the Southern Water Treatment Works to the northern areas of town will be discontinued.

The township will be connected to the bulk municipal water pipeline of 210mm diameter situated along the northern road-reserve of Voortrekker Avenue by means of a 160mm diameter bulk connection, including a bulk water consumption meter. This connection will suffice for both development phases.

The reports make mention of certain measures to implement to ensure adequate, sustainable water pressure to the proposed new shopping centre (i.e. either an appropriate on-site storage facility or a booster pump station).

The estimated water demand for proposed phases 1 and 2 of the development complex will be between 160 and 240 kilolitre per day and between 80 and 120 kilolitre per day respectively.

(2) Sanitation

It is confirmed in the two phasing reports that sufficient capacity exists in the existing Ermelo Waste Water Treatment Plant to accommodate the proposed new shopping centre – ultimately to extend to approximately 60 000m² gross floor area.

Confirmation of the adequacy of the bulk sewer network to accommodate the estimated effluent to the south of the

development site is also given. Various connection points to the existing system are being proposed.

The estimated effluent sewer-flow for the first development phase will be between 160 and 240 kilolitre per day, with the corresponding figure for the second development phase being between 80 & 120 kilolitre per day.

(3) Stormwater drainage

The respective phasing reports both mention that:-

- * The development site would not have to accommodate stormwater run-off from higher-lying streets / properties;
- * The existing bulk Municipal stormwater system of 450mm diameter lines to the south of the site (the site slopes northeast- / southwestwards) would have to be upgraded to accommodate the future run-off from the development site. A 1500mm diameter pipeline is being proposed from the southwestern boundary of the site west / southwestwards up to the point(s) of discharge near a natural water course.

Messrs Civilconsult Consulting Engineers have also prepared a separate report for the proposed Ermelo Extension 47 on the subject property titled:

"Stormwater Management Report."

The report reiterates and expands on the above aspects, and elaborates quite extensively on a suggestion that consideration be given to the adoption of Sustainable Urban Drainage Systems (SUDS) principles:

"The objectives of the SUDS approach are the effective management of stormwater run-off quantity, quality and the associated amenity and biodiversity of the urban drainage system."(p12)

The pre- and post-development stormwater run-off figures were calculated to inform the design capacity of the new 1500mm diameter bulk line being proposed. The report concludes with the following recommendations:

"...recommended that rainwater harvesting could be implemented by the accumulation of rainwater from the rooftops of Ermelo Extension 47. Storm water run-off in the area could also be decreased with the implementation of increased infiltration through the

creation of natural green landscaped areas to increase the permeability of the soil surface and to install permeable paving.”(p13)

(4) Availability of engineering services

The Msukaligwa Municipality: Technical Services Department in a recent letter to the project civil engineers confirmed as follows:

“Ermelo x 47 will consist of a shopping centre with a floor area of up to 60 000m².

We herewith confirm the following with regards to the supply of bulk services to the proposed development:

- * The proposed development could connect to the municipal reticulation.*
- * Bulk services are available and the treatment capacity of the water purification works is adequate to supply the proposed development with water.*
- * The proposed development could connect to the existing sewerage reticulation to the south.*
- * The capacity of the sewer treatment plant / waste water treatment plant is adequate to accommodate the sewage flow from the proposed development.*
- * That upgrades to the existing storm water reticulation south of the proposed development will have to be carried out in order to accommodate the post development storm water run off from the proposed development.”*

[ANNEXURE 'J' : LETTER FROM MUNICIPALITY
DATED 29 APRIL 2014
CONFIRMING CAPACITY FOR
CIVIL ENGINEERING
SERVICES]

