

TOWNPLANNING MEMORANDUM
MOTIVATION OF MERIT OF PROPOSED TOWNSHIP ESTABLISHMENT ON PORTION 11, FARM SWARTKOP 383-JR IN TERMS OF SECTION 16(4) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BYLAW, 2016.

- PROPOSED RASLOUW EXTENSION 53 -

1. INTRODUCTION

1.1 APPLICATION

Application is hereby made for the establishment of a residential township, including a place of public worship (mosque) as social facility serving the local community, on the property known as Portion 11 of the farm Swartkop 383-JR in the Centurion area of the City of Tshwane. The application is being made in terms of Section 16(4) of the City of Tshwane Land Use Management Bylaw, 2016 ("Bylaw") read with the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) ["SPLUMA"].

1.2 PURPOSE

1.2.1 Township

The application has the purpose of procuring the relevant use-rights through township establishment for a residential township of varying housing typologies and a place of public worship serving the local community (mosque).

1.2.2 Memorandum

The Townplanning Memorandum has the purpose of-

- collating all essential information on the land development application in a single report with annexures;
- formulating and presenting the township development concept and layout proposal; and
- motivating the merit of the development proposal in the particular location as guided and directed by the relevant townplanning statutes.

1.3 APPLICANT

1.3.1 Registered owners

The applicant in this matter is the registered owners of the property concerned, being a private company registered at the Companies and Intellectual Property Commission ("CIPC") as Dream Weaver Trading 262 (Pty) Ltd (Reg No 2007/016930/07).

1.3.2 Authorized representatives

The firm J Paul van Wyk Urban Economists and Planners cc herein represented by registered town planners Paul van Wyk and Ulrike (Ola Schumacher-) Malan has been appointed to undertake the land development application on behalf of the registered owners.

1.3.3 Specialist consultants

The firm is assisted by various specialist consultants, the input of which is required to address all the matters of importance in related specialized fields to inform the application and render it complete in terms of the requirements of the Bylaw and SPLUMA. These consultants / professional disciplines are the following:

- (1) Land surveyor : WGD Surveys
- (2) Conveyance attorney : Snyman De Jager Attorneys
- (3) Engineering geologist : J Louis van Rooy Engineering Geologist
- (4) Transportation engineers : Techworld Consulting Engineers
- (5) Environmental consultants : Delron Environmental Assessment Practitioners
- (6) Electrical engineers : Buro Tech Consulting Engineers cc
- (7) Civil engineers : Isogon Civil Engineering Solutions

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

1.4 JURISDICTION

The property on which the township is being established is situated within the municipal area of the City of Tshwane Metropolitan Municipality ("CTMM"), with decision-making authority on unopposed and opposed land development applications in terms of Section 15 of the Bylaw vested in an Authorized Official assigned to the particular Planning Region, and the Tshwane Municipal Planning Tribunal ("MPT") respectively.

2. PROPERTY PARTICULARS

2.1 DESCRIPTION

The property forming the subject of the present application is registered at the Deeds Office under deed of transport T 24274/2022. The following is a *verbatim* description of the property as reflected in the deed of transfer:

"PORTION 11 OF FARM SWARTKOP 383 REGISTRATION DIVISION J R, PROVINCE OF GAUTENG"(P2).

Reference in the balance of the memorandum to this property will be as "Portion 11", "the Property", "subject property", "site" or "development site".

[ANNEXURE 'B' : TITLE DEED T 24274/2022]

2.2 EXTENT

The subject property extends to 8,5653 hectares, as evident from the deed of transfer, p2.

2.3 LOCALITY

2.3.1 Street address

The address recorded for the Property at the CTMM is 235, Voortrekker Road.

2.3.2 Global positioning reference

The approximate centre-point of the development site is referenced on the Global Positioning System ("GPS") as follows:

- South : 25° 51' 49"
- East : 28° 06' 38"

2.3.3 Urban context

Portion 11 is located in the western parts of an area bounded by the following high-order roads, *viz.*

- Voortrekker Road (R55 / Provincial Road P66-1 / future K71-route): West;
- Ruimte Road (M34-route): Southeast;
- Wierda Road (M10-route): North; and
- Old Johannesburg (R101-Provincial Road): Northeast.

The Riet Spruit traverses the area approximately 0,9 kilometres east of the site in a south / north direction before joining the Hennops River further north.

The following neighbourhoods serve to identify the locality of the subject property in wider context, *viz*:

- South : Celtisdal
- West / southwest : Monavoni
- North / northeast / northwest: Raslouw A H and Raslouw townships
- East : Swartkop farm-portions and further east, Wierda Park
- North / northwest : Sunderland Ridge (industrial area)
- North / northeast : Swartkop Nature Reserve

[FIGURE 1a : LOCALITY IN URBAN CONTEXT]

2.3.4 Local context

The subject property abuts Voortrekker Road (R55) immediately east of the Perdeblom Street junction with Voortrekker Road. On the west Perdeblom Street provides access to Thornfield Estate (Monavoni Extension 6) immediately west of the R55. The Property is furthermore surrounded by the following townships and farm-portion, *viz*:

- North : Raslouw Extension 11
- South : Celtisdal Extension 20
- East : Portion 17, farm Swartkop 383-JR

[FIGURE 1b : LOCALITY IN LOCAL CONTEXT]

2.4 SHAPE AND DIMENSIONS

The development site has an oblong shape, elongated in a northeast / southwestern direction. The western boundary measures approximately 216 metres in a north / south direction while the east / northeastern boundary is a much narrower 118 metres in length. The longest boundaries are the north / northwestern and the south / southeastern boundaries measuring respectively ± 514 metres and ± 597 metres.

For more information on the particular shape and dimensions of Portion 11, refer Annexure 'C'. Alternatively figure 2: Township Layout Plan *infra*.

[ANNEXURE 'C' : SURVEYOR GENERAL DIAGRAM]

2.5 OWNERSHIP

Portion 11 is registered at the Deeds Office in name of the private company Dream Weaver Trading 262 (Pty) Ltd (Reg No 2007/016930/07) (refer Annexure 'A' & 'B' for more information).

2.6 MORTGAGE BONDS

The Property is not encumbered by a mortgage bond.

2.7 RESTRICTIVE CONDITIONS

The deed of transfer contains the following restrictive conditions imposed by virtue of Section 11(6) of the Advertising on Roads and Ribbon Development Act, 1940 (Act 21 of 1940):

"EXCEPT with the written consent of the Controlling Authority:-

- (i) the land may not be subdivided.*
- (ii) the land may be utilized for residential and agricultural purposes only. Not more than one dwelling-house together with such outbuildings as are ordinarily required therewith as well as buildings and building works as may be required for agricultural purposes may be erected on the property, or any properly approved subdivision of same.*
- (iii) No store or business or industry of whatever nature may be established on or operated from the property." (p2) (loosely translated from Afrikaans text).*

A separate application for the cancellation of these restrictive conditions registered against the Property title has been prepared for lodging with the CTMM in terms of Section 16(2) of the Bylaw, to run concurrently with the present township establishment application.

[ANNEXURE 'D' : CONVEYANCE CERTIFICATE & LAND AUDIT REPORT]

2.8 ROAD PROCLAMATION

A section of Voortrekker Road (R55 / Provincial Road P66-1 / future K71-route) traverses the western-most parts of Portion 11 as lawfully permitted through Administrator's Notice No 5331 and 5332 proclaimed in the Gauteng Provincial Gazette on 07 December 2007. As provided for in the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001) proclaimed Provincial Roads need to be excluded from the confines of any township being established. It is for this reason that the part of Portion 11 affected by the proclamation had been excluded from the present township proposal and will eventually be accommodated on the Remaining Extent of Portion 11 after proclamation of the township.

2.9 EXPROPRIATION

As evident from Condition (iv) registered against the deed of transfer, Portion 11 is furthermore subject to an expropriation of 5 097m² for road purposes. The condition reads as follows:

"Subject to an Expropriation Notice No EX 3/2009 whereby approximately 5 079 square metres of the property was expropriated by the South African National Roads Agency Limited, as will more fully appear from the said notice" (p2).

The particular part of the Property expropriated entails a triangular portion in the northwestern corner of Portion 11 serving the purposes of widening the road-splay of Voortrekker Road at the junction with the future Jordanite Street on to and over Portion 11, as depicted on the township layout plan in figure 2 *infra*.

2.10SERVITUDES

As confirmed in the Land Surveyor Certificate & Land Audit Report prepared for Portion 11, the subject property is not affected by any servitudes. It does however confirm the above-mentioned expropriation for road purposes.

[ANNEXURE 'E' : LAND SURVEYOR CERTIFICATE & LAND AUDIT REPORT]

2.11MINERAL RIGHTS

Mineral rights in relation to Portion 11 have not been reserved to the owners or any third party. It is however required that the Department of Minerals & Energy ("DMRE") be approached as part of the township application referral for participation process to confirm whether the development proposal on the subject property would serve to thwart the intents and purposes of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002). Section 53(1) of this Act is applicable and reads as follows:

"... any person who intends to use the surface of any land in any way which may be contrary to any object of this Act or which is likely to impede any such object must apply to the Minister for approval in the prescribed manner."

Section 53 of the Act therefore serves to provide a mechanism for preventing that the mining of mineral resources not be impeded by unwanted surface developments which would restrict / prevent access to same in future. It is for clarity on same that the present township application will be referred to the DMRE for written confirmation of its support for the development of Portion 11.

3. ZONING AND LAND-USE

3.1 CURRENT ZONING

The CTMM in a Zoning Certificate dated 14 November 2022 confirms a split or dual zoning for the Property, *viz*:

- Part A : Agricultural (Use-zone 17).
- Part B : Existing Streets (Use-zone 22)

Part A covers the bulk of the Property, while Part B pertains only to a certain part of Portion 11 being traversed by Voortrekker Road (refer map in Annexure 'F').

The primary rights accruing to these different parts of the subject property bestowed on same by virtue of the Tshwane Town Planning Scheme, 2008 (Revised 2014) [“TTPS”] are as follows:

- Part A: Agricultural
 - * Agriculture
 - * One dwelling-house
 - * A farm stall (Subject to schedule 10)
- Part B: Existing Streets
 - * Streets
 - * Municipal services
 - * Telecommunication services
 - * Pedestrian bridge
 - * National and Provincial Roads

Since the township is being established on only the part of the Property not affected by Voortrekker Road (including the Proclamation Notice area as well as the Expropriation area – refer Paras 2.8 & 2.9 *supra*), the portion excluded will retain its existing zonings of being partially zoned Existing Streets and partially Agricultural. The township itself will procure new zonings for the different erven as alluded to in Para 3.4 below.

