

MEMORANDUM

**MOTIVATION OF MERIT OF
PROPOSED TOWNSHIP ON
HOLDING 62 SHERE AGRICULTURAL
HOLDINGS
PROPOSED SHERE EXTENSION 02**



J PAUL VAN WYK

**URBAN
ECONOMISTS
& PLANNERS CC**

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TSHWANE

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MEMORANDUM

MOTIVATION OF MERIT OF PROPOSED TOWNSHIP ON HOLDING 62 SHERE AGRICULTURAL HOLDINGS

- PROPOSED SHERE EXTENSION 02 -

1. INTRODUCTION

1.1. APPLICATION

Application is hereby made for the establishment of a township on the property known as Holding 62, Shere Agricultural Holdings. The application is being made in terms of Section 16(4) of the City of Tshwane Land Use Management Bylaw, 2016 (the Bylaw) read with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA].

1.2. PURPOSE

1.2.1. Land development application

The application for land development approval has the purpose of procuring the necessary use-rights to develop the subject property as an office park complex or a residential compound consisting of blocks of flats. The use-rights underpinning these land uses require a Special zoning (Use-zone 28) for purposes of offices (including a staff restaurant) or block of flats, subject to a set of customized Annexure T zoning conditions, in terms of the provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [“TTPS”].

As there is no applicable definition in the TTPS for a staff restaurant, a customized definition will apply for this Scheme. This definition is being proposed as follows:

"For purposes of this Scheme a staff restaurant shall mean land and buildings used for the preparation, sale and consumption of refreshments on the erf such as a restaurant, café, coffee shop, tea room and tea garden; for the exclusive use of the employees and their guests or patrons of the office park complex in the township; provided it is ancillary and subservient to the main use on the erf in the township. The kitchen layout shall comply with the Municipality's health requirements".

1.2.2. Memorandum

The purpose of the memorandum is to collate all the essential information on the application in a single document, to formulate and describe the development proposal and to motivate its merit

from *inter alia* a need / necessity, desirability and sustainability perspective.

1.3. APPLICANT

1.3.1. Property owner

The property on which the township is being established is registered in name of Adenia-Hough (Pty) Ltd (Reg No 1997/007960/07), the company being the applicant in this matter.

1.3.2. Authorized agent

Mr Paul van Wyk, registered town- and regional planner (Pr Pln A/089/1985) (or nominee) of the firm J Paul van Wyk Urban Economists & Planners cc has been appointed by the registered owners to undertake the present application on its behalf.

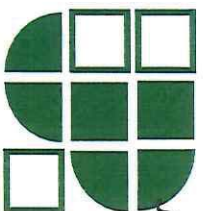
[ANNEXURE 'A' : COMPANY RESOLUTION, CIPC
CONFIRMATION OF DIRECTORS &
SPECIAL POWER OF ATTORNEY]

1.4. JURISDICTION

Holding 62, Shere A.H. is located in Region 6, within the municipal confines of the City of Tshwane Metropolitan Municipality (CTMM) with decision-making authority on land development applications in terms of the Bylaw vested in the Metropolitan Council, but devolved to the Municipal Planning Tribunal and (an) Authorized Official(s) for Category 1 and 2 applications respectively.

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As there is no applicable definition in the TTPS for a staff restaurant, a customized definition will apply for this Scheme. This definition is being proposed as follows:

“For purposes of this Scheme a staff restaurant shall mean land and buildings used for the preparation, sale and consumption of refreshments on the erf such as a restaurant, café, coffee shop, tea room and tea garden; for the exclusive use of the employees and their guests or patrons of the office park complex in the township; provided it is ancillary and subservient to the main use on the erf in the township. The kitchen layout shall comply with the Municipality’s health requirements.”

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[ANNEXURE 'A' : COMPANY RESOLUTION, CIPC
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2. PROPERTY PARTICULARS

2.1. DESCRIPTION

The property on which the proposed new township is being established has been described in title deed T 34249/2018 as follows:

*"HOLDING 62 SHERE AGRICULTURAL HOLDINGS,
REGISTRATION DIVISION J R, GAUTENG PROVINCE" (p2)*

Reference in the balance of the memorandum to this property will be as 'Holding 62', 'subject property', 'Property', 'site' or 'development site'

[ANNEXURE 'B': TITLE DEED COPY T 34249/2018]

2.2. EXTENT

Title deed T 34249/2018, p2 confirms the subject property to be 1,7100 hectares in extent.

2.3. LOCALITY

2.3.1. Urban context

The Property is situated in the Shere Agricultural Holding complex approximately 2,5 kilometres southeast of the Solomon Mahlangu Drive and Lynwood / Graham Road intersection, to the southwest of, and abutting Graham Avenue. The Shere A H complex is surrounded by the following identifying farms / developments :

- * **South-west :** Portions of farm Tweefontein 372-JR;
- * **North-west:** Portions of farms Tyger Valley 334-JR and Paradiso township (Lombardy Estate);
- * **South-east :** Shere A.H. and Camel Valley townships; and
- * **North-east:** Portions of the farm Tweefontein 372-JR

[FIGURE 1a : LOCALITY IN REGIONAL CONTEXT]

2.3.2. Local context

The locality of the subject property in local context is reflected on figure 1b. The Property is located at 1839, Graham Avenue, with Silver Lakes Road situated approximately one kilometre northwest of the Property along the adjacent Graham Road – the latter traversing the area in an essentially northwest / southeastern direction. The northeastern boundary of the subject property

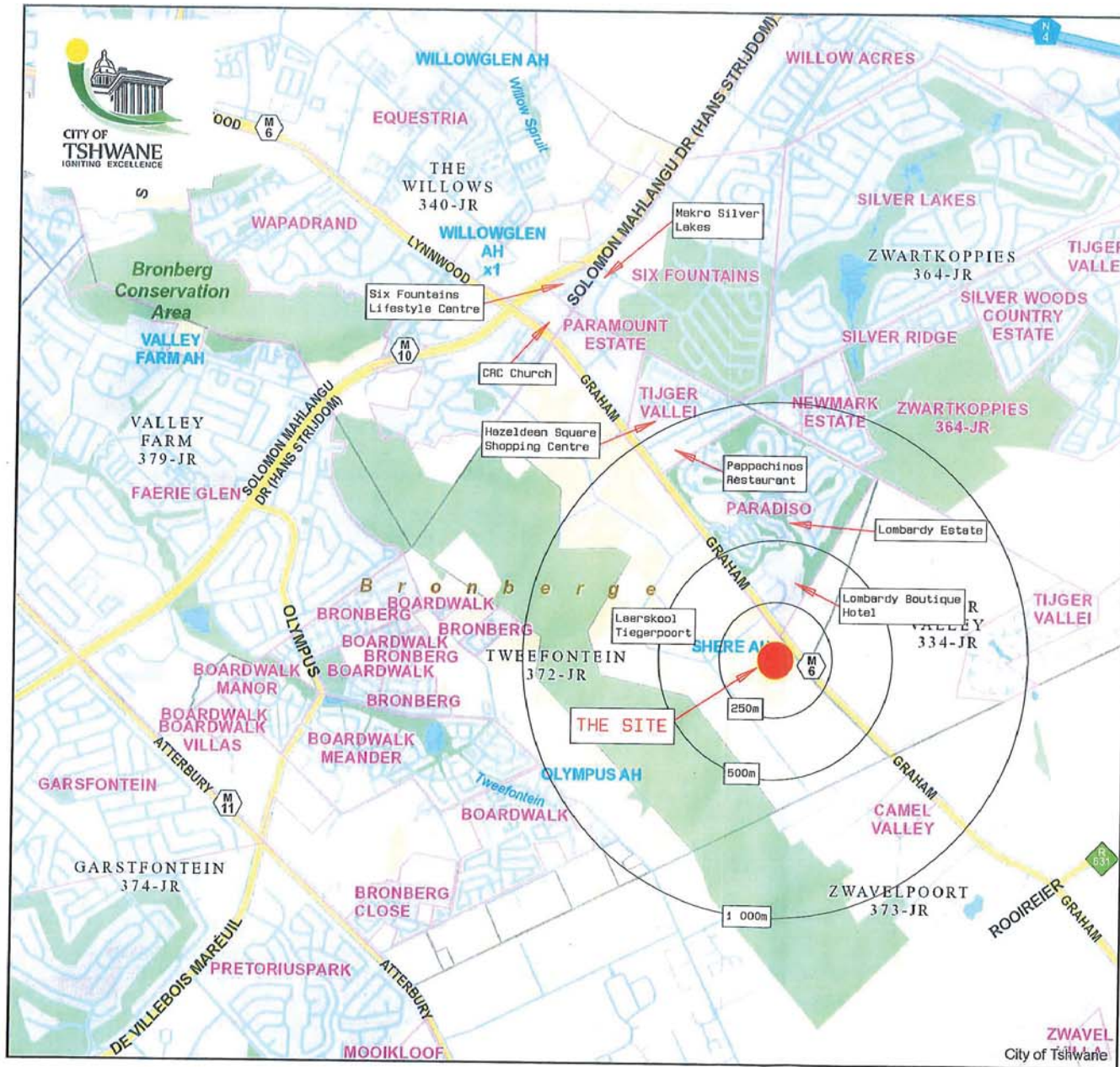


FIGURE 1a: LOCALITY IN URBAN CONTEXT

PROPOSED TOWNSHIP ON
HOLDING 62, SHERE A.H.
(PROPOSED SHERE EXT 2)



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3. ZONING AND LAND-USE

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

3.1 CURRENT ZONING

The CTMM in a Zoning Certificate dated 12 June 2018 confirmed the current zoning of the subject property as being Undetermined (Use-zone 19) for purposes of agriculture, a farm stall subject to Schedule 10 and one dwelling-house, in terms of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [TTPS].

[ANNEXURE 'F' : ZONING CERTIFICATE]

3.2 PRESENT LAND-USE

The subject property is currently not in use and until recently played host to a plant nursery (Plantland). All that remains on the Property are remnants of the old nursery (e.g. shaded greenhouse walkways / areas, structures for indoor plants and office / reception / retail area, paved outdoor walkways as well as a paved parking area on the northeast of the Property (adjacent to Graham Avenue). These structures / elements will be demolished to make way for the proposed future development on the Property.

3.3 FUTURE LAND-USE

The applicant envisages the establishment of one of the following development scenarios:

- (1) An office park complex comprising a total of 8 main blocks / structures on 4 erven, a central staff restaurant, landscaped outdoor social areas and a road carriageway and parking on the overall development site; or
- (2) A residential complex comprising of a total of 12 blocks of flats on 4 erven at a development density of 80 units per hectare (i.e. resulting in a total of 131 units in the township).

3.4 ZONING REQUIRED

The zoning required to facilitate the lawful use of the subject property for the envisaged purposes, is described as Special (Use-zone 28) for purposes of office (including a staff restaurant) or block of flats, subject to Annexure T zoning controls. The zoning controls have been devised to ensure that a gross floor area of 9 882m² would be applicable to the development site based on a floor area ratio (FAR) of 0,6.

The applicant has prepared the following set of Annexure T zoning and zoning conditions to be incorporated in the TTPS for the erven in the proposed Shere Extension 02 township at time of proclamation.