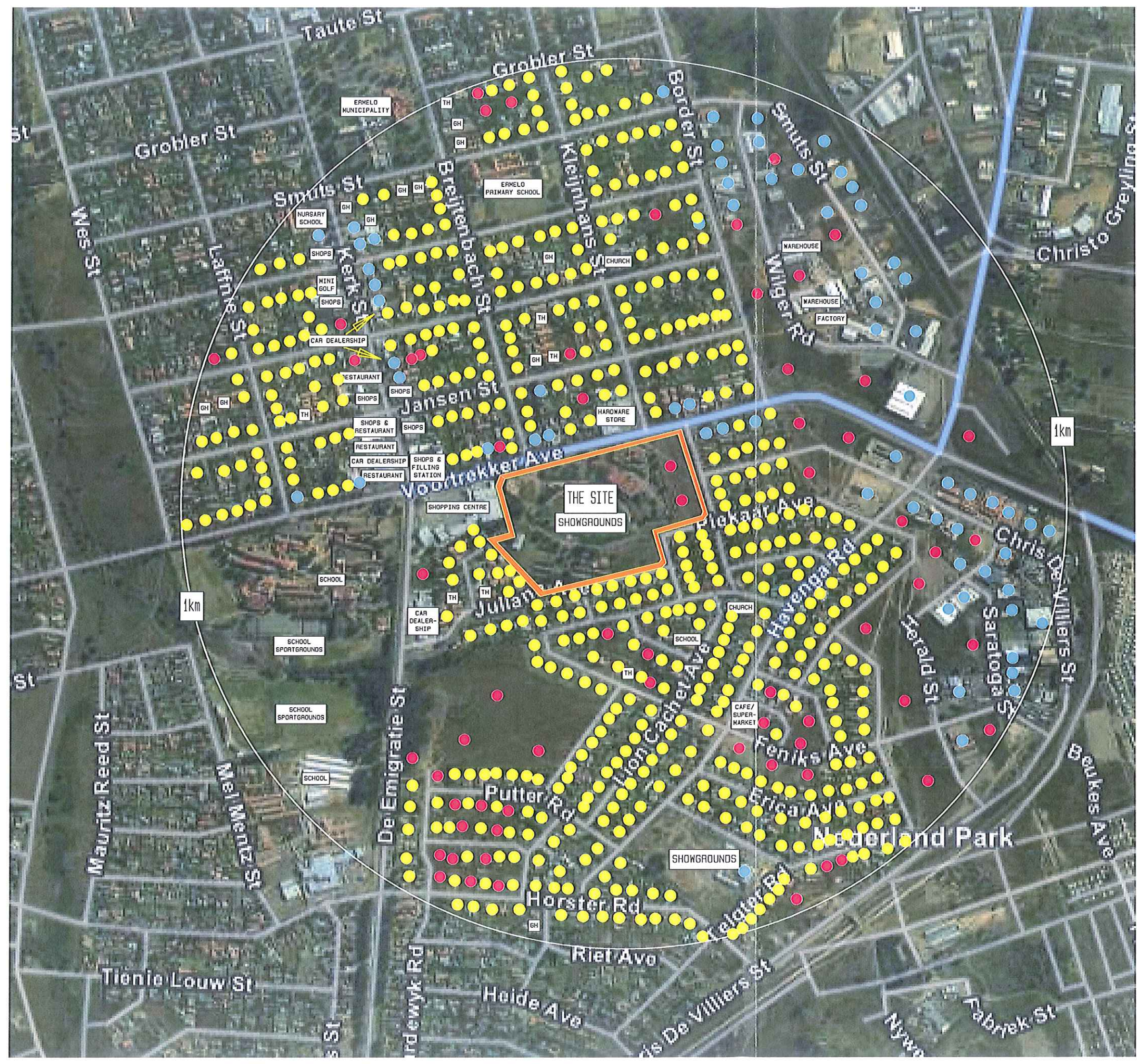
(Refer Annexure C of Phase 2 Bulk Services Availability Report by Civilconsult Consulting Engineers).