[ANNEXURE 'F' : ZONING CERTIFICATE]

3.2 EXISTING LAND-USE

The subject property is presently undeveloped and not being put to any productive use. The western parts of same however accommodates a section of Voortrekker Road (i.e. Provincial Road P66-1) being the alignment of the future K71-route traversing the area in a north / south direction.

3.3 FUTURE LAND-USE

The applicant envisages the establishment and development of a residential township on the subject property which will include a religious centre for public worship as social facility to serve the local community. The residential component will comprise three different enclaves, each to provide a desired housing typology for individuals / families in different stages of the human life-cycle.

With exclusion of the place of public worship which will be open to the general public, the residential estate will be configured and operated as a private residential estate, albeit with two separate access control entrances / exits necessitated by the development project being bisected by a public road (i.e. Heuningwyser Street).

3.4 ZONING REQUIRED

This subsection should be read with Section 4: Development Proposal *infra*, especially with regards to the configuration of the township layout proposal. The use-rights described here being applied for are paired with the particular erven in the envisaged township.

The township proposal entails 50 erven to be zoned Residential 1, one to be zoned Residential 3, one to be zoned Special for place of public worship and two to be zoned Special for private road & access control purposes. The township will also include certain public streets as required to be accommodated pursuant to the Tshwane Road Master Plan.

Before formulating the zoning control parameters in table 1 below, cognisance should be taken of the following relevant definitions as quoted from the TTPS, Clause 5:

- Dwelling-house
"Means a single Dwelling-unit on property zoned 'Residential 1', 'Agricultural' and 'Undetermined'.

- Dwelling-unit
"Means a self- contained suite of rooms internally and mutually connected and consisting of habitable room(s), bathroom(s), toilet(s) and not more than one kitchen without the Permission of the Municipality for the purpose of residence by a single family, or a single person or two unmarried persons and may include outbuildings which are ancillary and subservient to the Dwelling-unit and may include a Home Enterprise subject to Schedule 9" (p13).

- Place of public worship
"Means land and buildings used for a church, chapel, mosque, temple, synagogue or other religious purposes and may include ancillary social and recreational purposes and one Dwelling-unit on the same property, but shall not include a funeral parlour, Wall of Remembrance or Cemetery. Any noise generated on the property shall not be audible outside the boundaries of the property" (p22).

- Private road
"Means land which has been zoned for pedestrian and vehicle use by authorized residents, their guests, emergency vehicles, municipal vehicles, Municipal Services, telecommunication services and parking and which is registered in the name of a home owners association or residents Non-profit Company and may include Access Control" (p23).

- Access control
"Means land and buildings used for a security gate, Guard House and ancillary and subservient uses such as an Office for the body corporate to control access to a private road or public street for authorized persons only"(p8).
- Annexure T
"Means the set of documents showing details of rights permitted and conditions imposed on certain erven and land marked with a black circle on the Map 3 which rights and conditions shall prevail over any other Clause or provision of the Scheme except that if rights and conditions are not stipulated the provisions of the Scheme Clauses shall apply as read with Clause 4(2) and includes any approved Annexure B, Annexure or Schedule of a former Town-planning Scheme applicable in the Tshwane municipal area"(p9).

Table 1 contains the proposed zoning and zoning control measures for the erven in the envisaged township, as reflected on figure 2: Township Layout Plan included in Section 4 *infra*.

TABLE 1 : PROPOSED ZONING & ZONING CONTROL PARAMETERS FOR ERVEN IN THE TOWNSHIP

A. PROPERTY DESCRIPTION: ERVEN 1 TO 19, 21 TO 40 & 42 TO 52, RASLOUW EXTENSION 53		
1	Use Zone	1: Residential 1
2	Uses permitted	Dwelling-house
3	Uses with consent	Clause 14, Table B, Column (4)
4	Uses not permitted	All other uses
5	Definitions	Clause 5
6	Density	(1) Erven 1 to 19 & 42 to 52: One dwelling-house per 700m ² (2) Erven 21 to 40: One dwelling-house per 500m ²
7	Coverage	(1) Erven 1 to 19 & 42 to 52: 50 percent (2) Erven 21 to 40: 60 percent
8	Height	Clause 26: Two storeys (10m)
9	Floor area ratio (FAR)	Clause 25: Not applicable
10	Site development plan and landscape development plan	Not applicable

11	Street building-lines	(1) Voortrekker Road (P66-1): 16 metres, which could be relaxed by the Gauteng Department of Roads & Transport to 10 metres. (2) Other streets: Clause 9
12	Building restriction areas	Clause 12, Table A
13	Parking requirements	Clause 28, Table G
14	Paving of traffic areas	All parts of the erf upon which motor vehicles may move or park shall be provided with a permanent dust-free surface, which shall be drained and maintained to the satisfaction of the Municipality.
15	Access to the erf	(1) Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality. (2) The erf is subject to a line-of-no-access along Voortrekker Road (P66-1) from which no access is allowed.
16	Loading and off-loading facilities	Not applicable
17	Turning facilities	Not applicable
18	Physical barriers	(1) Public street boundaries: A non-removable physical barrier preventing vehicular and pedestrian movement shall be erected and maintained on all public street boundaries, approved accesses excluded, to the satisfaction of the Municipality. (2) Other boundaries: If required, a physical barrier shall be erected and maintained to the satisfaction of the Municipality.
19	Health measures	Any requirements for air pollution, noise abatement or other health measures imposed by the Municipality shall be complied with to the satisfaction of and without costs to the Municipality.
20	Outdoor advertising	Advertisements and/or sign boards shall not be erected or displayed on the erf without the approval of the Municipality, in terms of the prevailing municipal bylaws for outdoor advertising.
21	Detrimental soil conditions	In addition to Clause 19(1): (1) Before the approval of building plans the engineering geologist in conjunction with the Council for Geoscience shall certify that the final positioning of structures and

		<p>wet services are in accordance with the geological findings and recommendations.</p> <p>(2) The final detailed geological footprint investigation report and comments from the Council for Geoscience on the report must accompany building plans, if required by the Municipality.</p> <p>(3) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures must be certified by the engineer and submitted, if required by the Municipality.</p> <p>(4) The final detailed Dolomite Risk Management Program must be submitted, if required by the Municipality.</p> <p>(5) An engineer shall be appointed before building plans are submitted, who shall submit a certificate with the building plans, which states that he has studied 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 whole development is safe as far as possible from a geological point of view. On completion of the buildings he shall certify that all his specifications have been met.</p>
22	Open space	Not applicable
23	<p>General: 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>	

B. PROPERTY DESCRIPTION: ERVEN 20 & 41, RASLOUW EXTENSION 53		
1	Use Zone	28: Special
2	Uses permitted	Pedestrian movement, vehicular movement & parking, access control, engineering services, telecommunication services, landscaping, traffic control measures / facilities and other related uses acceptable to the Municipality
3	Uses with consent	Not applicable
4	Uses not permitted	All other uses
5	Definitions	<p>Clause 5:</p> <p>(1) Private road Means land which has been zoned for pedestrian and vehicle use by authorised residents, their guests,</p>

		<p>emergency vehicles, municipal vehicles, Municipal Services, telecommunication services and parking and which is registered in the name of a home owners association or residents Non-profit Company and may include access control.</p> <p>(2) Access control Means land and buildings used for a security gate, Guard House and ancillary and subservient uses such as an Office for the body corporate to control access to a private road or public street for authorised persons only.</p>
6	Density	Not applicable
7	Coverage	To the satisfaction of the Municipality
8	Height	Two storeys (10m)
9	Floor area ratio (FAR)	Not applicable
10	Site development plan and landscape development plan	Not applicable
11	Street building-lines	To the satisfaction of the Municipality
12	Building restriction areas	Not applicable
13	Parking requirements	Not applicable
14	Paving of traffic areas	To the satisfaction of the Municipality
15	Access to the erf	To the satisfaction of the Municipality
16	Loading and off-loading facilities	Not applicable
17	Turning facilities	To the satisfaction of the Municipality.
18	Physical barriers	<p>(1) Public street boundaries: To the satisfaction of the Municipality.</p> <p>(2) All other boundaries: Not applicable</p>
19	Health measures	Not applicable
20	Outdoor advertising	Advertisements and/or sign boards other than traffic signs, shall not be erected or displayed on the erf without the approval of the Municipality in terms of the prevailing municipal bylaws for outdoor advertising.
21	Detrimental soil conditions	Clause 19(1)
22	Open space	Not applicable

23	<p>General: 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>
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C. PROPERTY DESCRIPTION: ERF 53, RASLOUW EXTENSION 53		
1	Use Zone	3: Residential 3
2	Uses permitted	Duplex dwellings, dwelling-units
3	Uses with consent	Clause 14, Table B, Column (4)
4	Uses not permitted	All other uses
5	Definitions	Clause 5
6	Density	The total number of dwelling-units erected on the erf may not exceed 24.
7	Coverage	Clause 27; 40 percent plus 10 percent covered parking
8	Height	Clause 26: Two storeys (10m)
9	Floor area ratio (FAR)	0,6
10	Site development plan and landscape development plan	<p>In addition to Clause 31:-</p> <p>(1) A site development plan and if required by the Municipality, a landscape development plan compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the approval of building plans.</p> <p>(2) Special attention shall be given to the privacy of adjacent residential erven (overlooking, balconies, open passages), solar access to adjacent structures to the south of the erf (overshadowing), road-reserve development (pedestrian walkways) and exterior finishes.</p> <p>(3) The approved site development plan may only be amended with the permission of the Municipality and no building plan which does not comply with the site development plan shall be approved by the Municipality.</p>
11	Street building lines	<p>(1) Voortrekker Road (P66-1): 16 metres, which could be relaxed by the Gauteng Department of Roads & Transport to 10 metres.</p> <p>(2) Other streets: Clause 9</p>
12	Building restriction areas	Clause 12, Table A

13	Parking requirements	Clause 28, Table G
14	Paving of traffic areas	All parts of the erf upon which motor vehicles may move or park shall be provided with a permanent, dust-free surface, which shall be drained and maintained to the satisfaction of the Municipality.
15	Access to the erf	(1) Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality. (2) The erf is subject to a line-of-no-access along Voortrekker Road (P66-1) from which no access is allowed.
16	Loading and off-loading facilities	All loading and off-loading activities shall take place on the erf to the satisfaction of the Municipality.
17	Turning facilities	If required, shall be provided on the erf to the satisfaction of the Municipality.
18	Physical barriers	(1) Street boundaries: A non-removable physical barrier preventing vehicular and pedestrian movement shall be erected and maintained on all street boundaries - approved accesses excluded - to the satisfaction of the Municipality. (2) Other boundaries: A physical barrier shall be erected and maintained to the satisfaction of the Municipality.
19	Health measures	(1) Any requirements for air pollution, noise abatement or other health measures imposed by the Municipality shall be complied with to the satisfaction of and without costs to the Municipality. (2) Airconditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.
20	Outdoor advertising	Clause 30(2)
21	Detrimental soil conditions	In addition to Clause 19(1): (1) Before approval of the site development plan, the engineering geologist and the Council for Geoscience shall certify that the final layout of structures and wet services are in accordance with the geological findings and recommendations. (2) The final detailed geological footprint investigation report and comments from the Council for Geoscience on the report must accompany the site development plan.