TABLE 1 : PROPOSED ZONING AND ZONING CONDITIONS FOR
 ERVEN IN SHERE EXTENSION 02
 ERVEN 1, 2, 3 & 4

1	Use Zone	28: Special
2	Uses permitted	Office (including staff restaurant) or block of flats.
3	Use with consent	(1) In conjunction with office use: Medical consulting rooms, veterinary clinic, bank, building society, fitness centre, institution, parking garage, parking site, place of childcare, place of instruction, place of public worship, place of refreshment, retail industry, social hall, sport and recreation club, sports and recreation ground, veterinary hospital and wall of remembrance in conjunction with a place of public worship. (2) In conjunction with block of flats: block of tenements, boarding house, fitness centre, hostel, institution, place of childcare, place of instruction, place of public worship, retirement centre, social hall, sport and recreation club, sports and recreation ground, veterinary clinic, veterinary hospital and wall of remembrance in conjunction with a place of public worship.
4	Uses not permitted	Other uses.
5	Definitions	(1) For purposes of this Scheme a staff restaurant shall mean land and buildings used for the preparation, sale and consumption of refreshments on the erf such as a restaurant, café, coffee shop, tea room and tea garden, for the exclusive use of the employees and their guests or patrons of the building; provided it is ancillary and subservient to the main use on the erven in the township. The kitchen layout shall comply with the Municipality's health requirements.
6	Density	(2) All other uses: Clause 5
7	Coverage	80 dwelling-units per hectare 60 percent

8	Height	3 storeys, ground level parking included
9	Floor area ratio	0,6: Provided that the staff restaurant for office use on Erf 4 shall not exceed 500m ² gross floor area.
10	Site development plan and landscape development plan	(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans. (2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.
11	Parking requirements	Demarcated parking spaces, together with the necessary paved maneuvering space, shall be provided on the erven in the following ratios to the satisfaction of the Municipality: (1) Block of flats: <ul style="list-style-type: none"> • One paved parking space for each flat with three habitable rooms or less. • Two paved parking spaces for each flat with four habitable rooms or more; and • One paved parking space per three flats for visitors. (2) Offices: Four parking spaces per 100m ² of gross floor area.
12	Street building-lines	(1) From Graham Road: 16m, provided that this distance may be relaxed by the Gauteng Department of Roads & Transport. (2) Other streets: Clause 9

13	Building restriction areas	Clause 12, Table A
14	Paving of traffic areas	All parts of the erven upon which motor vehicles may move or park, shall be provided with a permanent dust-free surface, which surface shall be paved, drained and maintained to the satisfaction of the Municipality.
15	Access to the erf	Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality.
16	Loading and off-loading facilities	Loading and off-loading facilities shall be provided on the erf to the satisfaction of the Municipality: Provided that this requirement may be relaxed by the Municipality.
17	Turning facilities	Turning facilities shall be provided on the erf to the satisfaction of the Municipality: Provided that this requirement may be relaxed by the Municipality.
18	Physical barriers	A permanent non-removable physical barrier shall be erected and maintained on the boundaries of the erf (approved entrances and exits excluded) to the satisfaction of the Municipality in accordance with an approved site development plan.
19	Health measures	(1) Any requirements for air pollution, noise abatement or health measures set by the Municipality shall be complied with to the satisfaction of the Municipality, without any costs to the Municipality.
20	Outdoor advertising	(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior permission of the Municipality.
21	Detrimental soil conditions	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality first having been obtained in terms of municipal by-laws for outdoor advertising. An engineer must be appointed before building plans are submitted, who must submit, together with the building plans, a certificate which states that he has studied

		<p>the relevant geological report and that he has established the necessary measures with regard to building work, drainage of the buildings and the site and the installation of wet services so that the development is safe as far as possible from a geological point of view. On completion he must certify that all his specifications have been met.</p>
22	Open space	<p>Clause 14(3)(a) applies to sectional-title residential use of the erf.</p>
23	General:	<p>(1) That portion of the erf between the building and the street boundary which is not used for traffic or parking purposes, shall, within six months from the date on which the erf is first used for the permitted purposes, be laid out and maintained as a garden at the owner's cost and to the satisfaction of the Municipality. Should the owner fail to comply herewith, the Municipality is entitled to execute the work at the owner's cost.</p> <p>(2) Subject to the provisions of the relevant legislation but notwithstanding any other provision contained herein, the Municipality may approve the subdivision of the erven, where such subdivision corresponds with the subdivision proposals shown on the approved site development plan applicable to the erf.</p> <p>(3) All conditions set by the Municipality regarding parking on sidewalks, access control, the provision of pedestrian walkways on sidewalks and other traffic related issues shall be complied with to the satisfaction of the Municipality.</p> <p>(4) In addition to the above conditions the erf and buildings thereon are further subject to the general provisions of the Tshwane Town Planning Scheme, 2008 (Revised 2014).</p>

4. DEVELOPMENT PROPOSAL

4.1. CONCEPT

With the unpredictability in market trends and uncertainty with regards to approval, proclamation and implementation dates, it was decided to include a land-use mix which would offer flexibility in terms of development opportunity while still remaining within the proposed land-uses envisioned for the area in terms of the CTMM Regional Spatial Development Framework. This will ensure that the township (when established) will be able to provide the developer with the opportunity to choose between an office development on same or alternatively a residential complex, depending on active demand and what would offer a higher return on investment at the time. Based on this, the concepts envisioned entail the following:

(1) Office park complex

The proposed developed is envisaged as an up-market office park complex with the aim to cater for medium-size business concerns looking to buy or rent office space for their operations. The development complex will be of a high aesthetic appeal with integrated landscaping for social interaction as well as its very own restaurant where staff, as well as their patrons / guests can enjoy a meal or coffee break whilst at the same time interacting with other staff / persons frequenting the complex.

The development will comprise of a total of four individual, full-title erven each with two independent office structures designed around a communal parking area. Each erf will derive access from the southwest-lying future extension of Catherine Avenue for which an 8m road-widening has been provided in the township.

The idea is for the whole development to have an open and uncluttered feel while still maximising on the allowable bulk on the site (i.e. 0,6 FAR which translates to 9 882m²) through a 3-storey configuration. Exposure onto Graham Road will ensure the success of the complex in terms of visibility, legibility and location. The complex will furthermore be secured through an access control gate on Catherine Avenue which will be *ceteris paribus* manned by a security firm.

(2) Residential complex (block of flats development)

The housing typology envisaged is a block of flats to be developed at a density of 80 units per hectare (i.e. up to a maximum of 131 dwelling-units on the site). These units are to be sold on sectional-title.

The units will be configured in 12 3-storey structures of which the ground floor component will be utilized for parking purposes. With the township proposal being a 4-erf configuration (as in the

scenario for offices discussed above), this will translate to 3 structures per erf. The complex will offer a mix of two and one bedroom units catering to the middle to lower income market segment.

This will be a secure complex with access control at Catherine Avenue offering residents in this market segment the opportunity to reside in a security complex within their financial means. Vehicular access to the development will be gained off the future Catherine Avenue extension to the southwest of the site (as in the office scenario above). Pedestrian access will be allowed along the Graham Avenue boundary to reduce the walking distance to public transport facilities.

4.2. TOWNSHIP LAYOUT

4.2.1. Name and reference

The CTMM has on 21 June 2018 approved the name Shere Extension 02 for the proposed township on Holding 62. It also issued Reference 9/1/1/1-SREX02 for the file on which the application will be dealt with.

[ANNEXURE 'G' : TOWNSHIP NAME RESERVATION
CONFIRMATION]

4.2.2. Layout plan

Figure 2 (overleaf) depicts the proposed township layout geographically.

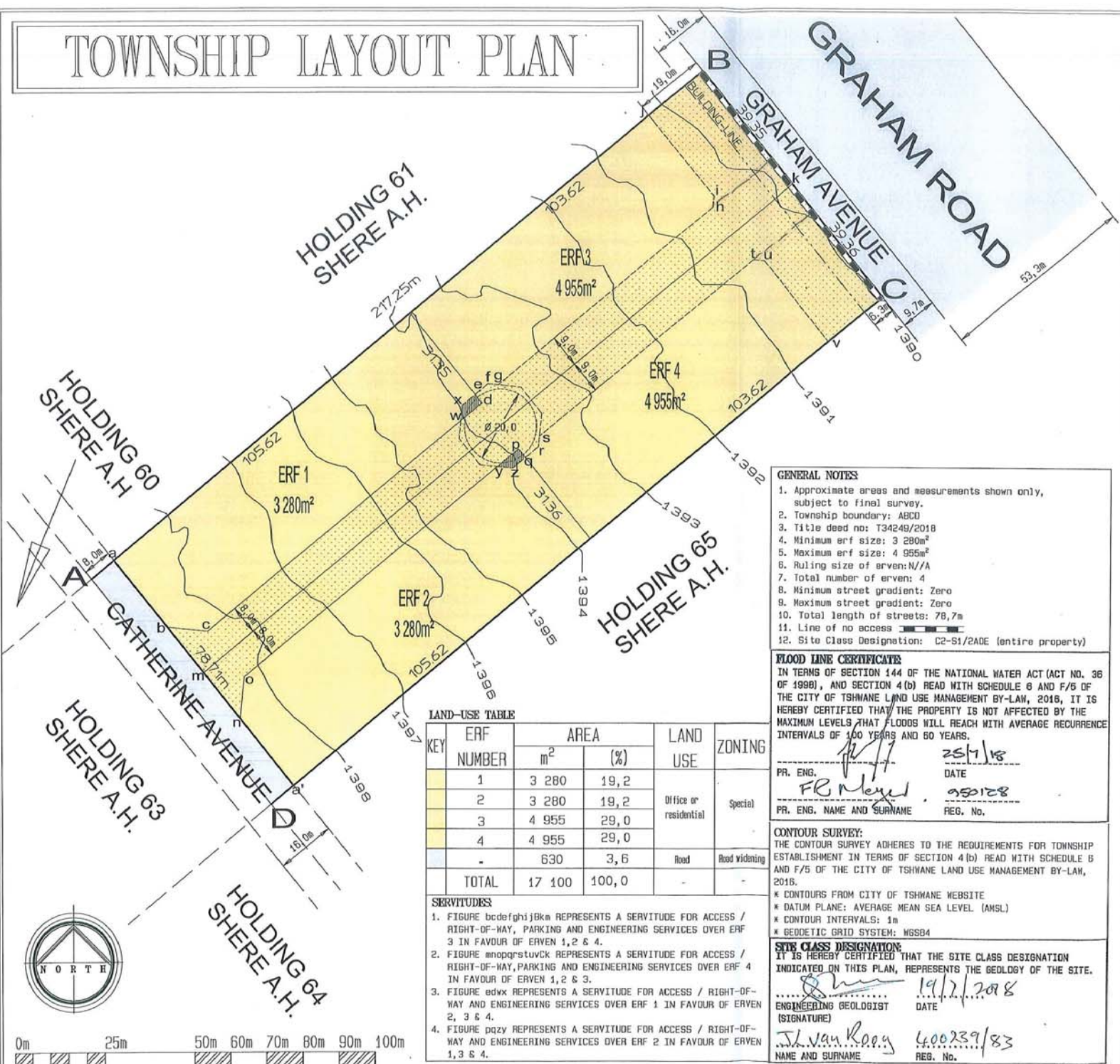
[FIGURE 2 : TOWNSHIP LAYOUT PLAN]

The layout reflects a four-erf configuration, of which all four erven will obtain access off the future eastward extension of Catherine Avenue along the southwestern boundary of the township.

The development will be impacted upon by future road-reserves required for the implementation of the southeastern extension of Catherine Avenue in accordance with the CTMM Roads Master Plan. The required reserve for this road is 16m for which 8m has been provided for in the township. No vehicular access will be permitted from Graham Avenue to the northeast and a line-of-no-access has been allocated along this boundary of the development site.

The 16m building-line applicable from Graham Road is partially encroached by Graham Avenue which runs parallel on the southwestern side (9,7m). The balance 6,3m has been honoured on the township layout plan and only parking or landscaping will

TOWNSHIP LAYOUT PLAN



LAND-USE TABLE

KEY	ERF NUMBER	AREA		LAND USE	ZONING
		m ²	(%)		
	1	3 280	19,2	Office or residential	Special
	2	3 280	19,2		
	3	4 955	29,0		
	4	4 955	29,0		
	-	630	3,6	flood	Road widening
	TOTAL	17 100	100,0	-	-

- SERVITUDES**
- FIGURE bcdefghijk represents a servitude for access / right-of-way, parking and engineering services over ERF 3 in favour of erven 1, 2 & 4.
 - FIGURE mnopqrstuvck represents a servitude for access / right-of-way, parking and engineering services over ERF 4 in favour of erven 1, 2 & 3.
 - FIGURE edvx represents a servitude for access / right-of-way and engineering services over ERF 1 in favour of erven 2, 3 & 4.
 - FIGURE pqzy represents a servitude for access / right-of-way and engineering services over ERF 2 in favour of erven 1, 3 & 4.