FIGURE 4: LAND USE MAP

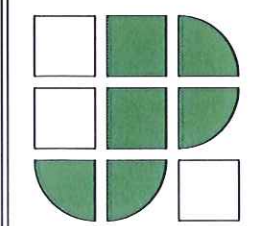
PROPOSED TOWNSHIP ESTABLISHMENT ON REMAINDER
OF PORTION 89 OF THE FARM NOOTGEDACHT 268-IT

LEGEND:

- RESIDENTIAL
- BUSINESS
- VACANT
- G GUESTHOUSE
- GH GROUP HOUSING
- TH TOWNHOUSES



LOCAL AUTHORITY:	APPLICANT:
MSUKALIGWA LOCAL MUNICIPALITY P O BOX 48 ERMELO 2350	STYLESTAR INVESTMENTS (PTY) LTD P O BOX 72689 LYNNWOOD RIDGE 0040



J PAUL VAN WYK
URBAN ECONOMISTS &
PLANNERS cc

POSBUS 11522 HATFIELD 0028	P.O. BOX 11522 HATFIELD 0028
TEL : (012) 996-0097	TEL : (012) 996-0097
FAKS : (086) 684-1263	FAX : (086) 684-1263
SEL : (082) 893-7370	CELL : (082) 893-7370
E-POS: airtaxi@web.co.za	E-MAIL: airtaxi@web.co.za

(5) Roads

The matter of roads and road improvements as one of the civil engineering services to the township has been dealt with comprehensively in para 6.2.10 *infra*, and is not repeated here.

(6) Solid waste disposal

The project engineers (civil) estimate the volume of solid waste to be generated by the shopping centre once operational to be around 166m³ / week and 83m³ / week for phases 1 and 2 of the project respectively.

The Director of the Community Services Department of the Msukaligwa Local Municipality has confirmed in a letter to the project civil engineers dated 25 April 2014 that the "*...Municipality has the capacity to collect and transport solid waste from the said development to (the) Waste disposal Site on a weekly basis as proposed ...*". Furthermore he has indicated that there is sufficient capacity at the landfill site and that the latter has also been licenced with the Department of Water Affairs (under licence 162/7/C112/D1/P427). The developer will however be liable for providing a Waste Storage Area on site with a controlled access.

[ANNEXURE 'K' : LETTER BY DIRECTOR OF COMMUNITY SERVICES DATED 25 APRIL 2014 REGARDING SOLID WASTE DISPOSAL]

6.2.8 Electrical engineering service

Messrs SVR Consulting Engineers were appointed to the project to calculate the bulk electrical demand for the proposed new shopping centre and to investigate whether sufficient capacity exists for a sustainable supply to the project. The results of the investigation are contained in a report attached hereto as Annexure 'L' and titled:

"PROPOSED SHOPPING CENTRE DEVELOPMENT, ERMELO X 47 ON REMAINDER OF PORTION 89 OF THE FARM NOOITGEDACHT 268-IT. ELECTRICAL SERVICES REPORT."(April 2014).

[ANNEXURE 'L' : ELECTRICAL SERVICE REPORT AND LETTER BY MUNICIPALITY DATED 24 APRIL 2014]

The Report confirms the estimated electrical demand (load) for the new shopping centre to be a total of 6 000 kVA (i.e. 4 000 kVA for Phase 1 and 2 000kVA for Phase 2). The applicant will be required to install a new feeder cable from the Ermelo Main 88kV substation to the

site. For the necessary back-up supply, a further cable will be required to complete a ring-feed from another cable with sufficient capacity approximately 600 metres for the site.

The township layout plan (figure 2) makes provision for a 6m x 3m electrical servitude in favour of the Municipality (i.e. fig Abcd on the northwestern corner of proposed Erf 1), positioned adjacent to Voortrekker Avenue. The servitude is required for the metering ring main unit (MRMU) for the medium-volt connection to be provided by the Municipality. The MRMU will be supplied by the applicant.

For more detail on the route, capacities, upgrades, connections and functions of the existing and proposed new cables, transformers, switch gear and other installations and requirements, kindly refer to Annexure 'J'. The applicant will comply with all the requirements to facilitate the required electrical connection to the site and to ensure a sustainable supply of electricity, complete with back-up of the main line. This will be done in conjunction with, and to the satisfaction of the Municipality.

6.2.9 Environmental sustainability

The independent environmental practitioner (EAP) dr Gwen Theron of the firm LEAP Environmental Consultants & Landscape Architects prepared an Environmental Summary to inform the townplanning process titled:-

"Proposed Shopping Centre & Township Establishment on the Remainder of Portion 89 of the Farm Nooitgedacht 268-IT, Ermelo, Mpumalanga" (March 2014).