		<p>(3) The final foundation design, wet engineering services design, ground improvement measures and geological precautionary measures must be certified by the engineer and submitted.</p> <p>(4) The final detailed Dolomite Risk Management Program must be submitted.</p> <p>(5) An engineer shall be appointed before building plans are submitted, who shall submit a certificate with the building plans, which states that he has studied 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 whole development is safe as far as possible from a geological point of view. On completion of the buildings he shall certify that all his specifications have been met.</p>
22	Open space	Clause 14(3)(a)
23	<p>General:</p> <p>(1) No individual dwelling-unit which is linked to another dwelling-unit shall be occupied before completion of the building of which the dwelling-unit forms part; provided that the Municipality may in exceptional circumstances, grant permission thereto.</p> <p>(2) No dwelling-unit may be transferred before the entire development or the phase on the property is completed.</p> <p>(3) Subject to the provisions of the relevant legislation but notwithstanding any other provisions contained herein, the Municipality may approve the subdivision of the erf, where such subdivision corresponds with the subdivision proposal shown on the approved site development plan for the erf.</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>	

D. PROPERTY DESCRIPTION: ERF 54, RASLOUW EXTENSION 53		
1	Use Zone	28: Special
2	Uses permitted	Place of public worship
3	Uses with consent	Place of instruction, place of child care, place of refreshment, social hall, telecommunication mast
4	Uses not permitted	All other uses

5	Definitions	Clause 5
6	Density	Not applicable
7	Coverage	Clause 27; 20 percent plus 10 percent for covered parking
8	Height	Clause 26: Two storeys (10m)
9	Floor area ratio (FAR)	The Gross Floor Area of buildings on the erf may not exceed 600m ²
10	Site development plan and landscape development plan	<p>In addition to Clause 31:-</p> <p>(1) A site development plan and a landscape development plan, unless otherwise determined by the Municipality, compiled by a person suitably qualified to the satisfaction of the Municipality, shall be submitted to the Municipality for approval prior to the submission of building plans.</p> <p>(2) The landscaping, in terms of the landscape development plan, shall be completed by completion of the development or any phase thereof. The continued maintenance of the landscape development shall be to the satisfaction of the Municipality.</p> <p>(3) When the site development plan is evaluated, special attention must be given to elements such as residential character, communal and private open space, exterior finishes and style in order to create a special character which is harmonious with the surrounding residential area.</p> <p>(4) The approved site development plan shall only be amended with the Permission of the Municipality and no building plans which do not comply with the proposals and conditions as set out in the approved Site Development Plan, will be approved by the Municipality.</p>
11	Street building lines	<p>(1) Voortrekker Road (P66-1): 16 metres, which may be relaxed by the Gauteng Department of Roads & Transport to 10 metres.</p> <p>(2) Other streets: Clause 9</p>
12	Building restriction areas	Clause 12, Table A
13	Parking requirements	Clause 28, Table G; Provided that for a mosque the parking ratio is 60 spaces per 100m ² Gross Floor Area
14	Paving of traffic areas	All parts of the erf upon which motor vehicles may move or park shall be provided with a permanent dust-free surface,

		which shall be paved, drained and maintained to the satisfaction of the Municipality.
15	Access to the erf	<p>(1) Entrances to and exits from the erf shall be located, constructed and maintained to the satisfaction of the Municipality.</p> <p>(2) The erf is subject to a line-of-no-access along Voortrekker Road (P66-1) and Jordanite Street where access is not permitted.</p>
16	Loading and off-loading facilities	All loading and off-loading activities shall take place on the erf, to the satisfaction of the Municipality.
17	Turning facilities	Shall be provided on the erf to the satisfaction of the Municipality.
18	Physical barriers	<p>(1) Street boundaries: A non-removable physical barrier preventing vehicular and pedestrian movement shall be erected and maintained on all street boundaries - approved accesses excluded - to the satisfaction of the Municipality.</p> <p>(2) Other boundaries: A physical barrier shall be erected and maintained to the satisfaction of the Municipality.</p>
19	Health measures	<p>(1) Any requirements for air pollution, noise abatement or other health measures imposed by the Municipality shall be complied with to the satisfaction of and without costs to the Municipality.</p> <p>(2) Air-conditioning units or compressors shall not be mounted to the exterior walls of buildings without the prior approval of the Municipality.</p>
20	Outdoor advertising	Clause 30(2)
21	Detrimental soil conditions	<p>In addition to Clause 19(1):</p> <p>(1) Before approval of the site development plan, the engineering geologist and the Council for Geoscience shall certify that the final layout of structures and wet services are in accordance with the geological findings and recommendations.</p> <p>(2) The final detailed geological footprint investigation report and comments from the Council for Geoscience on the report must accompany the site development plan.</p> <p>(3) The final foundation design, wet engineering services design, ground improvement measures and geological</p>

		<p>precautionary measures must be certified by the engineer and submitted.</p> <p>(4) The final detailed Dolomite Risk Management Program must be submitted.</p> <p>(1) An engineer shall be appointed before building plans are submitted, who shall submit a certificate with the building plans, which states that he has studied 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 whole development is safe as far as possible from a geological point of view. On completion of the buildings he shall certify that all his specifications have been met.</p>
22	Open space	Not applicable
23	General: 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).	

The contents of table 1 have been converted to the required Annexure T format and attached hereto, together with the associated draft Amendment Scheme Map (Map 2), as Annexure 'G'.

[ANNEXURE 'G' : DRAFT AMENDMENT SCHEME MAP AND ANNEXURE T]

4. DEVELOPMENT PROPOSAL

4.1 CONCEPT

The development concept being pursued entails a residential estate of low to medium development density with varying housing typologies selected to appeal to the different stages of the life-cycle of human beings. The development includes a place of public worship (mosque) to serve the religious needs of the local community. While the mosque will be a social facility serving the wider general public, the residential component will be developed and operated as a private estate subject to access control, also referred to as a gated community.

The development concept will therefore be in line with so-called sustainable neighbourhood planning as mentioned in the RMSDF, with the aim of achieving long term socially, environmentally and economically viable communities:

"The main objective is to create pleasant, safe and sustainable neighbourhoods with a mix of residential typologies, community and social facilities, recreation areas..., access to public transport for those who need it..."(p82)

The developer represents a small group of families and friends with a vision to live together in close proximity where daily interaction between inhabitants in the estate can serve to forge and reinforce valuable bonds / ties and where family values are entrenched and transferred between different generations. Thus a high-quality social environment supplemented by a high amenity level where landscaping and urban design meet to create a lifestyle in spatial context to be envied. Add to this the religious base of the community to find expression in praise and worship in a mosque to be established within easy walking distance from residences in the estate.

The concept represents a low-rise (two storeys) low-density residential estate with limited (if any) impact on surrounding land-use activities. It entails an infill development with residential developments on three sides of the site with only the very short ± 118m east / northeastern side abutting a land-portion being actively farmed (fruit trees). The proposed development will therefore blend in fully and harmonise perfectly with surrounding uses.

4.2 SITE CHARACTERISTICS

The following discussion serves to elucidate on the "facts and circumstances" of the land development application as required in terms of Section 42(1)(c)(iii) of SPLUMA.

4.2.1 Topography

The site slopes in an east / northeastern direction. With the highest point at the west / southwestern corner of the township being 1 429 metres above mean sea level (amsl) and the lowest point at the east / northeastern corner being 1 415 metres amsl. The decrease in height of 14 metres vertically over this horizontal distance of 535 metres represents a gradient of 1:38 or 2,6 percent.

The site therefore reflects a moderate gradient east / northeastwards of approximately 2,6 percent, which is ideal for the installation and proper functioning of gravitation-led services (notably stormwater & sewer).

4.2.2 Physiography

The subject property presently hosts relatively undisturbed natural vegetation comprising the typical grass veld cover found in the local area, with a proliferation of mostly indigenous trees of the common variety throughout this part of the City. These natural attributes will to a large extent be replaced by a built environment pursuant to the township development. However, due to the relatively low development density it is foreseen that many of the grown indigenous trees might be accommodated on especially the bigger single residential erven in the eastern half of the township and be retained as such for its various qualities, including place-making and climate control.

The development site does not sponsor nor is affected by any natural watercourse with associated floodplains as defined by the 1:100 year floodlines and environmental wetland / buffer area around same. The absence of such floodlines has been certified on the township layout plan (fig 2) by the project civil engineer.

4.2.3 Heritage / burial sites

There are no known archeological and / or palaeontological heritage and / or burial sites evident on the Property. In the unlikely event that one or more of these be uncovered during the development process, all work will be ceased and an appropriately qualified specialist appointed to investigate the matter and to make recommendations on the way to proceed from there, in conjunction with the South African Heritage Resources Agency (SAHRA) established under the National Heritage Resources Act, 1999 (Act 25 of 1999).

4.2.4 Access position

Access to Portion 11 directly from Voortrekker Road is permitted anywhere along its west / southwestern boundary under its present zoning of Agricultural and its perceived low-intensity agricultural use. Such random access will however not be allowed for the township.

According to the Tshwane Road Master Plan developed and adopted in accordance with the overall road planning of the Gauteng Department of Roads & Transport ("GDRT"), a major intersection has been planned at the Voortrekker Road / Perdeblom Street junction. Perdeblom Street provides access to developments west of Voortrekker Road, with the eastward leg of the full intersection yet to be implemented.

The eastern leg of this intersection is located partly outside of the proposed township area on land set aside for same at time of establishment of the north-lying Raslouw Extension 11 township, and will

for its balance be accommodated within the new township here applied for. A 32m wide reserve-width with approximately 140 metres "throat depth" will see to a most-feasible access on to Voortrekker Road from the township on Portion 11, also serving a public access function to other properties / developments in the local area to the east of Voortrekker Road.

4.2.5 Servitudes

The development site is not affected by any existing servitudes and does not host any bulk infrastructure which needs to be protected, e.g. ESKOM transmission-lines.