- GENERAL NOTES:**
- Approximate areas and measurements shown only, subject to final survey.
 - Township boundary: ABCD
 - Title deed no: T34249/2018
 - Minimum erf size: 3 280m²
 - Maximum erf size: 4 955m²
 - Ruling size of erven: N/A
 - Total number of erven: 4
 - Minimum street gradient: Zero
 - Maximum street gradient: Zero
 - Total length of streets: 78,7m
 - Line of no access
 - Site Class Designation: C2-S1/2ADE (entire property)

FLOOD LINE CERTIFICATE
 IN TERMS OF SECTION 144 OF THE NATIONAL WATER ACT (ACT NO. 36 OF 1998), AND SECTION 4(b) READ WITH SCHEDULE 6 AND F/5 OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2018, IT IS HEREBY CERTIFIED THAT THE PROPERTY IS NOT AFFECTED BY THE MAXIMUM LEVELS THAT FLOODS WILL REACH WITH AVERAGE RECURRENCE INTERVALS OF 100 YEARS AND 50 YEARS.

PR. ENG. *FB Meyer* DATE 25/1/18
 PR. ENG. NAME AND SURNAME REG. No. 950128

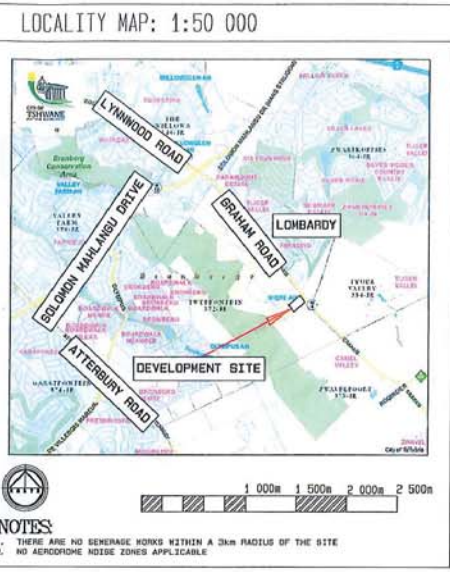
CONTOUR SURVEY:
 THE CONTOUR SURVEY ADHERES TO THE REQUIREMENTS FOR TOWNSHIP ESTABLISHMENT IN TERMS OF SECTION 4(b) READ WITH SCHEDULE 6 AND F/5 OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2018.

- * CONTOURS FROM CITY OF TSHWANE WEBSITE
- * DATUM PLANE: AVERAGE MEAN SEA LEVEL (ANSL)
- * CONTOUR INTERVALS: 1m
- * GEODETIC GRID SYSTEM: WGS84

SITE CLASS DESIGNATION:
 IT IS HEREBY CERTIFIED THAT THE SITE CLASS DESIGNATION INDICATED ON THIS PLAN, REPRESENTS THE GEOLOGY OF THE SITE.

ENGINEERING GEOLOGIST (SIGNATURE) *JL van Rooy* DATE 19/12/2018
 NAME AND SURNAME REG. No. 600239/83

PROJECT:
 PROPOSED TOWNSHIP ESTABLISHMENT ON HOLDING 62, SHERE AGRICULTURAL HOLDINGS
 PROPOSED SHERE EXTENSION 02



APPLICANT'S SIGNATURE
Adenia-Hough 18/09/18
 APPLICANT: ADENIA-HOUGH (PTY) LTD
 P O BOX 11786 SILVER LAKES 0054

LOCAL AUTHORITY: CITY OF TSHWANE METROPOLITAN MUNICIPALITY
APPLICANT: ADENIA-HOUGH (PTY) LTD
 P O BOX 11786 SILVER LAKES 0054

J PAUL VAN WYK
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 CELL : (082) 893-7370

DRAWN SA	FIGURE 2
SCALE 1:1000 (A3)	DATE 2018/08/15
DESIGN JPVW	CONTOUR INT. 1,0m
	PLAN NUMBER CPD/SHEREX02/01

be planned on this part of the site with either scenario planned for (i.e. office or block or flats).

4.2.3. Draft site plan (DSP)

Messrs S.P.W. Architectural Design & Planning (Stefan Wille) have prepared a conceptual or draft site plan (DSP) for the proposed developments (i.e. one for the office park complex and one for the block of flats complex), reflecting *inter alia* on-site positioning of the land-use activities being applied for, for each scenario.

[FIGURE 3 : DRAFT SITE PLAN FOR OFFICE COMPLEX]

[FIGURE 4 : DRAFT SITE PLAN FOR BLOCK OF FLATS]

4.2.4. Floodlines

The subject property (and hence the future township) is not affected by the 1:50 and 1:100-year flood recurrence levels as determined and certified on the township layout plan by mr Ferdinand Meyer, a duly registered professional engineer.

4.2.5. Contours

The contour lines on the township layout plan have been gleaned from the City of Tshwane GIS and adheres to the requirements for township establishment as per COT:F/5 as well as Schedule 6 of the Bylaw:

- Datum plane: Sea level
- Contour intervals: One metre (1m)
- Geodetic grid system: WGS84

4.2.6. Extent

It follows from the land-use table on figure 2 : township layout plan that approximately 630m² of the subject property will have to be forfeited for the widening of the future extension south-eastwards of Catherine Avenue, a Class 5 local street. This street is proposed to have a 16m reserve-width and will be known as Catherine Avenue. Half of the difference of 16 metres (i.e. 8m) will be accommodated on the subject property and the balance 8 metres on the property on the opposite side of the street.

This leaves a total of approximately 16 470m² for development purposes (office or residential). This area includes the panhandles and right-of-way servitude areas for the on-site road carriageway and associated engineering services and landscaping required to provide the individual erven with proper access within either of the development scenarios.

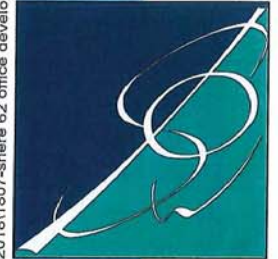
ERF DATA:

ERF:	1	2	3	4
AREA OF ERF	3249.2 m ²	4907.2 m ²	3249.2 m ²	4907.2 m ²
TOTAL AREA OF BLOCKS COVERAGE	1933.5 m ²	2824 m ²	1933.5 m ²	2824 m ²
FAR	996 m ² 30,7%	1428 m ² 29,1%	996 m ² 30,7%	1428 m ² 29,1%
PARKING AT 4/100	1875 m ² 0,58	2775 m ² 0,57	1875 m ² 0,58	2775 m ² 0,57



SITE & LAY-OUT PLAN
SCALE 1:1000

NEW PROPOSED OFFICE DEVELOPMENT ON HOLDING 62



STERLING CONSULTING cc t/a
S.P.W. ARCHITECTURAL DESIGN & PLANNING

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CK 9764136/23

c:\files\spw_arch\projekte\project-2018\1807-share 62 office development\site plan - 01.dwg printed 15 June 2018 at 04:15:07 PM.

FIGURE 4 : DRAFT SITE PLAN FOR BLOCK OF FLATS

4.2.8. Servitudes

Due to the requirement by the CTMM Department Energy & Electricity for erven to about a public road / street for them to service these erven directly off the road-reserve, proposed Erven 3 and 4 have been configured as panhandle erven. Each panhandle is 8m wide. This configuration necessitates the registration of reciprocal servitudes over all 4 erven to facilitate a single access point on Catherine Avenue to the township.

These servitudes will in addition provide for the protection of the internal engineering services to the site which will be designed to be located within the servitude areas within the township.

In the case of the office development scenario, certain of the proposed servitudes (i.e. (1) and (2) below) will include certain parking areas on ground level, to ensure the interchangeable use of on-site parking between the erven. The proposed servitudes for the township are as follows:

- (1) An access, right-of-way, parking and engineering services servitude to be registered over Erf 3 in favour of Erven 1, 2 & 4 depicted as figure bcdefghijBkm on township layout plan CPD/SHEREX02/01;
- (2) An access, right-of-way, parking and engineering services servitude to be registered over Erf 4 in favour of Erven 1, 2 & 3 depicted as figure mnopqrstuvCk on township layout plan CPD/SHEREX02/01;
- (3) An access, right-of-way and engineering services servitude to be registered over Erf 1 in favour of Erven 2, 3 & 4 depicted as figure edwx on township layout plan CPD/SHEREX02/01; and
- (4) An access, right-of-way and engineering services servitude to be registered over Erf 2 in favour of Erven 1, 3 & 4 depicted as figure pqzy on township layout plan CPD/SHEREX02/01.

It should be noted that should the residential scenario be implemented, the architect will at the stage of the site development plan approval, have to have servitudes (1) and (2) above reconfigured to allow for the design of the residential blocks up to a 4,5m building-line from Graham Avenue. This application will also have to include a building-line encroachment from the 16m Graham Road building-line which affects the site by 6,3m from the northeastern boundary (i.e. a 1,8m encroachment).

4.3

DESIGN CONSIDERATIONS

4.3.1 Building floor area

In order to calculate the parking requirement for the office component, it is necessary to know the maximum gross floor area that will be allowed. This can be deduced from the floor area ratio of the erven, as follows:

TABLE 2: BUILDING FLOOR AREAS

ERF NUMBER	ERF AREA (m ²)	FLOOR AREA RATIO	MAXIMUM GROSS FLOOR AREA (m ²)
1	3 280	0,6	1 968
2	3 280	0,6	1 968
3	4 955	0,6	2 973
4	4 955	0,6	2 973
TOTAL	16 470	-	9 882

This is the total figure excluding deductions to the building floor area as allowed for in terms of Clause 25 read with Schedule 7 of the Tshwane Town Planning Scheme, 2008 (Revised 2014) (e.g. ducts, staircases, lift shafts, refuse rooms etc.).

4.3.2 Parking supply

• **Office**

The actual number of parking bays to be provided for office-use will be determined by the official parking requirement of four bays per 100m² gross floor area (refer table G of TTPS). Since the proposed gross floor area amounts to 9 882m² based on an FAR figure of 0,6, it will theoretically require a minimum number of on-site bays of 396 for all 4 erven in the township.

The DSP makes provision for a total of 374 bays based on the actual gross floor area applicable to each erf as follows:

TABLE 3 : PARKING PROVISION PER DRAFT SITE PLAN

ERF NUMBER	GROSS FLOOR AREA (m ²)	PARKING
1	1 933,5	76
2	2 824,0	111
3	1 933,5	76
4	2 824,0	111
TOTAL	9 515,0	374

It follows from the table above that although for this scenario the applicant is officially required to provide 396 parking bays in the township, only 374 bays are being reflected on the Draft Site Plan. At time of submitting the

formal Site Development Plan (SDP) in terms of Clause 31 of the TTPS, the total required number of bays will be reflected on same. This will be done by increasing the partial basement area of one or more buildings (as required) to allow for the supply of 22 more parking bays, commensurate with the official parking ratios for offices as per table G of the TTPS.

The adjustment of the basement area of certain buildings during the SDP-stage will also take cognisance of the 500m² staff restaurant that will not require any additional parking *per se*. A 500m² restaurant to replace office space under an FAR of 0,6 will lead to a “saving” of 20 parking bays (500 ÷ 100 x 4), leaving a discrepancy of only 2 parking bays (shortfall) between the DSP and SDP.

• **Residential**

Parking for the residential scenario for the township has been provided on each respective erf in the following ratios (in accordance with Table G of the TTPS):

- (a) One paved parking space for each flat with three habitable rooms or less;
- (b) Two paved parking spaces for each flat with four habitable rooms or more; and
- (c) One paved parking space per three flats for visitors

Since the proposal is for one and two bedroom flats only, it follows that the requirement will be one bay per flat with one bay per 3 flats additional for visitors. The DSP makes provision for a total of 128 flats that will require 170 parking bays (i.e. $128 + (128/3 = 42)$).

The number of parking bays provided, as shown on the architect's DSP for the residential scenario is as follows:

TABLE 4 : PARKING SUPPLIED PER ERF

ERF NO.	NUMBER OF PARKING BAYS
1	67
2	67
3	81
4	81
TOTAL	296

The official requirement will however be based on 131 dwelling-units, which will require a total of 175 parking bays.

From the above it is evident that the DSP makes provision for adequate on-site parking in terms of the official requirements of Table G, in fact there will be a surplus of 121 bays.

4.3.3 Parking configuration

The eventual parking configuration provided on site for each of the erven in the township will be based on standard parking modules as prescribed by the CTMM.

Office:

Provision will be made for a semi basement underneath each of the structures to be erected on all four erven (i.e. 2 semi basement parking areas on each erf).