The summary is attached hereto as Annexure 'M'.

[ANNEXURE 'M' : ENVIRONMENTAL SUMMARY]

The information on which the summary is based was obtained from *inter alia* a site visit and assessment by the EAP, a public meeting and several specialist studies on the development site. Examples of the latter include an engineering geological investigation (para 6.2.5 *supra*), a cultural / heritage resources impact assessment, a palaeontological impact assessment, a fauna & flora assessment, and others. These respective assessments and expert interpretation have culminated in a Combined Site Sensitivity Map confirming "Low Sensitivity" of the overall development site.

The specialist reports investigate several environmental aspects for potential adversities and sensitivities and where these do occur to some degree, make recommendations on how to mitigate potentially negative effects which may possibly ensue from the implementation of

the development project. Examples include the presence of a perched watertable which may give rise to possible flooding during the construction process after high rainfall occurrences. Also the finding that six existing buildings /structures on the site may possibly be older than 60-years and that :-

"(t)he recorded structures represent typical 1950's agricultural show facilities. They are given a rating of General Protection B (field rating IV B). They should be recorded before destruction" (p7)

In this regard it is confirmed that:-

"(a) Phase II Heritage Impact Assessment is currently being undertaken by Engela White" (p8)

The report concludes with, and put forward the following provisional recommendations:

*"There are no ecologically significant areas on site.
There are no red data species on the site.
There are 6 buildings older than 60 years but are not of historic significance. These buildings must be documented as a second phase historic assessment.*

Recommendations

- * The species used in rehabilitation of the proposed development should be endemic and indigenous to lessen the impact of exotic plant species on existing fauna and flora systems.*
- * Regulations in the EMP should be adhered to, to protect the receiving landscape.*
- * Permeable paving should be used to reduce runoff and increase infiltration and ground water recharge.*
- * All specialist report recommendations must be adhered to.*
- * Construction must take place according to the EMP" (p9)*

[EMP – Environmental Management Plan]

The information provided by the EAP to inform the townplanning process confirms the environmental sustainability of the proposed new shopping centre on the subject property. The environmental process is however on-going and acknowledgement is given to further impacts which may still be identified through e.g. the public participation process. No major issues are however expected to arise.

The environmental authorization application by the EAP in terms of the National Environmental Management Act, 1998 (Act 107 of 1998)(as amended) [NEMA] is a parallel process to that of the township establishment process, and will result in an independent record of decision (ROD) to be issued by the Mpumalanga Department of Economic Development Environment and Tourism (MDEDET), and to which the applicant would have to fastidiously comply with. The ROD and EMP's (construction and operational phase) will ultimately control / regulate all environmental-related matters on the development site. It is for this reason that an iterative, inter-active process is being followed between townplanning and environment to ensure and reinforce spatial and environmental sustainability of the project in the end.

6.2.10 Traffic impact and access

Messrs WSP Consulting Engineers have been appointed to the project team of specialists to investigate the traffic impact of the proposed new shopping centre on the surrounding public road system and the operating levels of vehicular movement on these roads. The matter of access to the development site was also addressed, amongst other relevant matters in a report titled:

*"ERMELO EXTENSION 47
Retail Development
TRAFFIC IMPACT STUDY
March 2014."*

The impact assessment considered two development phases to the overall project, viz a first phase of 40 000m² and a second phase of a further 20 000m² gross leasable area for shopping centre purposes. The first phase area includes a fitness centre (gymnasium) of 3 000m².

The traffic impact study (TIS) investigated the potential effect that the proposed new shopping centre on the subject property would have on nine pre-determined road-intersections, for each development phase. These intersections are the following:

- * Church and Joubert Street;
- * Church and Buhrman Street;
- * Voortrekker Avenue and Church Street;
- * De Emigratie Street and Camden Avenue;
- * Voortrekker Avenue and Breijtenbach Street;
- * Voortrekker Avenue and Kleijnhans Street;
- * Voortrekker Avenue and Nederlandse Road;
- * Voortrekker Avenue and Border Street; and
- * Voortrekker Avenue and Havenga Road.