4.2.6 Voortrekker Road

As discussed in detail in sub-paras 2.8 and 2.9 a part of Portion 11 has been stymied for development due to current and future road encroachments. The affected part has been excluded from the township area as required in terms of the provisions of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001) and will hence, after proclamation of the present township, continue to exist and function on the Remainder of Portion 11 of the farm Swartkop 383-JR with the latter registered at the Deeds Office in name of Dream Weaver Trading 262 (Pty) Ltd.

4.2.7 Geology

The subsurface soils condition of the site has been investigated by a specialist engineering geologist and found to be suitable for the proposed development. Although underlain by dolomites no areas have been found to be undevelopable. For more detailed information refer Para 6.2 *infra* and Annexure 'H' to the Townplanning Memorandum.

4.3 DETAILED PLANNING

4.3.1 Township name and extension

The Toponymy section of the CTMM Department of Economic Development & Spatial Planning has in a letter dated 22 November 2022 confirmed the name and the extension number for the proposed township on Portion 11 of the farm Swartkop 383-JR to be-

Raslouw Extension 53

Names for the proposed private streets in the township had been selected from a standard list availed to the applicant. These are Georgette Circle, Jacquard Close and Marquesette Street (refer fig 2: Township Layout Plan).

4.3.2 Contours

The contours for the development site were sourced from the City of Tshwane website, and adhere to the statutory requirements for township establishment of the Bylaw. It has a datum plane of mean sea level,

vertical contour intervals of one metre (1m) and are based on the WG 29 Grid System.

4.3.3 Flood-lines

The project civil engineer has certified the township layout plan in terms of Section 144 of the National Water Act, 1998 (Act 36 of 1998) confirming that the proposed township on the subject property is not affected by the 1:50 and 1:100 year flood-lines of any watercourse on or near the site.

4.3.4 Township layout proposal

(1) Land area:

The west / southwestern part of the subject property is affected by the proclamation and implementation of Provincial Road P66-1, known as Voortrekker Road (R55). In accordance with the provisions of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001) this part of the subject property, as well as an expropriated portion associated with the Road, have been excluded from the area of the township herewith applied for. The area excluded extends to approximately 1,0733 hectares, leaving the remaining approximately 7,4920 hectares for township establishment.

(2) Municipal roads

As a point of departure with the layout planning for the township the project transportation engineers engaged with the City of Tshwane Department Traffic Engineering & Operations on the Tshwane Road Master Plan requirements for the development site. It was determined that the township would have to accommodate the fourth leg of a fully-fledged four-way intersection on Voortrekker Road at the Perdeblom Street junction. The yet to be implemented fourth leg would comprise Jordanite Street for which some space has been created on the property on which the abutting Raslouw Extension 11 had been established to the north, with the balance of Jordanite Street to be accommodated in the present township. Jordanite Street will be a through-road open to the general public under the auspices of the City of Tshwane.

Another municipal road to be accommodated in the township is the northwestward extension of Heuningwyser Street in the abutting Celtisdal Extension 20 township across the development site to connect to the mentioned extension of Jordanite Street along the northwestern boundary of the township. This connecting road will also be a public road under the City's auspices.

Both Jordanite and Heuningwyser Street have an area-wide collector / distributor function *vis-à-vis* Voortrekker Road (R55), a high-order metropolitan distributor. Development of the present township on the subject property will now serve to provide the final

link to the area from the new access to be constructed where Jordanite Street intersects Voortrekker Road.

The total area of public / municipal roads provided through necessity in the township extends to 1,1855 hectares, leaving approximately 6,3065 hectares for the actual development of the land-uses applied for, including private road erven.

(3) Configuration

The proposed layout configuration of the township was informed by various determinants, including the following:

- Voortrekker Road (R55): Access, exposure / visibility, noise & air pollution.
- Municipal roads: Requirements of Tshwane Road Master Plan
- Access on municipal roads: Safety, traffic-flow, convenience, pedestrian movement.
- Neighbouring land-uses: Solar impact, privacy, proximity, noise potential.
- Site characteristics: Shape, dimensions, gradient, geology, orientation / aspect, size.
- Landscaping: Road-reserves.
- Engineering services: Stormwater flow, municipal service connections.
- Parking: Official requirement, size of erven, floor area ratio, coverage, landscaping, (including shade trees), vehicular movement, pedestrian safety, visibility from public streets.

The *rationalé* for the layout configuration can be described as follows:

- (4) Place of public worship: Requires visibility from / exposure to passing motorists on both Voortrekker Road and Jordanite Street, with ease of access, preferably dedicated access off Jordanite Street in a position as close as legally permissible to Voortrekker Road.

Proposed Erf 54 was created for same at the Voortrekker Road / Jordanite Street junction. The extent and shape of the erf were determined with cognisance to the gross floor area of the mosque building of 600m², the building-line of 16m along Voortrekker Road and the standard parking modules and number of bays required to render the development functional.

The project transportation engineers have confirmed the possibility of a feasible, dedicated access to the mosque development off Jordanite Street in the form of a short public *cul-de-sac* stub-road, providing access to the erf from the east.

- (5) Townhouses / apartments: This housing typology is more dense than the other residential erven being provided in the township, and is meant to accommodate the younger generation or first time home-owner individual or smaller family. It will typically comprise simplex / duplex townhouses owned on section-title.

Due to the transient nature of future inhabitants it was decided to position this land-use activity adjacent to Voortrekker Road immediately south of and abutting the place of public worship erf, to act as visual and noise buffer between the Road and the deeper-lying lower-density residential erven.

The erf has been configured to ensure a south entrance and north-orientation of the dwelling-units. The site is sufficiently large to accommodate the necessary number of parking bays required in relation to the number and size of the envisaged dwelling-units on site.

- (6) Dwelling-houses: The bulk of the development site will comprise of single residential erven for full-title ownership. The instruction of the firm with regards to the extent of erven was pertinent and very specific, as follows:

- Erven east of Heuningwyser Street: 900 to 1000m² each
- Erven immediately west of Heuningwyser Street: 500 to 600m² each
- Erven between the townhouse development and the south / southeastern boundary of the Property: 1 000m² or bigger.

Access to each of these single residential enclaves as well as the townhouse development will be obtained from either Heuningwyser Street or Jordanite Street with access to the individual erven *via* private streets, each accommodated on its own erf.

4.3.5 Township layout plan

For a detailed illustration of the development proposal and configuration of the land-use activities refer figure 2: Township Layout Plan (overleaf).

[FIGURE 2 : TOWNSHIP LAYOUT PLAN]

4.3.6 Zoning and land-use

As also reflected on figure 2, table 2 (below) contains a synopsis of the proposed land-use and zoning for each of the erven in the township.

TABLE 2 : PROPOSED LAND-USE & ZONING FOR ERVEN IN THE TOWNSHIP

ERF NUMBER	No. ERVEN	ZONING	LAND-USE	EXTENT	
				HECTARES	PERCENTAGE
1 to 19; 21 to 40; 44 to 54	50	Residential 1	Dwelling-houses	4,0616	47,4
20 and 41	2	Special	Private streets, access control and engineering and emergency services	1,0155	11,9
53	1	Residential 3	Duplex dwelling and dwelling-units	0,7292	8,5
54	1	Special	Place of public worship (mosque) and ancillary and subservient uses	0,5371	6,3
-	-	Proposed streets and widening	Public streets	1,1765	13,7
TOWNSHIP TOTAL:	54	-	-	7,5199	87,7
		-	Provincial Road	1,0454	12,2
TOTAL:				8,5653	100,0

It follows from the table that the predominant zoning will be Residential 1 (50 erven), with other erven zoned Residential 3, Special for place of public worship, Proposed Streets and Widening for public streets and Special for private road purposes.

For more information on the proposed development controls, refer to table 1 *supra* or Annexure 'G' hereto, containing the detailed zoning and zoning control parameters, as well as the proposed Amendment Scheme Map (Map 2) for the township development.

4.4 RMSDF DEVELOPMENT PRINCIPLES & GUIDELINES

The applicant is satisfied that the application and its underpinning development proposal comply with the development principles and guidelines for a residential township on the development site. Some of these are here discussed briefly in support of the desirability and sustainability of the township at hand.

4.4.1 All income / age groups

"To provide residential opportunities for all income groups and to accommodate new residential development in a sustainable form" (p42)

The applicant envisages accommodating three broad income / age group categories in the township, *viz*:

- Young individuals / couples as first-time home-owners in the townhouse complex in the western parts of the township;
- Young families with children on the smaller single residential erven situated centrally to the township; and
- More senior families on the bigger single residential erven in the eastern parts of the township as well as the west / southwestern parts.

4.4.2 Walkable environment

All public roads in the township will be provided with a 1,8m wide pedestrian walkway on one side of the road, for ease of movement of pedestrians – especially between the various residences in the township and the place of public worship.

4.4.3 Public / social facilities

A place of public worship will be provided to expand the existing offering of public / social facilities in the area in support of the residential uses applied for, as well as existing residential uses in the surrounding area.

4.4.4 Solar access

"Solar access to adjacent residential structures to the south of a property to be developed must be protected as far as possible"(p65)

Apart from complying with the standard building-lines for the different uses along the south / southeastern boundary of the township, the proposed height-restriction of two storeys here will serve to prevent undue overshadowing of existing dwelling-houses to the south.

4.4.5 Privacy

- *No balconies may be established on the southern side of the building abutting a residential property.*
- *Windows must be located at such height or distance from the boundary of a residential property that they do not enable overlooking"*(p66)

This principle will be adhered to during the detailed planning phase of the project, *viz* at time of approval of the site development plan (as applicable) and building plans. These principles have been incorporated in the erf to be zoned Residential 3's Annexure T (refer Table 1 Condition 10(2) for this particular erf, which reads as follows:

"Special attention shall be given to the privacy of adjacent residential erven (overlooking, balconies, open passages), solar access to adjacent structures to the south of the erf (overshadowing), road-reserve development (pedestrian walkways) and exterior finishes"(p13).

4.4.6 Orientation

"Orientate new buildings to optimize sunlight and amenity for dwellings..."(p66)

The shape of erven have been carefully designed to ensure proper placement of residential dwellings on each, ensuring that north-orientation would be possible. With habitable rooms north-facing³ at approximately five to seven degrees east of north it will ensure maximum sunlight penetration into dwellings during the colder winter months.

4.4.7 Building-lines

Standard building-lines are being applied for and will *ceteris paribus* be adhered to, to protect neighbouring residential uses from undue encroachment (p67).