Above-ground parking will be made available in three main areas over the entirety of the township, the first located on Erven 1 and 2 across the width of the Property between the two main buildings abutting Catherine Avenue and the two deeper-lying structures on each erf. A second parking area will be located on Erven 3 and 4 similarly between the two main blocks on each erf. Lastly, a large parking area is provided on the northeastern side of the Property abutting Graham Avenue stretching the width of the Property. It should be noted that there will be reciprocal servitudes for access, parking and right-of-way registered over these parking areas allowing all parking to be utilized by any person entering the development site.

Residential:

The residential DSP option depicts parking to be provided on ground floor underneath the structures on Erven 1 and 2. The parking for Erven 3 and 4 will be configured on ground floor as well as in a semi-basement.

The parking lots are arranged beneath the buildings and in-between the blocks on all four erven in a similar fashion. Access to parking bays will be gained directly from the main access carriageway for Erven 1 and 2 and *via* the northwestern side of the Property (i.e. the "back" of the development fronting Graham Avenue).

4.3.4 Access

Access to the township will be gained off the future Catherine Avenue to the southwest of the township, where a road-widening has been made provision for on the township of 8m to facilitate the space for half of the requirement for this future 16m Class 5

local street. The access scenario remains the same for both development scenario's (i.e. office or residential).

There is very little level difference between the site and the street which makes for easy and safe in- and egress. Catherine Avenue will be fairly level with adequate sight-distances in both directions from the site. This aspect, together with the slow speed of passing traffic will render the access position safe and suitable for the envisaged purposes.

4.3.5 Vehicular circulation

A two-way vehicular circulation system will be provided along the central axis of the development site in a northeast / southwest direction. A turning facility will be provided at the confluence of Erven 1, 2, 3 & 4 (i.e in the centre of the township) in the form of a 20m diameter traffic circle. The two-way circulation system continues to the northeastern parking facility where turning is possible along the entire width of the township as this part of the development site has been set aside here for parking purposes with, in the case of the office development, approximately 10m of manoeuvring space between the parking rows. As previously mentioned, all internal circulation routes will be protected by reciprocal right-of-way, access and parking servitudes.

Circulation on-site for the residential option will for the most part be similar to the office-use scenario, save for the northeastern parking area manoeuvring space now doubling as the carriageway serving access to the parking bays located beneath blocks D, E, F and G, H, I on Erven 3 and 4 respectively.

All carriageways, access configuration and the turning facility will be designed to meet the required specifications of the City of Tshwane Roads and Stormwater Department. Detailed planning pertaining to vehicular circulation, accesses and roads will be dealt with in subsequent applications to the CTMNI.

4.3.4 Building-lines

Building set-backs will be controlled by the provisions of Clauses 9 and 12 of the TTPS. This translates to 4,5m building-lines all around for single storey or double storey buildings.

Graham Road being a Provincial Road, carries a 16m building-line measured from its road-reserve boundary. This 16m building-line affects the township in the following way:

- 9,7m over Graham Avenue; and
- 6,3m on to proposed Erven 3 and 4;

as shown on the township layout plan.

This building-line may be encroached upon with consent from the Gauteng Department of Roads & Transport in terms of the provisions of the Roads & Ribbon Development Act, 1940 (Act 21 of 1940). As previously mentioned this encroachment will be necessitated should the applicant opt to implement the residential option as proposed blocks F and G on the applicable DSP are positioned 4,5m from the northeastern boundary.

4.3.5 Existing structures

All existing structures will be demolished to make way for new buildings in the proposed township.

4.4 COVERAGE AND HEIGHT RESTRICTIONS

Table 5 contains a summary of the coverage and height-restriction for both the residential and office options in the respective Draft Site Plans, for all four erven comprising the township.

TABLE 5 : COVERAGE & HEIGHT PER EF ACCORDING TO DRAFT SITE PLAN

ERF NUMBER	LAND-USE	COVERAGE	HEIGHT (Storeys)
1	Office	30,7	2 storeys
2	Office	29,1	2 storeys
3	Office	30,7	2 storeys
4	Office	29,1	2 storeys
1	Block of flats	30,9	3 storeys (incl ground floor parking)
2	Block of flats	30,9	3 storeys (incl ground floor parking)
3	Block of flats	20,4	2 storeys
4	Block of flats	20,4	2 storeys

It is important to note that both the coverage and the height for each scenario have been customised for the proposed development applicable to same. The application for both development alternatives entails a height-restriction of 3-storeys and a coverage factor of 60 percent.

4.5. DETAILED PLANNING

Following approval of the township by the CTMM the applicant will submit a site development plan (SDP) in compliance with the requirements of Clause 31 of the TTPS.

4.6 OPEN / SOCIAL SPACE

- **Office**

The DSP makes provision for landscaped areas as well as a staff restaurant. These are areas intended for social interaction and recreation on site. The concept is to create a vibrant and inviting work environment which in turn will be conducive to more productive and motivated employees.

- **Residential**

Since the TTPS in Clause 14(3)(a) requires that a total of 4m² per dwelling-unit be provided for children's play area, a requirement of 524m² (i.e. 131 x 4) will be applicable in this case. The DSP makes provision for a total of 1 080m² thus fulfilling the requirement by almost double. The eventual SDP will provide at least the minimum requirements for this purpose.

4.7

SYNTHESIS

The feasibility of the detailed site planning has been proved from the viewpoint of among other things, access, circulation, parking, extent and more for either of the scenarios proposed. These all serve to prove the desirability of the development proposal for either an office complex or block of flats development on site in relation to its immediate environs.

5. MOTIVATION OF MERIT

5.1 PRECEDING SECTIONS

Several elements of the merit of the application have already been addressed in preceding sections of the memorandum. It is therefore important for the memorandum and accompanying annexures, figures and plans to be read in its entirety for a full comprehension of the need, desirability and sustainability of the development proposal at hand.

5.2 NEED / NECESSITY

5.2.1 Acknowledged need by CTMM

* **Residential densification:** The need for medium to high-density residential development in the area has already been proven, which fact is substantiated by the development of several townships in the vicinity of the subject property along Graham Road south of Solomon Mahlangu Drive. Examples include Paramount Estate, Leeuwenhoff, Tyger Valley Estate, Friesland & Burkea Park.

The CTMM has furthermore acknowledged a need for higher-density housing and densification in this area through the adoption of the Regional Spatial Development Framework, Region 6, 2013. This plan earmarks the Property to fall with the Linear Zone influence of Graham Road. In terms of densities permitted in a Linear Zone, anything up to 80 dwelling-units per hectare would be supported, based on the RSDF. Such densities are encouraged along major public transport routes in order to render public transport feasible.

* **Offices:** The CTMM has in addition acknowledged a need for office rights intensification in this locality, earmarking the Property and its surrounds for development as a so-called "office use zone" within the 200m Linear Zone sphere of influence of Graham Road. Here office complex developments are encouraged to respond to the development trends in the area and to *inter alia* render the implementation of public transportation corridors, residential densification in the surrounding area and retail nodes feasible and curb urban sprawl in Tshwane.

5.2.2 Market trends / demand

* **Residential:** Recently, developers have started responding to the strengthening market demand for smaller dwelling-units in well-established locations, without compromising on quality. An active demand is presently being experienced for the following housing typologies (in decreasing order of intensity), viz :

- Student accommodation
- Boarding houses, tenements
- Apartments / flats
- Townhouses
- Cluster- / group housing
- Single residential stands

The demand for alternatives stems from population growth and urbanisation. Disposable incomes of households also have a major role to play in the type of housing families can afford. High debt levels in the middle to higher income bracket contribute to the recently experienced lack of interest in the traditional large single residential erf (i.e. low density). The concept here is for a residential complex that provides for the lower to medium income groups, where the flats will be more affordable with the luxury of being part of a private residential complex offering quality finishes and communal social facilities.

The area at the moment provides predominantly for the medium to higher income groups, with few choices for the entry level / lower income market. It is important that choices be made available for future inhabitants with regards to where they would like to stay and to provide different housing typologies in the market place to choose from, as here being done. The market envisaged to be attracted here would be entry level / first time home owners, singles or young couples.

*** Offices:** The demand for office space is a function of *inter alia* population growth and urbanization, but also of the economic climate and prevailing business sentiment. The trend in the area seems to be that private sector investments in retail as well as commercial developments have in the recent past been injected into the nearby surrounding area (particularly at the node created by the intersection of Solomon Mahlangu Drive and Lynnwood / Graham Road). Development has furthermore subsequently expanded southeast along Graham Road successfully as is evident from recent commercial / retail developments here (i.e. Pappachinos, Sevens, Hazeldean Square Shopping Centre, In-shere Centre etc)

With the success of non-residential land-uses being evident along this corridor the demand for an alternative for office space becomes evident. Supporting land-uses render the locality ideal for office developments as well as the fact that accessibility is extremely high and set to improve in future. The need for the proposed development in this locality is a function of market demand which is directly influenced by the

development trend in the area, which is clearly in high demand. Services and road upgrades which have resulted from the substantial on-going development in the area make the development site attractive to prospective buyers and offer a sense of security with regards to risk on investment.

There are two noticeable office park developments along Graham Road, southeastwards of Solomon Mahlangu Drive. These are the following:

- Lombardy Corporate / Business Park; and
- Hazeldean Office Park

The former is located in Silver Lakes Road approximately 1 to 1,5km west / northwestwards from the site, and the latter in Cole Road, approximately 300 metres northwest of the development site.

It appears as if the Lombardy Corporate Park office park development is fully let, or close to fully let, with little or no vacant office space available in the market place. Advertising boards by estate agents for the Hazeldean Office Park development confirm that Abland is the developer and that only two stands are as yet undeveloped and available in the market place. There is presently a new office building being developed in this complex.

The limited available office space in the area and the apparent high uptake of office space in these two office park developments serve to confirm a high local demand, proving the need / necessity for additional office space in the proposed Shere Extension 02. The proposed development is foreseen to provide appropriately-sized office space aimed at the small to medium-sized business enterprise. There is an active demand by the latter market segment as will become evident from the literary research results to follow *infra*.

With the surrounding area on both sides of Graham Road earmarked for extensive urban expansion over the short to medium term, the demand for office space can only be projected to increase radically. Since the present township will still take a year or two before implementation, it is envisaged that the supply and demand will meet at more or less the right time in future.

Further research on the office market has revealed the following:

- Collier International Gauteng Report, 2015:

In 2015, Colliers International undertook a study of the office market in Gauteng, the report which is titled:

"Office Market Analysis, Gauteng Report, Q2 2015."

Collier International is a global leader in commercial real estate services. They deliver a full range of services to real estate users, owners and investors worldwide. The following findings from the report find particular relevance when proving need for an office space alternative in this locality and substantiating the applicant's case with regards to the motivation of merit of the application at hand:

- o South Africa's Economic Growth
Although the national vacancy rate in the office market decreased in 2015, the Tshwane market showed an increase. Foreign investment in South Africa remained positive with commercial property considered a good investment.

While growth was positive overall it remained slow.

- o Supply
Sandton, Bryanston, Fourways, Melrose, Parktown, Houghton, Waterfall Business Estate, Menlyn and Tshwane East were the main office nodes to experience increased levels of activity. The office market supply trend was relatively stable, remaining tenant driven.

Despite the oversupply seen in many of the main nodes, there wasn't enough of the '**right type of space**' in terms of new spaces in manageable-sized buildings for **medium-sized tenants**. Tenants that fell within a mid-range size bracket struggled to find suitable space – there was a lot of smaller and larger space available, however the bigger spaces especially, presented considerable additional administration issues for a tenant that does not need to occupy such a large office.

Typical developments in Tshwane included:

- Southdowns Ridge Office Park (±28 500m²)
- Eco Junction (25 600m²)
- Hazeldean Office Park Phase 3 (±6 000m²)
- Willows Office Park (±4200m²)

- o Demand
Tenants seek competitive landlord deals and are willing to sign longer term leases in order to take full advantage of a good deal. Clients are happy to make do with less space and small and medium rental requirement enquiries were prominent.

- o Vacancies
Overall, the office sector is still in the early-stage recovery with the aggregate vacancy rate having trended broadly sideways since 2010.

A sustained improvement in the office vacancy rate relies squarely on a strengthening of key macro drivers such as economic growth and capital investment. Asking rental growth is likely to trend above inflation going forward, positively impacting net income growth, potentially resulting in a positive re-rating of risk, with the promise of capital growth.