The study adopted a five and ten year development horizon for the first and second development phases. To determine the horizon year traffic the actual traffic counts were escalated by a 3 percent growth rate per annum.

It was found that given the above, the capacity of most of these intersections would be under strain in 2018, even without the development traffic. By adding the development traffic to the 2018 background traffic would require the implementation of four new robots to alleviate the pressure. These would be required at the following intersections, *viz*:

- * Church and Buhrman Street;
- * Voortrekker Avenue and Breijtenbach Street;
- * Voortrekker Avenue and Kleijnhans Street; and
- * Voortrekker Avenue and Border Street.

These new traffic lights together with an array of road improvements as set out in the TIS-report in Chapter 7 (pp15 – 16) are recommended to ensure that its implementation would counter the impact which the additional traffic to be generated by the proposed new shopping centre, would have on the levels of service on these and other roads. Although the new robots would all be required pursuant to the first development phase, the road improvements would be spread between the first and second development phases.

The TIS has included certain latent rights for a possible future shopping centre to be known as Willowpark Mall (Ermelo Extension 40) approximately one kilometre west / northwest of the development site, and recommends that the costs of the robots and road improvements be shared between the developers of Ermelo Extensions 40 and 47.

Apart from the traffic impact, the TIS has also addressed the matters of access and public transport, with the following findings:

- * Access to the future shopping centre on the development site shall be gained off Voortrekker Avenue at two positions, *viz* across from Breijtenbach Street and across from Kleijnhans Street.
- * On the matter of public transport a recommendation is made for the provision of four taxi lay-byes on either side of Voortrekker Avenue on the downstream side of its intersection with Breijtenbach and Kleijnhans Street, i.e. at the two accesses to the shopping centre site.

The TIS also recommends that proper sidewalks be implemented to provide for ease of pedestrian movement along Voortrekker Avenue.

It is evident from the above that adequate mitigation would be possible through improved traffic control and flow measures, combined with strategic road upgrades which would serve to counter the potentially negative effects of trip generation pursuant to the future new shopping centre.

6.2.11 Principles for land development

Section 2(c) of the Development Facilitation Act, 1995 (Act 67 of 1995) [‘DFA’] stipulates the following:

"The general principles set out in Section 3 apply throughout the Republic and –

(a)...

(b)...

(c) serve as guidelines by reference to which any competent authority shall exercise any discretion or take any decision in terms of this Act or any other law dealing with land development, including any such law dealing with the subdivision, use and planning of or in respect of land..." (pp9,10)

The applicant has studied the development principles in Section 3 of the DFA together with the guideline by the National Development Planning Commission dated February 1999 titled:-

"Resource Document. Principles of the Facilitation Act, 1995";

and proceeded to assess the effect of the proposed new regional shopping centre on the subject property against the intent of these development principles. A detailed description of this assessment and its findings have been incorporated as Annexure ‘N’ hereto.

[ANNEXURE ‘N’ : DFA DEVELOPMENT PRINCIPLES ASSESSMENT AND FINDINGS]

It has been demonstrated that the proposed development project will be consistent with the particular development principles concerned, which confirms and reinforces the desirability and sustainability of the specific land-use change being proposed for Portion R/89 of the farm Nootgedacht 268-IT.

7. CONCLUSION AND RECOMMENDATION

7.1 CONCLUSION

It is evident from the information provided, the findings of specialist consultants and argument offered that there is a proven need for the proposed new shopping centre on the subject property and that the implementation of the project would be desirable from a townplanning perspective. The applicant has therefore successfully discharged its responsibility in terms of Regulation 18 read with Section 19 of the Townplanning and Townships Ordinance, 1986 to prove the need / necessity and desirability of the development proposal, as well as the future sustainability of the project

7.2 RECOMMENDATION

Based on the proven need, desirability and sustainability of the proposed new shopping centre on Portion R/89 of the farm Nooitgedacht 268-IT the Msukaligwa Local Municipality is hereby requested to award the application its positive consideration and to approve the application for township establishment on the property concerned.



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

April 2014