4.4.8 Parking

Cognisance has been taken of the guidelines for parking provision for higher-density and non-residential uses, and every effort will be made to adhere to same, including the following:

- *Parking must be placed at the back of a building, away from the street.*
- *Soft landscaping must form part of open parking areas.*
- *One tree must be provided for every two parking spaces.*
- *Parking areas should be broken up in small parcels and spread over the site...*
- *Provide safe and convenient access between car parking areas and pedestrian access to buildings"*(p68).

4.4.9 Physical barriers

Pursuant to the private residential estate being established it follows that appropriate physical barriers around the perimeter of same would be paramount. Not only for safety *vis-à-vis* high-speed / high-frequency traffic on Voortrekker Road, but also for crime prevention and safety and security of inhabitants and their belongings in the estate.

The existing walls between the site and adjoining residential neighbourhoods on the north / northwest and south / southeast will remain intact, except for a small section of the latter wall that will have to be removed to extend the existing Heuningwyser Street in Celtisdal Extension 20 northwards across the development site to join Jordanite Street. Physical barriers appropriate to the design theme and

requirements of GDRT will additionally be erected along the east / northeastern site boundary and along Voortrekker Road in the west.

Crime Prevention Through Environmental Design (CPTED) principles will therefore be applied at the detailed stage of the planning of the project for implementation.

4.4.10 Landscaping

Landscaping through appropriate greening and beautification of the neighbourhood is not only an integral component of place-making to ensure a desired ambience, it also serves a calming effect on the psyche of inhabitants with positive consequences for a cohesive community living in peace and harmony together. It is furthermore important for the natural environment to complement the built environment to soften the often harshness of the latter and enhance the residential amenity of the area.

The relatively spacious erven will leave ample space for beautiful private gardens for family recreation and enjoyment. These will be supplemented by landscaped road-reserves, with pedestrian walkways, park benches, appropriate lighting and shade trees to name but a few of the elements to be employed to ensure a liveable street and walkable environment for future residents in the township.

4.4.11 Advertising

Advertising billboards are not being considered along e.g. Voortrekker Road for this residential township.

4.4.12 Health measures

All official requirements for air pollution noise abatement and more will be adhered to, including the requirement for prior approval for installation of airconditioning units, compressors or generators of electricity. Also will refuse holding areas on private properties be positioned and screened-off sensibly and practically to prevent any nuisance value to nearby neighbouring residences.

4.4.13 Public and non-motorised transport

"The focus of transportation should be on the reduction of greenhouse gasses by reducing the need for vehicle ownership. Ensure efficient land-use and development by densifying urban areas to make communities more 'walkable'" (p73).

Apart from the "inward walkability" between future residences in the township (mostly family and close friends) as alluded to elsewhere, "external walkability" will also be promoted to serve the future BRT facility envisaged along Voortrekker Road. The latter is within easy walking distance from all future households in the township and will be the logical transport mode between residences locally and the Sunderland Ridge Industrial Node (northwards) and the Monavoni Emerging Regional Node

(southwards) – notably for employment, shopping, recreation and sport purposes.

4.4.14 Renewable energy

"Increase the use of renewable energy resources and reduce dependence on carbon-based fuel resources, with the aim of reducing climate-change impacts" (p74).

The applicant is investigating the installation of solar solutions for electricity substitution at dwelling-houses in the estate, together with energy saving building orientation and materials used in the township.

4.4.15 Water harvesting

Rainwater harvesting and storage will form an integral part of individual designs of houses in the estate. With Tshwane being located in a water-scarce region and with the erratic service delivery interruptions increasing over time, self-sustainability needs to be enhanced through natural water harvesting for use.

4.5 DENSIFICATION

In amplification of the layout determinants discussed in Para 4.3.4(3) the RMSDF lays down the following criteria for densification: (p77).

(1) Form and size of property

Discussed in detail in Para 2.4 *supra*. The site is ideally configured for the envisaged purposes with its long sides orientated north / south. It is also sufficiently large to accommodate the development proposal sustainably.

(2) Safe access

Safe access can indeed be provided to / from the township from / to Voortrekker Road. Also to the different residential enclaves on the Property from the future Heuningwyser Street and Jordanite Street traversing the township. The accesses have been determined by the project transportation engineers and discussed with the CTMM Traffic Engineering & Operations before finalizing same. Also refer discussion in Para 4.2.4 *supra*.

(3) Parking & vehicular movement

In addition to the parking guidelines discussed in Para 4.4.8 *supra* which will be pursued during the detailed planning phase, sufficient parking in accordance with official requirements (i.e. TTPS Clause 28, Table G) will be available on all erven created in the township in accordance with the particular zoning of each. Manoeuvring space will also be provided for vehicles between the access to a site and parking on same, with special care to the manoeuvring in and out of parking spaces.

(4) Overshadowing

As discussed in Para 4.4.4 above the applicant will abide by the standard building-lines of the TTPS on the south boundaries of erven in the township, and furthermore restrict the height of buildings along the southern boundary of the township to a low-rise two-storey height only. These measures will see to minimal (if any) overshadowing of south-lying properties.

(5) North-orientation

It would in theory be possible to achieve north-orientation of all dwelling-units in the township. This can be attributed to the gradient of the site (aspect) as well as the long sides of same facing north / south.

(6) Housing typology

Two housing typologies are being planned, *viz*:

- Townhouses (simplex and / or duplex)
- Dwelling-houses (a percentage on large erven and a percentage on smaller erven)

This would add to diversity of typology as promoted in the RMSDF.

(7) Open space

Due to the large proportion of erven in the township being single residential on sizeable erven it was decided to not provide parks in addition to same. The open space requirements for the townhouse development project being proposed (refer Clause 14(3)(a) of the TTPS) will be provided on site, i.e. 4m² per unit for a children's playground.

(8) Non-motorized transport (NMT)

The development project abuts Voortrekker Road, which is a designated future BRT-route. It already sponsors various public transport modes at present which would *ceteris paribus* be supported by future inhabitants of the township. Walkability is a significant feature of the township, with pedestrian links between residences and the proposed place of public worship firstly, and secondly between residences and the public transport offering on / along Voortrekker Road.

(9) Privacy

Privacy of neighbouring residential properties will be honoured and protected as necessary. Balconies will be restricted on the south-side of dwelling-units, as well as open passages and clear windows below a certain height. For more information refer proposed Annexure T for the erf to be zoned Residential 3.

(10) Geotechnical conditions

Addressed in Para 4.2.7 *supra*, as well as in more detail later in the memorandum.

The geotechnical conditions of the subject property are entirely suitable for the envisaged land-uses in the proposed township, subject to precautionary measures being implemented during the construction phase, as well as the operational phase of the development project.

(11) Environmental and ecological considerations

The impact of the development on the environment, including possible ecological considerations, have been discussed in detail in Para 6.5 *infra*, duly informed by an Executive Environmental Summary by messrs Delron Environmental Consultants. Also refer Annexure 'M' for the latter report.

In short it can be confirmed that the project entails an infill development that would not have a detrimental impact on the natural environment on site or in the area.

5. NEED / NECESSITY

5.1 SPECIFIC DEMAND

A group of family members and close friends have identified a need to live in close proximity to each other in this particular area, selected for various reasons. After a thorough search for an appropriately-size and configured property, they purchased Portion 11 and appointed the professional team to undertake the township application on their behalf. The township composition and design have been developed through an iterative process between all parties involved and it is hereby confirmed that all erven in the township have been spoken for. Since 100 percent of the erven will belong to and be appropriately developed and occupied by the development syndicate's family members and close circle of friends, none will be availed on the market for sale. This confirms the need for the development project in real terms, and the necessity of same in the particular locality on the development site.

5.2 RMSDF REGION 4

Despite the unequivocal proving of the need / necessity in Para 5.1 *supra*, the need for additional housing units of varying typologies have also been recorded in the RMSDF for Region 4. The following deserve mention:

- Approximately 60 percent of the population of Region 4 is younger than 35 years of age (p33). It is on average from the age of 18 that individuals graduate from school and enter the labour market – thus leaving their parents' home and renting their own accommodation. Furthermore, between (say) the age of 22 and 28 individuals get married or move in together, requiring bigger units to live in. The proposed townhouse development in the township would serve the ideal accommodation purposes for this youthful component of the population.
- The RMSDF furthermore confirms that the average household size according to the 2011 Census, is 2,9 persons per single residential structure (p37). With the number of single residential properties being proposed it is evident that a vast number of individuals could be accommodated.
- Importantly also the RMSDF (38) confirms the following backlog in housing in the Region:

"The need of (sic) additional residential units is about 4 000 a year in Region 4."

This is an unequivocal acknowledgement of the need for additional housing in the localized area.

- It is furthermore stated in the RMSDF that

"...(t)he role and function within the Metropolitan context can be summarized as follows:

** ...*

- * *To provide residential opportunities for all income groups and to accommodate new residential development in a sustainable form”(p42).*

The provision of different housing typologies in the same township will also serve to promote social integration (76).

- On lifestyle choices which is also a function of demand the RMSDF directs as follows:

“Densification must contribute to the provision of lifestyle choices within the specific area. As an example provision must be made to sustain all the lifestyle phases from young working people and students, families with young children, and elderly people”(p81).

5.3 LINEAR ZONE

The need / necessity for residential development on the development site is corroborated by the RMSDF in terms of which it has been earmarked for residential densification in a Linear Zone along Voortrekker Road, at densities up to 80 dwelling-units per hectare. The need for same is found in the vision of the City to substitute private for public transport along *inter alia* Voortrekker Road, which has been selected as future BRT-route in / through the local area.

5.4 SYNTHESIS

The need for additional housing of varying typologies in the local area to provide in the demand for same by groupings of people in different stages of their life-cycle and different income groups has been demonstrated from relevant extracts from the RMSDF for Region 4. The necessity for residential densification has furthermore been proven from the RMSDF for the localized area along Voortrekker Road, where the subject property is located.

The final unequivocal proof of the need / necessity for the housing being proposed in the present township application stems from the fact that the applicant would construct and retain all dwelling-units in the development project for family and a close circle of friends. This direct demand (and hence need) has led to the purchase of the Property and undertaking of the township application to achieve this goal.