- o Market prognosis
Prime nodes will continue to see demand for new product, but the right building size is critical. Clients will continue to expect more from the office space they occupy, forcing landlords to ensure that their buildings are maintained to a high standard in order to ensure successful tenant renewals

[ANNEXURE 'H' : OFFICE MARKET ANALYSIS REPORT,
2015 BY COLLIERS
INTERNATIONAL]

- South African Property Owners Association (SAPOA) Office Vacancy Report, 2017:

- o As at Quarter 2 of 2017, the national office vacancy rate as recorded by SAPOA was 11,8%. Asking rental growth was recorded at 4,1% year on year – a similar level to 2002.
- o A sustained improvement in the office vacancy rate relies on the strengthening of economic growth and job creation macroeconomic drivers.
- o The most recent quarter saw 23 of 53 nodes experience improving occupancy. This underlies the importance of nodal selection for property fund and asset managers in the current market with location

playing a similarly important role as office quality and other characteristics such as floorplate size & configuration, parking & accessibility.

- o 29 decentralised nodes recorded improving occupancy rates over the last quarter.

- o The overall pre-let rate of developments has been trending down since 2015 but remains above 65% mark. As at the end of the current quarter, the national pre-let rate of development where ground has been broken was recorded at 65,8%. With many new projects being tenant driven, it is likely that the pre-let rate will further increase at an aggregate level.

- o Development activity continues to be concentrated with 92% of office development taking place in 10 nodes with Gauteng office nodes dominating the rankings table.

- o While some nodes may have a high level of development relative to others – these might be mostly pre-let which would not impact as negatively on rentals.

- o As far as development activity & the total vacancy rate (incl. new developments) are concerned, the office sector is currently mid-way relative to historical levels on both these measures. Ideally, the next move should be where demand exceeds a healthy level of supply. Any future improvement in vacancy rate and asking rental depends on a strengthening of underlying demand drivers most notably financial & business services employment growth & capital investment.

- o Leasing opportunities do exist – evident in the fact that 23 nodes reported improving occupancy rates over the past quarter and 19 nodes currently have vacancy rates 8% and below.

[ANNEXURE 'Y' : SAPOA OFFICE VACANCY REPORT,
2017]

The product on offer as part of the office alternative of this township application will clearly be aimed at the apparent current 'gap' in the office rental market – i.e. mid-range size,

offering this segment of the market a quality and innovative option in the local market. Furthermore, the Property is located within the mentioned node (i.e. Tshwane East) and therefore capital investment in the area guaranteed with regards to future development of similar nature in the vicinity of the site.

Occupancy rates have increased in the last quarter of 2017 and important factors such as office quality, location, size, configuration and accessibility play an important role in stimulating the current market.

5.2.3 Surrounding residential estates

The area in the immediate surroundings of the subject property is on the eve of a substantial residential influx by families to reside in medium to high density residential estates / complexes in future. The following are examples of such estates:

- (1) Paramount Estate to the northwest of the subject property close to Solomon Mahlangu Drive along Graham Road;
- (2) Leeuwenhof Tijger Estate to the northwest of the subject property located along Silver Lakes Road;
- (3) Lombardy Estate to the northeast across Graham Road; and
- (4) Newmark Estate northeast of Lombardy Estate along Silver Lakes Road

- **Residential:** The successful establishment and sale of these residential properties prove the need for additional housing in the area which is expanding at a rapid rate. The close proximity of various amenities (schools, shopping malls etc) render the area extremely desirable for residential occupation and thus the need to increase availability of housing to potential families in the area.

- **Offices:** The influx of families furthermore translates to a great potential for people who reside in the area to obtain employment in one of the office complexes in the area. The provision of office space in close proximity to an emerging densifying area in terms of residences is mutually beneficial in terms of compatible and indeed desirable land-uses. Many families will elect to live in areas close to their place of employment. Therefore, the more employment opportunities offered on the area (especially professional jobs such as those on offer within office park complexes such as here proposed as an alternative) attract the market segment in which the property developments in the area (current and future) rely on to be viable.

5.3 DESIRABILITY

5.3.1 Economic development and job creation.

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

- (5) Construction (builders, foremen, contractors, landscapers, architects, quantity surveyors, etc)
- (6) Implementation (interior designers, guards, security, gardeners, cleaners)
- (7) Maintenance (plumbers, electricians, painters, builders etc.)
- (8) Operations (professionals, clerks, administrators, cleaning staff, security guards, gardeners etc.)

Being in a sought-after area gives the assurance of quality jobs of a sustainable nature.

5.3.2 Land as scarce resource

One of the underlying realities of contemporary town planning is the scarcity of land as a non-renewable resource for development purposes, and the necessity (and responsibility) to utilize such land to its highest-and-best potential. Holding 62 is currently zoned for a land-use that was prevalent when the area was earmarked for rural residential activities, but subsequently there have been changes to development trends in the area brought about by extreme development pressure, being guided by the official RSDf for Region 6.

Furthermore, there is pressure in the marketplace for land in established urban areas, with ever diminishing vacant land left for development. This results in redevelopment of existing stands for purposes of denser living closer to amenities and non-residential land-uses in line with the policies of the CTM, as directed by market forces.

5.3.3 Contextual environment

The development site is located in a predominantly rural residential area with a mix of residential types to the northwest (across Graham Road), viz: group housing, residential estates, single residential as well as townhouses. The Property will be easily accessible to main roads / routes (and thus well-located for commuting to and from work). There are furthermore several social and recreational amenities in the nearby surrounding area, including the Lombary Hotel and Spa, Delalmar Guesthouse and

restaurant, Mountain Manor Day Spa, Tiegerpoort Laerskool, NG Tiegerpoort, and Adrenaline X party and function venue, to name a few. The main roads in the area include Solomon Mahlangu Drive, the N4 National Road (further north) and Lynnwood / Graham Road.

The RSDF for the Region supports mixed-use in the area as evident especially in close proximity to the Solomon Mahlangu Drive / Lynnwood Road intersection to the northwest of the subject property. Graham Road is furthermore a Linear Zone in which a specific strip of office development has been earmarked along its southwest where the Property is situated. It is therefore clear that both residential and office land-use activities are both encouraged and compatible in this area.

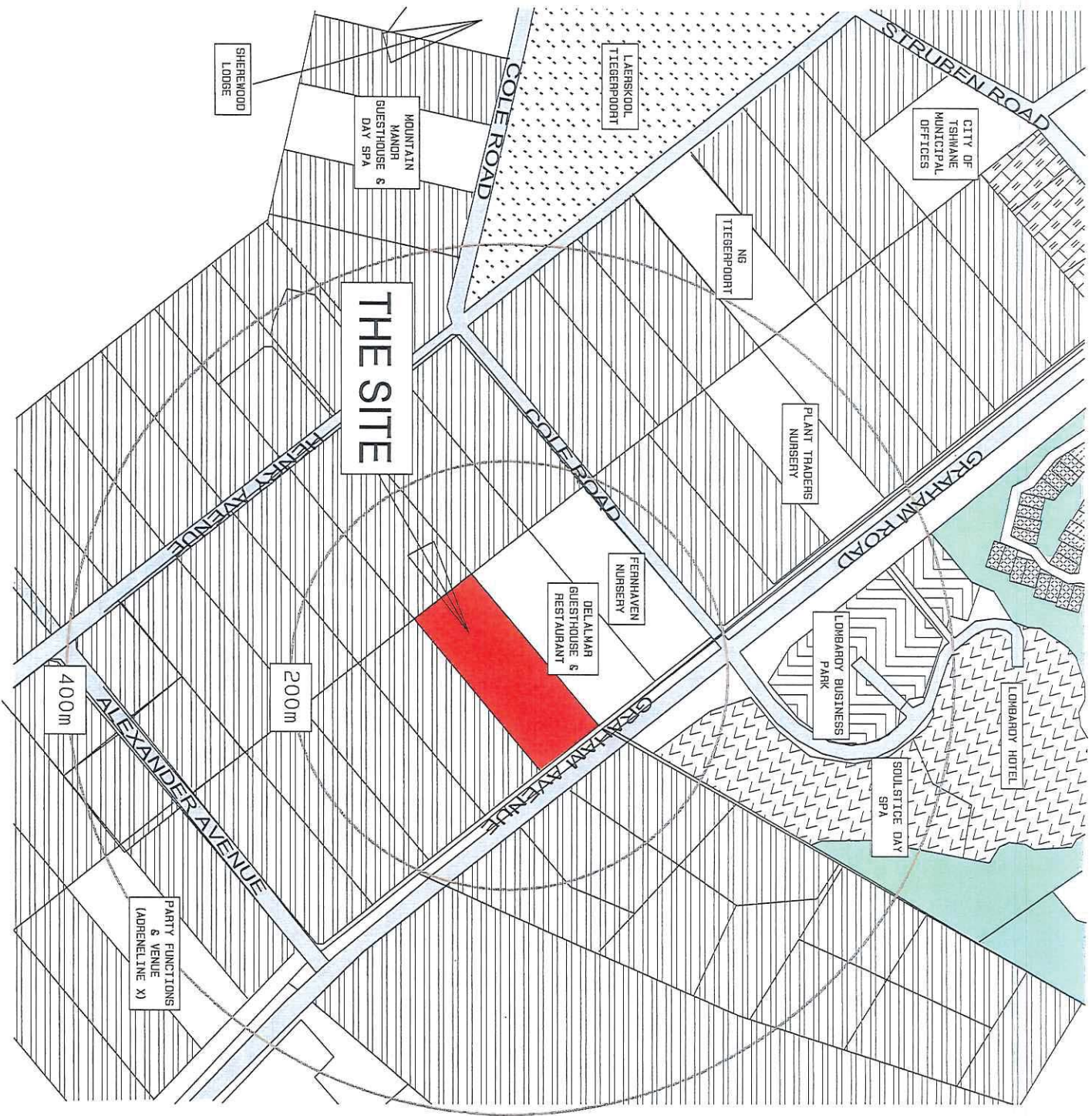
An additional housing typology or offices will not necessarily leave an area unaffected in visual and operational terms, but the typology introduced on the development site will not undermine or erode the existing urban fabric and local character. The design, layout configuration (vertical and horizontal) and extent of the development site all contribute towards strengthening the urban fabric through renewal and modernisation and contribute to alleviating the historic monotone low-density residential character by introducing a different concept with variation in architectural style, building height and aesthetics into the neighbourhood.

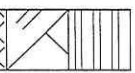
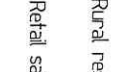

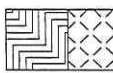
Based on a visual survey conducted, a Land-Use Map was prepared to reflect the *de facto* use of properties in the vicinity of Holding 62. This survey has confirmed the immediate surrounding neighbourhood (except to the northwest) to be predominantly rural residential, whereas business / hotel and other land-uses are located across Graham Road to the northwest.

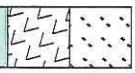
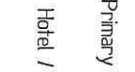

[FIGURE 5: LAND-USE MAP]

The Zoning Map reflects the spatial use-rights pattern for the area. It is evident from the Zoning Map that most of the land-uses in the block in which the Property is located are still zoned Undetermined (rural residential) whereas further northwest the properties are zoned either for business, special (for purposes of hotel, spa or offices) or private open space purposes. The use-rights for each of the surrounding properties shown on the Zoning Map forms part of the static analysis to determine whether land-use activities in the area are being exercised lawfully in terms of the zoning of each such property.