6. DESIRABILITY & SUSTAINABILITY

6.1 DEVELOPMENT CONTEXT

6.1.1 Relative locality

- The subject property is located in the western parts of Tshwane, within the development boundary adjacent to the north / south reaching high-order Voortrekker Road (R55). Celtisdal and Monavoni are south-lying residential neighbourhoods while Raslouw, Deltoidia and Sunderland Ridge Agricultural Holdings and townships are located north- and northeastwards of the development site. To the east there are still several undeveloped portions of the farm Swartkop 383-JR.
- Despite the adverse dolomitic soils conditions in the area deteriorating in a western direction, this is a relatively fast-growing area where agricultural holdings and farm-portions have been and are being transformed to urban land-use activities at an escalating rate. The developments are the manifestation of the vision of the City for its spatial structure as embodied in the RMSDF for Region 4.
- The area westwards, outside the urban edge sponsors pristine natural beauty and conservation-worthy environmental landscapes and attributes. It is for this reason that several protected reserves and bavia have been established here by residents to preserve the environment. The protection and preservation of this part of Tshwane is of paramount importance as counterweight for the rapid and intense urban developments further east in Region 4.
- The township being established is located on a high-order and growing-in-importance north / south metropolitan distributor (Voortrekker Road) providing safe and convenient connectivity to local residents. The confidence in its growing stature lies in its Future BRT-status assigned in the RMSDF.
- With Voortrekker Road being a major north / south connector cognisance should be taken of the two growth nodes to the immediate north and south of the development site along Voortrekker Road. These are the following:
 - Sunderland Ridge Industrial Node (north); and
 - Monavoni Emerging Regional Node (south)

These are descriptions gleaned from the RMSDF and it should be noted that the new township here being established would lie halfway between these two nodes, with enhanced reciprocal accessibility facilitated by Voortrekker Road as an acknowledged Mobility Spine.

6.1.2 Sunderland Ridge Industrial Node

- One of the major 'economic anchors' of the area is the Sunderland Ridge industrial area, approximately 2,4 kilometres north / northwest of the development site. It comprises an industrial area with various sizeable industries successfully established and operating here. It is located in the southwestern quadrant of the Voortrekker Road / Wierda Road intersection and is foreseen to expand in future in a south / southwestern and north / northeastern direction to form a formidable presence and influence on the surrounding area.
- The RMSDF corroborates the above regarding Sunderland Ridge. The following extracts serve to elucidate:

"* *A mixed use area with the focus on job opportunities in an industrial environment to be developed north and south of Sunderland Ridge and east of the proposed PWV 9 mobility spine.*

* *Industrial uses is to be developed north of Sunderland Ridge and the K103 route and east of the proposed PWV 9" (p52).*

- Also:

"* *The proposed PWV 9 together with the R55 will provide the necessary energy for the development of a third development corridor. The extension of Sunderland Ridge in a northern and southern direction to accommodate light and high-tech industries is proposed for this section of the new development corridor. The development of this corridor is subject to the construction of the PWV 9 and the feeder routes to the proposed highway.*

* *The extension of Sunderland Ridge in a northern and southern direction to accommodate industrial land uses is proposed for this section of the new PWV 9 development corridor" (p53).*

6.1.3 Monavoni Emerging Regional Node

- The second major growth area in even closer proximity to the development site is described in the RMSDF as follows:

"The Monavoni Area and the Monavoni Precinct are an important emerging Regional Node, with the potential to evolve over time into a Metropolitan Node in the south western part of Region 4" (p114).

- Although covering a much wider area, the Monavoni Precinct Plan confirms vast developments already established to the immediate west of Voortrekker Road, approximately 1,5 kilometres south of the development site. The Monavoni Emerging Regional Node is in process of growing into a high-order mixed-use area of high intensity and density. Land-use activities include shopping centres, public / social facilities, offices, businesses, high-density residential and commercial uses.

6.1.4 Residential developments

- The area to the immediate east and northeast of the development site is in process of being transformed from a predominantly rural residential farm-portion / agricultural holding area to an urban environment for residential habitation.
- Further east are found various established residential areas like Eldoraigue and Wierda Park – most of which were established in the 1970s and 1980s already. These established areas sponsor all the usual social amenities and commercial facilities required for sustainable functioning, like shopping centres, filling stations, primary and secondary schools, medical clinics, public parks and more.

6.1.5 Local Node

- The subject property is furthermore located less than 800m from the intersection of Voortrekker Road and Lochner Street – the centre-point of a designated Local Node in the RMSDF.
- The Local Node already accommodates various mixed uses, including a filling station, a hospital and high-density walk-up stacked simplex apartments. These uses can be expected to expand and intensify / densify over time, all in support of reinforcing Voortrekker Road as Mobility Spine destined to evolve into a Transport Corridor, considering its Future BRT designation in the RMSDF.

Figure 3 reflects the development site in context of the Sunderland Ridge Industrial Node, Monavoni Emerging Regional Node and the Local Node with epicenter at the Voortrekker Road / Lochner Street intersection.

[FIGURE 3 : DEVELOPMENT SITE IN RELATION TO SURROUNDING DEVELOPMENT NODES]

6.1.6 Prevailing zoning

The existing zoning of properties around and including Portion 11 is depicted on figure 4 (overleaf).

[FIGURE 4 : ZONING MAP]

The map reveals that many properties further east, north and west are still zoned Agricultural, including the subject property itself. However closer to the proposed new township and seemingly following a pattern along Voortrekker Road, are found various townships of a residential nature with Residential 1 being the predominant zoning, followed by Residential 3 and then Residential 2. While Residential 2 usually allows full-title cluster or group housing development, Residential 3 covers a wide variety of sectional-title developments, ranging between simplex / duplex townhouses to low-rise walk-up stacked simplexes. A vast proportion of the surrounding properties has also been zoned Private Open Space (e.g. linear park along the Riet Spruit).

The zoning pattern is furthermore disturbed by various isolated (i.e. non-contiguous) properties with zonings of Business 4 (offices), Business 1 (shops), Business 2 (institution), Special (for various purposes) and Undetermined. The vast majority of properties further northwestwards are zoned Undetermined.

6.1.7 Land-use pattern

The land-use pattern in the immediate vicinity of the development site ranges from agricultural use on Portion 17 to the east (orchards), to single residential, duets and duplex residential uses. Various parks / open space properties are found interspersed in these residential neighbourhoods, and also a number of vacant stands.

On the opposite side of Voortrekker Road is a vacant property / -ies south and north of Perdeblom Street in process of township establishment. Various home industries, a clubhouse and even a theatre are found dispersed throughout the surrounding area.

Further afield are various non-residential uses like the hospital, filling station and shops in the Local Node northwards as well as other uses as depicted on the accompanying Land Use Map.

[FIGURE 5 : LAND USE MAP]

The land-use map shows all uses within a one kilometer radius around the subject property, from which it is clear that none of these would be negatively impacted by the proposed new township, and *vice versa*. Future households in the township will introduce more consumer spending locally, which may be beneficial for local businesses within the mentioned radius.

6.1.8 Synthesis

The development context in which the proposed new township finds itself now and in future has been captured in detail above. In short it is located alongside an existing Mobility Spine destined to evolve in a BRT-based Transport Corridor, flanked by high-density residential development. The

latter is required to provide the critical mass to render the public transport system viable / sustainable.

Voortrekker Road also serves as 'economic anchor' for the Sunderland Ridge Industrial Node, the Monavoni Emerging Regional Node and the Local Node immediately north, at the intersection of Voortrekker Road and Lochner Street.

In terms of relative locality the subject property is ideally located *vis-à-vis* existing public transport facilities along Voortrekker Road, which are destined to improve / expand to include a BRT-route in future. Also in relation to employment opportunities, various social / public facilities, sports & recreation facilities, shopping centres, filling stations, etc. all in relative close proximity in the three development nodes described above.

The applicant has furthermore deliberately refrained from maximizing the residential development density on the subject property to ensure full compatibility with surrounding existing low / low-medium density residential neighbourhoods. This was done still keeping in mind the need for densification along Voortrekker Road to render the future BRT service sustainable.

In view of the above it can be safely concluded that the applicant has discharged its responsibility to prove the negligible impact of the development proposal on the subject property on surrounding properties within a one kilometer radius. Also that surrounding properties would not have a negative impact on the proposed development (refer Schedule 6, Para 3(9)(c) and (e)(ii)).

6.2 GEOLOGY

6.2.1 Prevalence of dolomites

The south and southwestern parts of Tshwane are underlain by dolomitic soils conditions which may serve to pose a threat to the safety of people and security of their belongings. It is for this reason that the Municipality requires a detailed specialist dolomite stability investigation for each property subject to a land development application, confirming the suitability of same for the envisaged development project.

6.2.2 Regionalized Municipal Spatial Development Framework, 2018 (Region 4)

The above requirement and associated matters of importance relating to the geology of development sites are emphasised and elucidated by the following extracts from the RMSDF.

- *"Virtually every land use application will only be considered once suitable engineering-geological investigations have been undertaken in order to assess the risk of instability and likelihood of subsidence and sinkholes resulting in*

structural damage. Depending on the site specific characteristics and depth of the dolomite, and besides the fact that various mitigating measures have been applied in the past to manage risk, it has had a decisive influence on the typology and intensity of land uses” (p46).

- *“Innovative ways in dealing with the dolomite geological formations in order to proceed with the higher intensity developments in this area should be investigated and negotiated” (p49).*

It follows therefore that the particular subsurface conditions of every development site underlain by dolomites and doline structures should be investigated on an *ad hoc* basis *in loco* so as to mitigate any risk which it may pose to residents of and visitors to a site. Such investigation needs to be conducted by an appropriately qualified and experienced engineering geologist or geotechnical engineer.

6.2.3 Development site

A site specific dolomite stability investigation has been undertaken by engineering geologist prof J Louis van Rooy for Portion 11. The report was concluded in July 2022 and is titled as follows:

“Report on a Dolomite Stability Investigation for the rezoning of Portion 11 of the farm Swartkop 383-JR, Centurion, Tshwane, Gauteng Province”

After certain further discussions and the finalisation of the development concept, this report was supplemented by an Addendum Report dated 12 December 2022. This addendum to the report was informed by the drilling of a further three boreholes and testing and interpreting of soil samples from same, the purpose being to determine a more exact delineation of the relatively narrow IHC5 band identified in the initial report traversing the central parts of the development site. This led to the determination of a part of the Property that could be reclassified to also allow dwelling-houses under the RN2 category (the latter described in more detail below).

The salient features of the Report can be summarized as follows:

- On 21 June 2022 a total of seven percussion-drilled boreholes spread evenly over the site for proper representivity, were drilled and soil samples harvested at specific positions for laboratory testing.
- The purpose included the determining of the depth of bedrock and ground water below the surface, and the risk of sinkhole formation and subsidence of soils considering the soils type encountered *in*

loco. For more technical information refer to the Report and the addendum to same appended hereto as Annexure 'H'.