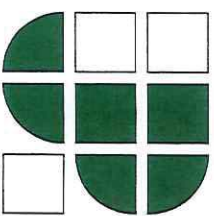
[FIGURE 6 : ZONING MAP]



- KEY:**
-  Rural residential
 -  Retail sale
 -  Residential estate
 -  Offices

-  Primary school
-  Hotel / spa
-  Private open space

**FIGURE 5: LAND-USE MAP
HOLDING 62, SHERE A.H.**



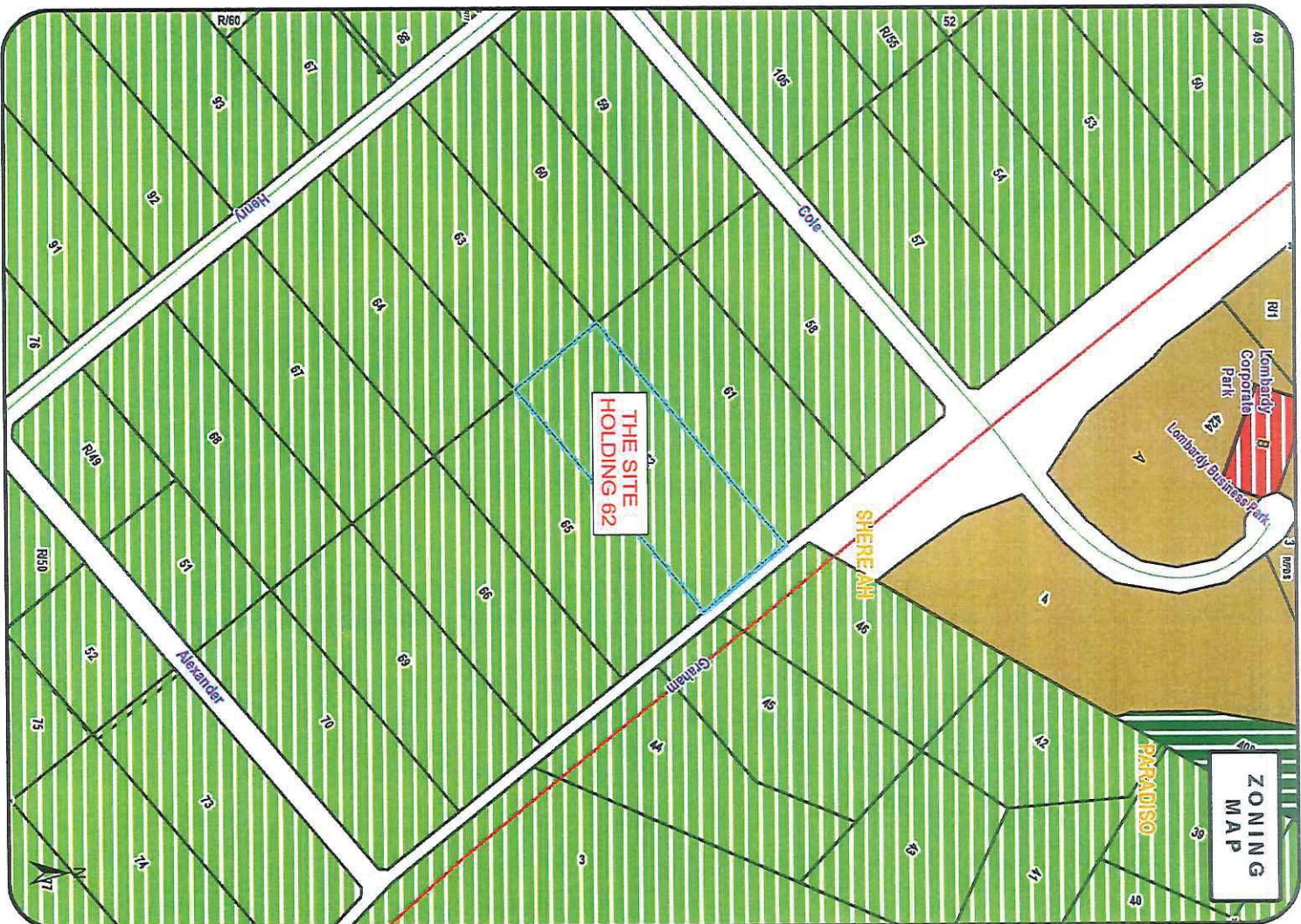
J PAUL VAN WYK

**URBAN ECONOMISTS
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PROPOSED TOWNSHIP SHEREAH EXTENSION 02



Legend

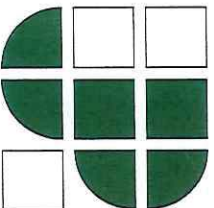
	Residential		Research		General		Industrial		Community		Urbanistic		Subsistence
	Industrial		Research		General		Industrial		Community		Urbanistic		Subsistence
	Industrial		Research		General		Industrial		Community		Urbanistic		Subsistence
	Industrial		Research		General		Industrial		Community		Urbanistic		Subsistence



Created by: B Becker
 Scale: 1:3,500
 Date: 6/12/2018
 G.E.O. MATICS

Whilst every care has been taken in compiling the information on this map, the City of Brixton accepts responsibility for damages or any inconvenience that may arise from incorrect and/or incomplete information.

FIGURE 6: ZONING MAP
 HOLDING 62, SHEREAH
 A.H.



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The above is important as it relates to the character of the area prevailing at present, acting as the receiving environment for the development proposal at hand.

The dynamic component of the contextual environment surrounding the subject property is defined by the provisions of the RSDF for the area, underpinned by the provisions of an array of supporting future development strategies and policies (e.g. Compaction and Densification Strategy and constitutional transformation imperatives). The contents of same (relative to the development site and its surrounds) has been dealt with under section 6 *infra*, where it is confirmed that the surrounding area has been earmarked as part of a Linear Zone and office-use development strip along Graham Road (which is supportive of both office and residential land-use functions).

5.3.4 Spatial sustainability

The spatial sustainability of the development proposal can be gauged against two important official requirements, viz:

- (9) compliance of the envisaged development with the Development Guidelines of the RSDF (pp 55 to 57); and
- (10) the development principles of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) [SPLUMA] contained in Section 7 of same, which requires the applicant to demonstrate how the application complies with these.

The RSDF Development Guidelines state that:-

"The following criteria shall determine if a particular erf is suitable to accommodate a permitted land-use change:

- (1) Acceptable safe access possible*
- (2) Adequate on-site parking available*
- (3) Adequate space available for landscaping purposes*
- (4) Acceptable impact on residential component*
- (5) Site characteristics*
- (6) Availability of services"*

The evidence and / or argument for most of these requirements has been provided in Section 4: Development Proposal earlier in the memorandum and para 5.3.10 *infra* regarding the provision of engineering services to the township. The development principles contained in Section 7 of SPLUMA are discussed in

detail under para 6.1.3 *infra*. Apart from that, the balance of this sub-section serves to elucidate further.

The impact on the surrounding area in terms of current and future land-uses as well as the inhabitants of these areas must also be given consideration. Section 42 of SPLUMA requires the Municipality to consider the application and how it responds and provides for public interest in the localised area. It is important to note that the development site is surrounded by rural residential plots, guesthouses and plant nurseries, as well as residential developments (to the northwest) with a recently developed higher-density single residential township (Lombardy Estate) across Graham Road to the northwest of the subject property. Careful design and placement of the dwelling units or office blocks on the Property will be done to ensure that possible adverse effects with regards to the unwanted blocking / obscuring of the sun and / or solar deprivation of adjacent households will be minimised. Similarly, with regards to privacy infringement through over-looking / views on to adjacent residential properties. Due to the nature and extent of adjacent rural residential holdings (i.e. large plots with sizeable landscaped gardens to buffer views from adjacent properties), it is unlikely that the proposed development (office or residential) will have any adverse effect on any neighbour.

With regards to the reciprocal impacts of the future land-use in the proposed township and surrounding land-uses in a one kilometre radius, herewith the following:

- The CTMM has confirmed its desire to contain development within the urban edge of the City of Tshwane and by doing so, to effect the more efficient and effective use of existing engineering services and public facilities. The subject property has been identified as part of a larger linear densification area within an office-development strip particularly along Graham Road. Land use transformation is already evident along this corridor as many holdings have been converted to small business concerns including guesthouses, nurseries and function venues.

- The scale, nature and extent of the proposed new residential or office development is foreseen to contribute positively towards the prevailing amenity of the surrounding neighbourhood. The development contribute in a sensible, harmonious way to the furthering of the compatible densification principle (which also extends to variation in residential typology) in its immediate surrounds as both proposed land-use activities are commensurate

and compatible with not only the prevailing character but also with the envisaged future amenity and character for the area. The area is to a large degree subject to increasing transformation from a predominantly rural residential to a more fine-grained urban environment.

In terms of other land-uses found in a one kilometre radius around the Property and the impact it may have on same, the following is important to note:

- * It will realise in additional potential employment and the possibility of additional jobs being created for the community as well as having a pool of potential employees.
- * By creating additional jobs in the area means that there is a potential to improve the standard of living, especially for those who were unemployed previously and now have been given dignity through a job and income to sustain their families.
- * Furthermore with additional households in the area, there is an opportunity for the occupants to spend their disposable incomes locally at shops and commercial centres in the area, rendering the latter more sustainable.
- * For those prospective employees or inhabitants that will use public transport, the densification of the area through this project will mean the taxis and buses in the area will be better utilized and could mean lower ticket prices as these become more viable.
- * With more homes or offices introduced to the area, it will increase security with anti-cyclic use, with a higher likelihood of more observant "eyes-on-the-street" / vigilance.
- * The tax base of the CTMM will be increased from property tax for an Undetermined zoning to property tax being charged for rights for either a 0,6 FAR for office-use on the property (resulting in 9 882m² gross floor area) or 131 dwelling-units on same, meaning that there will be substantially more tax revenue available for the Municipality to maintain essential infrastructure and extensions in the area.

5.3.5 Accessibility

Accessibility to the township is enhanced through the following higher-order mobility routes serving the area:

- (7) Lynnwood / Graham Road (M6)
- (8) Solomon Mahlangu Drive (M10)
- (9) N4 National Freeway
- (10) Atterbury Road (M11)

These roads serve to facilitate ease of movement between the development site and surrounding development nodes / concentration zones as well as provide linkages for commuters to the site from the periphery of the City where many previously disadvantaged individuals will be coming from looking for employment or a place to settle in the area.

The site is further serviced by a growing network of lower-order public streets, providing access to other lower-order functions of importance like schools, business parks and local shopping centres. In general vehicular access to / from the site can be regarded as above average.

Public transport flows in the form of mini-bus taxis in Graham Road and Solomon Mahlangu Drive are of high volume and regular frequency, contributing to a large degree to the accessibility of the area for people without private motor vehicles.

5.3.6 Impact on neighbouring properties

The issues of possible overlooking and privacy infringement will be addressed more comprehensively by the project architect in the site development plan (SDP) to the satisfaction of the Municipality once a final development scenario is decided upon. It is unlikely that the proposed development (office or residential) would have any negative impact on any surrounding residential property for the following reasons:

- (1) Surrounding properties are rural residential in nature, with large stands that provide large expanses of garden / landscaped areas which provide visual screening as well as noise buffers;
- (2) The office complex will be designed inwards around communal social and landscaped areas and dwelling-units will be orientated away from northern aspects of neighbouring properties;
- (3) The north-orientation of the proposed buildings or dwelling-units will ensure that these will not overlook any residential plot as all residential properties are located either on the southeast or northwest of the Property; and
- (4) The only property to directly abut Holding 62 to its northwest is Holding 61, currently operating as a guesthouse and restaurant.

This addresses the protection of public interest, i.e. the inhabitants of the adjacent properties in compliance with Section 42 of SPLUMA.

5.3.7 Public transport

There are a number of existing municipal bus routes and associated stops along Graham Road.

The advantage of being within walking distance of a bus route is that it minimizes the need to utilize private transport to get to places. It also means that bus services become more viable and sustainable.

Furthermore, Graham Road is a route along which mini-bus taxis operate at high frequencies, an alternative public transportation mode for access to / from the Property.

5.3.8 Topography

The Property has a northeasterly gradient at a fall of 8 metres over a distance of 217m, with its highest point being located on the southwestern side of the Property. This translates to a gradient of 1:27 or 3,7%.

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

5.3.9 Effect on the environment and environmental legislation

Delron Environmental Assessment Practitioners (mr Pieter De Lange) were appointed to the project to assess the environmental impact of the proposed development in terms of Schedule 3, Condition 2(7)(f)(vi)(bb) of the Tshwane Land Use Management Bylaw, 2016. The following has been confirmed:

- (1) The proposed township application does not constitute a listed activity in terms of the 2014 Regulations to the National Environmental Management Act, 1998 (Act 107 of 1998) and therefore no legal authorisation will be required from the Gauteng Department of Agriculture and Rural Development (GDARD);
- (2) The Property is within the urban edge;
- (3) The Property is not located on a ridge;
- (4) Due to historical commercial development and long-term, continuous human impacts on the site, the natural

vegetation was locally degraded and totally transformed. The subject property has no conservation priority.

(5) The Property is not located within an ecological or cultural-historically sensitive area. The biophysical quality of the Property is very low due to a lack of diversity and no natural habitat remaining;

(6) No threatened floral, faunal or invertebrate species or any sensitive habitats for such species are present on the site. These areas are ideally suited for development with no negative impact on the natural environment (low sensitivity).

(7) The application aligns positively with the Tshwane Open Space Framework;

(8) There is no indigenous vegetation covering 300m² or more on the site. The vegetation unit is defined as gardens with ornamental plants;

(9) In terms of the Gauteng C Plan the southwestern part of the site is defined as a "Critical Biodiversity Area". This is due to the possible occurrence of certain biodiversity features. Critical Biodiversity Areas are areas required to meet biodiversity targets for ecosystems, species and ecological processes, as identified in a systematic biodiversity plan. Ecological Support Areas are not essential for meeting biodiversity targets but play an important role in supporting the ecological functioning of Critical Biodiversity Areas and / or delivering ecosystem services; and

(10) There are no watercourses or wetlands on or in close proximity to the Property.

It is clear from the above that the proposed township will have no negative effect on any environmental or related aspect.

ANNEXURE Y : ENVIRONMENTAL COMPLIANCE
STATEMENT BY DELRON
ENVIRONMENTAL ASSESSMENT
PRACTITIONERS]

5.3.10 Engineering services

5.3.10.1

Status quo on engineering services

According to the services diagrams supplied by the various engineering services departments of the CTMM, the following can be confirmed with regards to services:

- (1) Water: There is an existing 800mm diameter uPvc bulk pipeline running along the southwestern side of Graham Road;
- (2) Sewer: The closest public sewer connection point is located across Graham Road at the road-widening at the Paradiso development. This is a 160mm diameter uPvc bulk pipeline. An internal private pipeline runs parallel to Graham Avenue on its northeastern side to the northeast of the site.
- (3) Electricity: An 11kV MV line is located on Holding 62, running along the southeastern side of the Property to a rural transformer located between the subject property and Holding 65.
- (4) Stormwater: Stormwater will drain in a northeasterly direction to Graham Avenue where an SDE bulk stormwater pipe runs along the northeastern side of Graham Avenue. There is an existing stormwater culvert beneath Graham Road.

[ANNEXURE 'K' : BULK ENGINEERING SERVICES
RETICULATION DIAGRAMS BY
THE CTMM]

The applicant has appointed specialist civil and electrical engineers to further investigate capacities, upgrades and other requirements in terms of engineering services for both development scenarios. These are discussed in more detail in the subsections below.

5.3.10.2

Civil Engineering Services

Conic Consulting Engineers were commissioned by the Property owners to prepare a Preliminary Services Report for the proposed township

establishment on the subject property. This report is submitted in compliance with Schedule 3, Para 2(7)(f)(v) of the Tshwane Land Use Management Bylaw, 2016. The findings of the report can be summarized as follows:

(1) Sewerage

- There is an existing 160mm gravity sewer main on Graham Road, which can serve as a connection point for Holding 62 and is approximately 70m away. This sewer line drains northwards.
- The development can connect to the existing manhole in Graham Road's road-reserve. The new 160mm diameter uPVC line will cross Graham Avenue and Graham Road to connect to the existing 160mm diameter line.
- The sewerage effluent has been calculated to be 296,46 kilolitres / day

(2) Water

- There is an existing 800mm diameter pipeline in Graham Avenue in front of the Property.
- A new 160mm connection will be made to the existing line.
- The average daily water demand for the proposed development has been calculated as 391,3 kilolitres / day

(3) Street infrastructure

- The development will not gain access from Graham Avenue
- The street classification of Cole Road is Class 4(a) Collector (non-residential) with an existing 20m reserve-width
- The Cole Road carriageway will be upgraded to 7,4m wide tarred surface with 500mm kerbs on both sides, for a length of 250m.
- Catherine Avenue will be constructed to give access to Holding 62 as a Class 5(a) local street and will be constructed between

Holding 62 and 63 northwards to form a T-junction with Cole Road.

(4) Stormwater infrastructure and drainage

- An internal 450mm diameter stormwater pipe will connect to the proposed storm water master planning system. This pipe will be designed to accommodate a 1:2 year flood.
 - In case of a 1:5 year flood the water will flow to the northern corner of the Property and flow through weep holes in the wall to the culvert in Graham Road.
 - A new storm water reticulation system will be installed to manage the internal storm water runoff by using roads with kerbs and kerb inlets and connecting all inlets with 450mm diameter size concrete stormwater pipes to the proposed stormwater master planning system.
 - The stormwater master planning system will be installed from the southern corner of Holding 62 and drain to Catherine Avenue and higher lying areas.
 - The stormwater will then drain north and will cross Graham Avenue as well as Graham Road and drain through the Paradiso township and discharge to Portion 18 of the farm Zwartkoppies 364-JR.
 - A stormwater system will be installed in the upgraded part of Cole Road. This system will drain north and will connect to the system draining from Holding 62.
- (5) Solid waste removal
- The estimated waste to be generated on a weekly basis is 16,5m³
 - The collection of solid waste will be carried out by the Body Corporate who might appoint a private company for this purpose.
 - The solid waste will be collected and transported to a solid waste disposal site either by the Municipality or a private contractor.

(6) Conclusion

- All services to be installed to the specification and standards of the Municipality.
- Detailed construction drawings will be submitted to the Municipality before construction.

[ANNEXURE 'L': TOWNSHIP ESTABLISHMENT
SERVICES REPORT BY CONIC
CONSULTING ENGINEERS]

5.3.10.3

Electrical services

The applicant appointed Burotech Consulting Engineers (mr Nico van Wyk) to apply to the CTMM (supplier of electricity to the Property) for available capacity based on either scenario applied for, and to then prepare an Electrical Services Scoping Report of the electrical capacity available. The findings of the report can be summarised here as follows:

- (1) The City of Tshwane Metropolitan Municipality is the supplier of electricity to the Property and all adjacent properties in the area.
- (2) The Municipality is responsible for the operation and maintenance of all electrical infrastructure in the vicinity of the proposed development.
- (3) The estimated bulk power required for the development is 816kVA
- (4) The following must be provided in terms of the connections required:
 - Supply and distribution area is Wapadrand
 - The bulk electricity will be provided by cutting into the existing 11kV-ring between Lombardy substation and S1 Longuana (distance ± 100m)

[ANNEXURE 'M' : ELECTRICAL SERVICES
SCOPING REPORT BY
BURETECH CONSULTING
ENGINEERS]

5.3.1.1 Geological conditions

Professor J Louis van Rooy conducted a geotechnical investigation of Holding 62 in June 2018. The site was assessed and interpreted for the suitability of the soils for township development purposes. The following was confirmed in the report:

- (1) Method of investigation
 - Fieldwork entailing a site walkover
 - Trial pitting and profile descriptions – six test pits excavated
- (2) Geology
 - Site underlain by shale
 - The site is not underlain by dolomitic bedrock
 - stability investigation therefore not required
 - No specific mineral deposits are present on site
 - A thin diabase intrusion is indicated to occur just to the north of Graham Road
 - No linear structures of intrusive dykes are indicated on the map within the boundaries of the site.
 - The hills to the south are comprised of quartzite from the Daspoort Formation and the broad valley to the north is underlain by shale of the Silverton Formation with numerous southeast-northwest striking diabase intrusions.
 - Groundwater seepage was not observed in any of the test pits.
- (3) Geotechnical constraints
 - Collapsible and compressible transported soils
 - Sandy soils will be subject to erosion
- (4) Site classification and foundation recommendations
 - Site class designation: C2-S1/2ADE
 - Typical ground profile comprises of 0,3m of highly organic and reworked sandy topsoil

- Estimated settlements expected to be approximately 2mm under foundation loads of less than 100kPA
- Groundwater perching is not expected

(5) Special precautionary measures

- Good site drainage will be necessary as possibility of saturation of soil profile will lead to lowering in shear strength under load and additional settlements due to collapse
- Effective surface and subsurface water management is necessary to prevent erosion of the sandy soils
- Areas of termite and other biotic activity are present – additional foundation modifications to prevent damage to single-storey structures due to differential settlements may be necessary
- Development across previous infrastructure or previous waste dumps and fill areas will need additional foundation measures to prevent damage to structures due to differential settlements
- The corrosiveness of the site soils is severe and plastic rather than steel pipes are recommended.

(6) Conclusions

- The site will be suitable for development provided appropriate foundation design is implemented by a competent person and building procedures are implemented taking the specific site conditions into account.
- Major expected geological factors that may influence residential development are the following:
 - Collapsible and compressible sandy surficial soils
 - Sandy surficial soils are erodible
 - Suggested precautionary measures include:
 - Stiffened strip footings
 - Stiffened cellular raft
 - Compaction of in-situ soils below individual footings
 - Piled or pier foundations and soil rafts

- The upper sandy materials will be suitable for construction of platforms, road fills and backfill
- Site soils will be corrosive to steel pipes

[ANNEXURE 'N' : GEOTECHNICAL SITE
INVESTIGATION FOR THE
TOWNSHIP SHERE
EXTENSION 02]

5.3.12 Traffic impact assessment and access

Coril Havenga Transportation Engineers (Cobus Havenga) were commissioned to undertake a Traffic Impact Study (TIS) for the proposed development (worst case scenario alternative) inclusive of an access study. The aim of this TIS was to firstly assess the impact of the proposed development on the surrounding road network and secondly establish capacity requirements of the road infrastructure and any additional capacity required to ensure acceptable traffic flow.

The findings of the report can be summarized as follows:

- The site will gain access off Catherine Avenue which is proposed as a Class 5 Local Street. The township layout plan makes provision of a 16m road-reserve for this road with 8m on the township and the balance of the width on Holding 63.
- The proposed office development is expected to generate 216 new peak hour trips and the proposed residential development is expected to generate 102 new peak hour trips.
- Offices represent the worst-case scenario and will be used for the study. These will all be new trips.
- Proposed Upgrades:
 - o (1) Lynnwood Road and Silver Lakes Road intersection
This intersection already requires road upgrades and Lynnwood Road already requires two lanes in both directions towards Solomon Mahlangu Drive.
 - o With latent rights and background traffic growth, this needs to be extended eastwards.
 - o Lynnwood Road as K34 is a Provincial Road and the extent of the upgrades needs to be handled by the CTMM and the Gauteng Department of Roads and Transport.

- (2) Lynnwood Road and Struben Road intersection
 - This intersection already requires a traffic signal
 - With latent rights and background traffic growth, Lynnwood Road needs to be doubled eastwards.
 - Lynnwood Road as K34 is a Provincial Road and the extent of the upgrades needs to be handled by the CTMM and the Gauteng Department of Roads and Transport.

- (3) Lynnwood Road and Cole Road intersection
 - This intersection already requires a traffic signal
 - With latent rights and background traffic growth, Lynnwood Road needs to be doubled eastwards.
 - Lynnwood Road as K34 is a Provincial Road and the extent of the upgrades needs to be handled by the CTMM and the Gauteng Department of Roads and Transport
 - The signal can be relocated in future to accommodate the doubling the K34-route.

- (4) Catherine Avenue
 - Access must be obtained off Catherine Avenue, which does not exist at this stage.
 - The applicant will have to obtain the necessary road-reserve and implement the road to obtain access.
 - The reserve required is 16m wide and the section of Catherin Avenue is approximately 230m long from Cole Road.

The applicant will be responsible for the upgrade of the intersection of Lynnwood and Cole roads with a traffic signal.