- The investigation led to the classification of the development site in two broad risk categories, *viz.*
 - * Inherent Hazard Class ("IHC") 2; and
 - * Inherent Hazard Class 5

These risk-classes together with the borehole positions have been incorporated on the township layout plan (refer fig 2 *supra*).

- Inherent Class Zone 2 includes the bulk of the site, excluding a central enclave and the northwestern corner, where the risk for the occurrence of a small sinkhole is medium to low. The mentioned central enclave and northwestern corner are classified as Inherent Class Zone 5 where a high risk for small sinkholes and a low risk for medium to very large sinkholes exist (p5).
- The following extract from the Conclusions & Recommendations in the Addendum Report serves to explain in more detail:

7.2 APPROPRIATE LAND-USE RECOMMENDATIONS

According to SANS 1936-1 Table 2 (Appendix A) residential development types RN2 and RN3 are permissible in dolomite land within IHC1 and IHC2 as well as C4 (places of worship).

Residential developments RH3, RL2 and RN3 are also permissible in IHC5 areas.

7.3 DOLOMITE AREA DESIGNATION WITH SPECIFIC FOUNDATION MEASURES

*The Dolomitic Area Designation is regarded as **D2** (BH4, BH8 & BH9) and **D3** (SANS 1936-1, 2012) for the rest holding.*

*Development in the IHC5 zones will need footprint investigations in addition to the stringent water precautionary measures listed for **dolomite area designation D3**.*

D3 precautionary measures required are in addition to those pertaining to the prevention of concentrated ingress of water as listed in SANS 1936-3.

7.4 RECOMMENDATIONS

The additional drilling results confirmed the presence of extensive intrusive bedrock occurrences in the dolomite in this specific area. The general shallow rockhead and groundwater below the bedrock levels are also confirmed.

The design stage investigation will be necessary to refine the current boundaries between the IHC5 and IHC1/2 zones, especially the area between borehole BH1 and BH7.

Prior to the next drilling phase data from existing boreholes on the adjacent properties need to be incorporated to limit the expected number of boreholes” (p5).

- It follows from the recommendations that the proposed place of public worship classified as a commercial development of three storeys or lower (“C3”) may indeed be erected on dolomitic soils with Inherent Risk Classification of 5 (and on IHC 2), as being proposed in the township under consideration. Further foundation investigations at time of implementation will be undertaken as recommended, to ensure the safe implementation of the envisaged mosque.
- RN2 and RN3 residential development types as permissible on dolomitic soils within the IHC 1 and IHC 2 risk categories (i.e. the bulk of the site) are respectively described as follows:

→ Dwelling-houses: RN2

“Up to 25 dwelling houses per hectare with stands no smaller than 300 m², and a population of ≤ 200 people per hectare”

→ Dwelling-houses: RN3

“Up to 10 dwelling houses per hectare with 1 000 to 4 000 m² stands, and a population of ≤ 60 people per hectare”

All single residential erven in the township zoned Residential 1 will be bigger than 500m² each, with most erven between 500m² and 1 000m² each, thus qualifying as RN2.

- All erven proposed in the township can therefore be developed for its intended use / density in as far as the subsurface conditions are concerned, with the exception of proposed Erven 36 and 37. A large part of each of these erven has been classified as IHC 5 which requires further footprint drilling to confirm whether these would be developable as intended. Proposed Erven 12 and 38 are also marginally encroached by an IHC 5 classification, but in these instances the dwelling-house footprint could be positioned outside the area of each classified as IHC 5. On the matter of the delineation / boundaries between IHC 1 & IH 2 on the one hand, and IHC 5 on the other, the engineering geologist advises as follows:

“The design stage investigation will be necessary to refine the current boundaries between IHC 5 and IHC 1 / 2 zones, especially the area between borehole BH 1 and BH 7” (p5).

- The additional drilling adjusts the feasibility zoning as follows:
 - Zone 1: 2(1)(3)//2(1)
 - Zone 2: 5//5 (boreholes 1 and 7)
- It is furthermore recommended that apart from an integrated risk management strategy as required in terms of SANS 1936-4, 2012 an additional Dolomite Risk Management Plan be compiled for the development once the site development plan has been finalized (p6 of original report). The applicant will adhere to all the recommendations in this regard.

[ANNEXURE 'H' : DOLOMITE STABILITY INVESTIGATION REPORT AND ADDENDUM]

6.2.4 Council for Geoscience

The Council for Geoscience in a letter dated 22 August 2022 addressed to the CTMM Geology Section of the Roads & Stormwater Department confirmed that it has studied the Report by Louis van Rooy Engineering Geologist and concur with the findings and recommendations.

[ANNEXURE 'I' : LETTER BY COUNCIL FOR GEOSCIENCE]

6.3 TRANSPORT IMPACT ASSESSMENT

Messrs Techworld Transportation Engineers were appointed by the land-owners to assess the traffic and the impact of the development on the surrounding public road network and make recommendations with regards to upgrades that may be required to accommodate the development.

The report prepared is attached as 'Annexure J' and discussed briefly below:

- The study was done using latent land-use rights of surrounding developments in mind to determine required upgrades and / or bulk contributions payable. Furthermore traffic growth was also taken into account. The study period is from 2022 until 2027 (5 years).
- Voortrekker Road is a proclaimed Provincial Route (R55 / Route K71) and must be excluded from the township.
- The application is expected to generate approximately 90 and 110 trips during the weekday AM and weekday PM peak hours, respectively.
- Access will be obtained *via* two new public streets, i.e. Jordanite Street along the site's northern boundary, and Heuningwyser Street, the latter which divides the township into two parts. Jordanite Street will consist of a two-lane single carriageway along the northern boundary to intersect with Voortrekker Road opposite Perdeblom Street. Heuningwyser Street will be an extension of the existing municipal road to the south and will intersect with Jordanite Street. For the latter extension to function it requires the wall constructed at its current termination on the southern boundary to be demolished.

- The first access to the township from the east will be obtained approximately 140 m from its intersection with Voortrekker Road for the place of public worship. Access control will be in the form of two single in / out lanes with a 25m throat length to accommodate the approximate 300 vehicles per hour flow rate
- Erven 1 to 20 will have full access *via* Jordanite Road approximately 125m east of Heiningwyser Street. A turning circle is required here until the extension of same in future when the property to the east is developed. Access control will be in the form of two single in / out lanes with a 6m throat length as per standard Tshwane requirements.
- Erven 21 to 53 will have full access from Heuningwyser Street approximately 75m south of Jordanite Street. Access control will be in the form of two single in / out lanes with a 12m throat length as per standard Tshwane requirements.
- Trip rates used:
 - The type of place of worship is not compliant with the typical peak trip rates of weekends and thus a precedent study was used to determine trips. A trip rate of 0.7 trips per worshiper was used and peak was determined as mostly midday. Thus 18 / 36 am / pm peak hour trips (weekday) will be generated
 - Residential trips used are based on the standards used by Tshwane, i.e.:
 - * 50/50 am / pm peak hour trips (weekday) will be generated for the proposed single residential erven; and
 - * 20/20 am / pm peak hour trips (weekday) will be generated for the proposed townhouses.
- Over and above the upgrades required for the surrounding townships determined by the latent land-use rights mentioned above, the development proposal will need to implement the following:
 - Construction of Jordanite Street and the extension of Heuningwyser Street;
 - Construction of the eastern approach of the Voortrekker Road / Perdeblom Street with Jordanite Street intersection;
 - Construction of exclusive turning lanes on the northern and eastern approaches and a third straight-through lane on the southern approach at the above intersection intersection; and
 - The reconstruction of the existing exclusive right-turn lanes as offset right-turn lanes on the northern and southern approaches at this intersection.

- Construction of slip-lanes on the western and eastern approaches and updating the traffic signal phasing and timing – while maintaining the current cycle lengths – required at the Voortrekker Road / Stone Ridge Boulevard - Spinetail Street intersection.

(for more detail refer pages 21 to 27 of TIS)

- Voortrekker Road is already host to road based public transportation services (i.e. bus and taxi) and is planned to be invested in with regards to future public transportation services and facilities. To enhance same, public transport facilities (bus / taxi loading zones) must be constructed on Voortrekker Road, in both directions, downstream of the intersection with Perdeblom Street with Jordanite Street. This is as a result of the estimated demand of the proposed development on public transportation in the area (i.e. increase in demand by 50 users, calculated on 1 person-trip per two dwelling-units and 1 person-trip per "seat" for the place of public worship).
- In terms of pedestrian and non-motorised transport (NMT) facilities, the construction of paved sidewalks, of at least 1.8m wide, is required on both sides of Jordanite Street, on either the western or eastern side of Heuningwyser Street, and up to the required public transport facilities on Voortrekker Road.
- Parking requirements for residential development as per applicable townplanning scheme and 60 bays per 100m² for place of public worship based on precedent studies.

6.4 ENGINEERING SERVICES

In this subsection of the memorandum the state and impact of civil and electrical engineering services as required in terms of Schedule 6, Para 3(9)(d)(v) and (e)(ii)(bbb) of the Bylaw are being discussed. The subsection has been informed by various specialist reports entailing the following:

- Traffic impact assessment ("TIA") by Techworld Transportation Engineers (discussed in Para 6.3 above)

[ANNEXURE 'J' : TRAFFIC IMPACT ASSESSMENT]

- Civil engineering services report by messrs Isogon Civil Engineering Solutions

[ANNEXURE 'K' : CIVIL ENGINEERING SERVICES REPORTS]

- Electrical Engineering service report by messrs Buro Tech Consulting Engineers

[ANNEXURE 'L' : ELECTRICAL ENGINEERING SERVICE REPORT]

6.4.1 Roads

Mr Eddie Schoeman of Isogon Civil Engineering Solutions has stated the following in his report with regards to roads:

- Site is impacted by Provincial Road R55 / P66-1 / Planned Route K71 known as Voortrekker Road along its western boundary.
- Certain new roads to be implemented:
 - New intersection with Voortrekker Road with an area of 1 653m²
 - Connecting class U4(a) road with a width of 7m and 500mm kerbs on either side of the road and a road area of 1 036m²
 - Boundary class U4(b) road with width of 7m and 500mm kerbs on either side of the road and a road area of 2 496m².
 - Internal class U4(b) road with width of 7m and 500mm kerbs on either side of the road and a road area of 1 082m².

These roads to conform to standard specifications of City of Tshwane.

- Contributions payable for roads as follows:
 - Provincial road connection: R2 479 500 by developer
 - U4(a) connection road: R1 554 000 by developer
 - U4(b) boundary road: R3 744 000 where 50% rebate from City of Tshwane
 - U4(b) internal road: R1 623 000 by developer
 - Therefore total road contribution less rebate : R5 974 500 after construction of roads by developer.
- 100% bank guarantee required for the estimated cost of the road or maintenance guarantee of 10% as pre-proclamation requirement for compliance certificate to be issued.