- Access:

(1) Offices

Based on 184 peak hour inbound am tips and a 0,75 peak hour factor with a service flow rate of 220 vehicles per hour, the following minimum requirements must be applied:

- Incoming lane: 1 x 3,5m (4,5m road reserve width clearance)
- Outgoing lane: 1 x 3,5m (4,5m road width clearance)
- Stacking length: 19,5m from the road reserve
- Separate pedestrian gate

(2) Residential

- Incoming lane: 1 x 3,0m (3,5m clearance)
- Outgoing lane: 1 x 3,5m (4,5m road width)

- o clearance)
- o Stacking length: 19,5m from the road reserve
- o Separate pedestrian gate
- Public transport
- (1) The development falls outside any formal bus or transport route
- (2) Taxis form the main source of public transport
- (3) The closest bus/taxi stop is at the corner of Lynnwood Road and Struben Street
- (4) The potential public transport demand is calculated at 34 potential users for residential and 25 potential users for offices
- (5) The demand does not warrant facilities on its own with a road network that is still developing as and when development takes place.
- (6) The preferred future position for facilities will be at the intersection of Cole Road and Graham Road.
- (7) No public transport facilities are proposed for this development at this stage
- Implementation of a sidewalk

[ANNEXURE 'O' : TRAFFIC IMPACT STUDY]

5.4 REQUIREMENTS FOR COMPLIANCE WITH SECTION 42 OF SPLUMA AND SCHEDULE 3 OF THE BYLAW

5.4.1 Public interest

The public interest will be served in the following way:

- * Neither the safety nor the health, convenience or welfare of members of the community will be negatively affected;
- * The aesthetic appeal and environmental enhancement through redesign and landscaping of the development site will have positive externalities to outside observers (i.e. site to represent a clean, neat and aesthetically pleasing character) with a high quality modern design implemented;
- * The application will follow the public participation process as per official requirements of Section 16(1)(f) of the Tshwane Land Use Management By-law, 2016. Members of the community and surrounding land-owners will therefore be afforded the opportunity to participate and have input in the planning process;

- * Increased revenue for the Municipality as increased land-use rights will lead to increased rates & taxes payable on the Property; and
- * The proposal has no negative effect on the general use of the area and surrounding character and is in line with the planning policies for the area (notably the Regional Spatial Development Framework for Region 6, MSDP and IDP (refer Chapter 6 below).
- * No detrimental environmental impacts will result from the present application.
- * The proposed development will make a most valuable contribution to the upliftment and wellbeing of the community and society as a whole. It is in the public interest to have a safe and secure living and working environment offered to a wider segment of the population.

5.4.6 Transformation imperatives

The following transformation imperatives have been set out by the State:

- (1) Recognising of injustices of the past and redressing morally unfair practices;
- (2) Correcting spatial injustices, imbalances, non-viable communities and unsustainability; and
- (3) Addressing previous denial of access to and / or use of land

These imperatives have been embodied in the SPLUMA development principles (Section 7) as discussed more comprehensively in para 6.1.3 *infra*. The applicant contends that these principles will be heeded through implementation of the development proposal, to the benefit of all.

It is foreseen that the current application will assist in achieving these transformational imperatives in the following ways:

- Bringing employment opportunities closer to people in accessible localities (i.e. access *via* public transportation) in proximity of a residential neighbourhood where employees could reside.
- Economic development and upliftment of surrounding area.
- Addressing imbalance in society by means of providing inclusionary employment or varied housing typology to the full social spectrum.
- Lead to sustainable and viable communities

5.4.7 **Applicable duties of the state as per the Constitution**

Duties of the State to find relevance in this application will be as follows:

- (1) Equality: Varied typologies offered to all members of the community in a safe and vibrant residential neighbourhood. A variety of options with regards to land-uses on a single property. Jobs available to previously disadvantaged and economic development for the area and all who reside in it. The offices will provide an opportunity for a variety in extent, of rental space to be available to tenants.
- (2) Safe and healthy environment: No environmental impacts. Construction of structures will be undertaken in a sustainable and responsible manner. Security to be implemented through access control and perimeter wall / fencing.
- (3) Health and social security: Security of tenure and provision of housing stock in terms of the residential option. Office option will offer job security. Furthermore the development of the Property will lead to enhanced neighbourhood, infrastructure improvement and enhanced livelihoods for employees. Green / open spaces will be provided through appropriate and aesthetically pleasing landscaping.
- (4) Community: Economic development of area enhancing community and attracting further investment initiatives in Linear Zone flanking Graham Road where the Municipality would like to see development in the future.
- (5) Privacy: Proposed development will not infringe on the privacy of any neighbouring property or member of the community (refer paras 5.3.6 *supra*).

5.4.8 **Rights and obligations of affected parties**

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

- Character of the area
- Development trends in the area
- Right of any member of the community to participate in the application process
- Unmitigated road capacities due to higher traffic volumes

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

- Application will lead to the general upliftment of the wider community
- Application will lead to the benefit of the area
- Social advantages will be gained (provision of business services to community and job creation, new typology to be introduced etc)
- Proposed development to act as catalyst for further development.

5.4.9 Social infrastructure

Social interaction to be promoted within the development through the provision of various social facilities such as a staff restaurant, outdoor seating, landscaped gardens etc for offices or communal play and recreation areas in a residential complex. Proximity to various social amenities outside the complex will furthermore lead to the integration of the community as well as people who travel to the area purely for work reasons (i.e. business parks, retail complexes, restaurants etc).

The additional employees to work in the township or families to reside in the area as a result of the development on the site will assist in providing support to all existing social facilities in the surrounding area rendering them successful as growing businesses leading to economic growth of the area.

5.4.10 Open space requirements

The office-use option will not exert any official requirements in terms of open space provisioning. However landscaped gardens and walkways are provided in the development concept to serve as social / recreational / outdoor functional space to employees.

The residential component will comply with Clause 14(3)(a) of the TTPS in that 4m² children's play area will be provided per dwelling-unit on the site (i.e. a total of 524m²).

5.4.11 Compliance with Section 9(1)(b) of Bylaw

Section 9(1)(b) of City of Tshwane Land Use Management Bylaw, 2016 requires all municipal planning to:-

"...find applicability in development that is co-ordinated and harmonious in such a way as to most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of the area in which the scheme is proposed, as well as efficiency and economy in the process of such development" (p27).

These requirements find applicability in the proposed development project in the following way:

- (i) Co-ordinated and harmonious development
The access position to / from the site, the proposed configuration of the buildings on the Property in terms of height profile, orientation and setbacks; the proposed option of the residential typologies and the offices; the arrangement of the parking *vis-a-vis* the open space component; and the context of the development to its surrounds are all examples of specific actions that have been taken / considered at time of preparing the development and layout proposal.
- (ii) Health, safety, good order, amenity, convenience and general welfare.
The proper and appropriate design of the street facades to facilitate aesthetic appeal and enhance the neighbourhood amenity and to integrate public and private space functionally and seamlessly, and to landscape certain pre-selected focal areas are all being done to achieve the goal of good health, safety, good order, enhanced amenity, convenience and the general welfare of the community to in future reside or work on the premises. This will also enhance the neighbourhood.

- (iii) Efficiency and economy
Private development companies are renowned for its efficiency and economy regarding property development projects. There can therefore be no doubt that this will be taken care of implicitly.

The necessity for proper access to the development and implementation of necessitated infrastructure up-grades linked with same also play a major role in the optimization process.

It is clear from the above that the proposed development will comply with Section 9(1)(b). The proposal will undoubtedly lead to the increased health (secure and quality living and working), safety (access control to development), good order, amenity (high quality design and structures), convenience (proximity to related social amenities) and general welfare (positive transformation) of the Shere A.H. complex and surrounding areas.

Efficiency and economy of the surrounding area will furthermore greatly benefit from the revenue generated and improvements to the bulk service infrastructure to result from this and similar applications in the area.

6. STATUTORY PLANNING FRAMEWORK

This section of the memorandum relates to the institutional sustainability of the development project. It deals with appropriate policy and legislation on national, provincial and municipal level and gauges the contribution to, and compatibility of the proposed development project against the intent and provisions of these.

6.1 NATIONAL LEVEL

6.1.1 Constitution of Republic of South Africa, 1996 (Act 108 of 1996) [the Constitution]¹

The Constitution contains a section devoted to the Bill of Rights and Responsibilities. The provisions of the Constitution, especially in terms of these rights and responsibilities are in support of the present application. The following extracts serve to elucidate:

1. Section 22: Freedom of trade, occupation and profession:-

"Every citizen has the right to choose their trade, occupation or profession freely. The practice of a trade, occupation or profession may be regulated by law."

- Section 24: Environment

"Everyone has the right-

(a) to an environment that is not harmful to their health or well-being; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that-

- (i) prevent pollution and ecological degradation;*
- (ii) promote conservation; and*
- (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development."*

- Section 25: Property

"(5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis."

- Section 26: Housing

- "(1) Everyone has the right to have access to adequate housing.*
- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right."*

- Section 153: Developmental duties of municipalities.
"A municipality must –
 - (a) *structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and*
 - (b) *participate in national and provincial development programmes"*
- Section 195: Basic values and principles governing public administration.
"Public administration must be governed by the democratic values and principles enshrined in the Constitution, including the following principles:
 - ...
 - (b) *Efficient, economic and effective use of resources must be promoted.*
 - (c) *Public administration must be development-orientated*
 - ...
 - (e) *People's needs must be responded to ... "*
- Synthesis
It is clear from the extracts from the Constitution above that municipalities are *inter alia* tasked with and should use its best endeavours to ensure the following:
 - i. Creation of opportunities for safe and sustainable communities where citizens have a means to participate in property ownership or have access thereto otherwise.
 - ii. Ensure the highest-and-best use of resources, including development land in response to the needs of people and the environment
 - iii. Public administration must be development-orientated.

6.1.2 National Development Plan. Vision for 2030 (November 2011) [NDP]

This all-important policy document addresses the purpose of the NDP through an in-depth discussion on certain objectives and actions to achieve its vision for transformation by 2030. The economy, environment, social upliftment and poverty alleviation are but some of the issues being discussed in detail, with the aim of transforming society and uniting the country.

Chapter 8 of the NDP titled “Transforming Human Settlement and National Space Economy” finds application here. The need for transformation of historically inefficient and spatially unsustainable settlement patterns is one of the central themes and visions for the future. The necessity for well-functioning, aesthetically pleasing and liveable urban environments is of paramount importance. The provision of housing is but one component to contribute to a liveable community. A liveable community consists of public / social facilities as well as proximity to employment opportunities to render these sustainable.

The present application consists of either a residential development or offices which will provide employment opportunities, seen in isolation. In terms of the context, it is located in proximity to a number of social / public facilities and employment opportunities (for example shopping centres, restaurants, residential developments, churches, schools and function venues), rendering it part of a sustainable urban system.

The need for the provision of housing in urban areas, especially those metropolitan areas sponsoring high levels of employment opportunities, is pointed out on page 266 where it is stated that by 2030 7,8 billion more people will be living in South African cities and a further 6 million by 2050.

The Commission finally laments the failure of municipalities on several levels to execute its developmental duties to provide / create opportunities. This includes “(b)ureaucratic delays in approval of new development applications... increase the holding cost of land” (p 271). The unfortunate consequence is an increase in the cost of the end-product.

The scope of the vision and underpinning discussions in the NDP covers a wide, all-encompassing field of life, living and the achieving of a better life for all citizens of the country.

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

(1) Development principles

Certain “*overarching principles for spatial development*” identified in the NDP have been incorporated in Chapter 2, Section 7 of SPLUMA. The NDP on these states the following:

“All spatial development should conform to the following normative principles and should explicitly indicate how they would meet the requirements of these principles :

** Spatial justice...*

** Spatial sustainability...*

* *Spatial resilience...*

* *Spatial quality...*

* *Spatial efficiency...* " (p 277)

These have been adapted somewhat in Section 7 of SPLUMA, against which the present application has been assessed for its value and contribution to same.

(i)

Principle 7(a): Spatial justice

This principle aims to redress historic spatial and other developmental imbalances through improved access to, and the use of land. It requires of municipalities the inclusion of all persons and communities in its spatial development frameworks, policies, land-use schemes and land-use management systems through provisions that are flexible and appropriate and directed at land development procedures which include provisions to promote and facilitate access to secure tenure.

The proposed development is seen as adding to the integration of the social, economic, institutional and physical aspects of land development. The social amenities, (shops, schools, etc.) in close proximity, will inherently facilitate social integration and the general sharing of lifestyle between races and creeds of all socio-economic standings. Employment opportunities will furthermore result during the construction phase as well as during the operational phase with the employment of cleaners, gardeners, security staff, office workers, professional persons, administrative clerks, etc.

It will also create diversification in the area in terms of the variety of land-use with the proposal providing an alternative for firms and businesses of medium size to rent office space and operate within an area experiencing rapid growth and diversification along a Linear Zone (Graham Road). It will also create diversification in terms of the configurations of the rentable offices as well as introducing options to develop a varied housing typology in the area providing a small living environment suited to both sectional-title ownership and the rental market.

The proposed development is supported by many advantages such as the location in close proximity to main roads, shops and other businesses / office parks which will lead to the better utilization of the land and creation of viable spaces.

This application will result in the better use of land. This development will be available to an inclusive sector of the population who will be offered equal opportunity to reside or