6.4.2 Stormwater

Mr Eddie Schoeman of Isogon Civil Engineering Solutions has stated the following in his report with regards to stormwater:

- There is an existing 1 350mm diameter stormwater pipe parallel to Philirene Road to which the development will connect. The construction cost for the stormwater connection is estimated at R1 880 000.
- Internally the township will be connected to 450 to 525mm diameter class 100D concrete pipes connected to kerb inlets and junction boxes.

- At the lowest point on the site a 520 x 750 mm diameter class 100D pipe will be installed to connect to the municipal main described above.
- The pre-development run off was calculated as follows:
 - 1:2 year : 367l/s
 - 1:20 year: 723l/s
 - 1:50 year: 886l/s
- The post-development run off was calculated as follows:
 - 1:2 year : 740l/s
 - 1:20 year: 1 458l/s
 - 1:50 year: 1 786l/s
- Site has a natural slope of 4% towards northeast and is not impacted by floodlines.
- Stormwater services to comply with the standard design and requirements of City of Tshwane. Where necessary wayleaves will be applied for where working inside of municipal road reserve.
- Contributions payable for stormwater as follows:
 - Provincial road connection: R661 200 by developer
 - U4(a) connection road: R621 600 by City of Tshwane
 - U4(b) boundary road: R1 497 600 where 50% rebate from City of Tshwane
 - U4(b) internal road: R649 200 by developer
 - Therefore total stormwater contribution less rebate : R2 059 200 after construction of stormwater infrastructure by developer.
- 100% bank guarantee required for the estimated cost of the stormwater system or maintenance guarantee of 10% as pre-proclamation requirement for compliance certificate to be issued.

6.4.3 Water

Mr Eddie Schoeman of Isogon Civil Engineering Solutions has stated the following in his report (refer Annexure 'K') with regards to water reticulation:

- There is an existing 200 uPVC/12 water pipe on the western side of the development to which the development will connect.
- According to current information there are no upgrades required to the existing water system but feedback in this regard is still awaited.
- The water demand for the development has been calculated as follows:

- 50 single residential erven : 72kl/day
- 24 duplexes : 19,2kl/day
- Place of public worship : 8,7kl/day

- Contributions payable for water is estimated at R491 133,38.

6.4.4 Sanitation

Mr Eddie Schoeman of Isogon Civil Engineering Solutions has stated the following in his report with regards to sanitation:

- There is an existing 200mm diameter sewer pipe along the eastern boundary of the site to which the development will connect.
- According to current information there are no upgrades required to the existing water system but feedback from the CTMM is still awaited.
- The sewer demand for the development has been calculated as follows:
 - 50 single residential erven : 38kl/day
 - 24 duplexes : 14,4kl/day
 - Place of public worship : 1,8kl/day
- Contributions payable for sanitation is estimated at R657 519,17.

6.4.5 Electricity

Messrs Buro Tech Consulting Enigneers prepared an electrical service availability report for the township being proposed on Portion 11 of the farm Swartkop 383-JR. The salient features of the report can be summarized as follows:

- The CTMM is the supplier of electricity to the area and site.
- The CTMM confirmed in response to a formal enquiry the following:
 - The site falls under the Brakfontein Substation supply area, in the Amberfield distribution area.
 - Energising the township would require extending of an existing 150mm 11 kV cable from the metering ring main unit (MRMU) in Erasmus / Ruimte up to the eastern boundary of the township (± 1km).
 - A 500 kVA 11 kV / 400 V miniature substation will be required to be installed, as well as a three-door maximum demand metering kiosk with 600 Amp consumer circuit breakers / switches.

- Installation of low-voltage cables from the miniature substation to the metering kiosk.
- The total load estimate for the township of 354,63 kVA can be provided by CTMM from its Raslouw Primary Substation.
- The mentioned requirements to provide electricity to the township will be formalized in a written electrical service agreement between the CTMM and developer once the township has been approved.

6.4.6 Refuse removal

Mr Eddie Schoeman of Isogon Civil Engineering Solutions has stated the following in his report with regards to waste management:

- During the construction phase, the development is expected to generate a minimum amount of solid waste. Solid waste at this stage will be transported by the contractor to a registered solid waste disposal site.
- During the operational phase of the development the estimated volume of solid waste expected to be generated weekly by the development is as follows:
 - 50 single residential erven: 12 000 litres (at 240 litres per household)
 - 24 duplexes: 5 760 litres (at 240 litres per household)
 - Place of public worship: 1 000 litres

The solid waste will be collected from the site and transported by Tshwane to a registered solid waste disposal site.

6.4.7 Synthesis

It follows from the preceding discussion that the proposed township can indeed be sustainably serviced by Municipal engineering services, including roads, stormwater, electricity, water, sanitation and refuse removal.

6.5 ENVIRONMENTAL CONSIDERATIONS

Messrs Delron Environmental Assessment Practitioners ("Delron") have on 06 December 2022 issued an Executive Environmental Statement in line with the requirements of SPLUMA and the Bylaw on *inter alia* the requirements for environmental authorization for the proposed new township on Portion 11 in terms of the Regulations to the National Environmental Management Act, 1998 (Act 107 of 1998) ["NEMA"]. It was determined that the proposed township would indeed trigger Listed Notice 1 – Activity 27 which reads as follows:

"The clearance of an area of 1 hectare or more, but less than 20 hectares of indigenous vegetation..."

However, due to the subject property being located in Zone 1 of the Gauteng Provincial Environmental Management Framework (GPEMF) it is excluded from the requirement of an environmental authorization process.

6.5.1 Environmental sensitivities

Delron has nevertheless assessed the development site for possible environmental sensitivities which may require protection but were satisfied that none such sensitivities occur. The following bears relevance:

- The Gauteng Conservation Plan ("C-Plan") – Terrestrial Biodiversity Map reveals that Portion 11 is not designated for biodiversity conservation and management purposes.
- The Property has neither been classified in the C-Plan as being situated in a "Critical Biodiversity Area" nor in an "Ecological Support Area".
- The site is bordered by residential land-uses and the proposed development will be compatible with same, thereby aligning with the GPEMF objectives.

6.5.2 Not listed

The Delron report concludes with the following:

"Based on the above and the information provided, the proposed township, Raslouw Extension 53 on Portion 11 of the Farm Swartkop 383-JR, does not constitute a listed activity and is thus excluded from assessment and authorisation in terms of the Environmental Impact Assessment ("EIA"), Regulations promulgated in GN. R. 324, R. 325, R. 326 and R. 327 (Government Gazette No. 40772 dated 7 April 2017) under Section 24(5) and 44 of the National Environmental Management Act, 1998 (Act No. 107 of 1998) ("NEMA"), as amended.

A registration form will be submitted to the Gauteng Department of Agriculture and Rural Development, indicating the intention to register and comply with the relevant Gauteng Provincial Environmental Management Framework ("GPEMF") Standards and declarations as set out in Appendix 4 of the GPEMF Standards" (p6).

For more detailed information on official environmental requirements for the project, refer to the Delron report in Annexure 'M'.

[ANNEXURE 'M' : EXECUTIVE ENVIRONMENTAL SUMMARY]

6.6 POLICY IMPERATIVES

Before the new democracy townplanning decisions were for the most part regulatory in nature, a system which had subsequently been replaced by a normative approach. The new approach finds traction in a suite of legislation and associated policies serving to direct applicants and decision-makers towards the desirable outcome. The desired outcome is people-centred with almost exclusive focus on improving the lives of the previously disadvantaged – especially that of the poor and vulnerable.

Most of these normative guidelines have been discussed in Section 7 *infra* from which the essence of the present subsection was derived.

6.6.1 SPLUMA directives

Section 42(1)(c) of SPLUMA determines the following:

"In considering and deciding an application a Municipal Planning Tribunal must –

- (a) ...*
- (b) ...*
- (c) take into account –*
 - (i) the public interest;*
 - (ii) the constitutional transformation imperatives and the related duties of the state;*
 - (iii) the facts and circumstances relevant to the application;*
 - (iv) the respective rights and obligations of all those affected;*
 - (v) the state and impact of engineering services, social infrastructure and open space requirements; and*
 - (vi) any factors that may be prescribed, including timeframes for making decisions."*

With regards to Section 42(1)(a) and (b) as well as (c)(iii), (v) and (vi) these have been discussed in detail elsewhere in the memorandum and are not repeated here. Each of the remaining requirements are henceforth discussed below to assist the CTMM decision-makers with the township decision.

6.6.2 Public interest

The matter of public interest relates strongly to the SPLUMA Development Principles and the Norms and Standards discussed in Section 7, Para 7.2 *infra*. It is important to view the present discussion in this context. We nevertheless wish to hereby highlight the following pertinent contributions which the proposed residential township can be expected to make in the public interest:

- The introduction of new housing stock in the local property market will make a contribution to the current shortages alluded to in the RMSDF for the Region (refer Para 5.2 *supra*).
- Varying housing typologies would serve to provide diversity and appeal to people in different stages of the human life-cycle. This would lead to enhanced socio-economic integration and social cohesion.
- Implementation of the township applied for would see to achievement of the vision of the City for this part of Tshwane as expressed in the RMSDF for Region 4 in relation to the subject property.
- The proposed place of public worship will add to the offering of social / public facilities locally with positive effect on the spiritual and psychological wellbeing of residents in the surrounding community.
- The new township will increase the accessibility of residential developments to the east of Voortrekker Road to the public and other transport modes on the latter *via* the new Jordanite Street link to be constructed.
- Employment opportunities will arise during the implementation phase of the engineering services as well as the construction phase of the super-structures in the township. Once completed various permanent job opportunities will be created in the households of resident families, as well as in the proposed new place of public worship.
- Development of Portion 11 presently lying vacant will reduce the risk of unlawful land-invasions – a phenomenon which has been increasing in recent years.
- The densification of the subject property will contribute towards the establishment and operating of a sustainable rapid bus transit route (BRT) along Voortrekker Road, as envisaged in the RMSDF. Public transport holds numerous advantages over private transport with reduced greenhouse gas emissions in public interest.

6.6.3 Constitutional transformation imperatives

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

- In essence the future planning policies and plans discussed Section 7 *infra*, have a recurring theme in common, being the plight of the

poor and vulnerable and the pressing need for socio-economic upliftment of previously disadvantaged families and communities. The dire need for improved living conditions and a better quality of life forms a golden thread throughout these.

- The heart of the problem lies in the three enormous challenges today facing society, namely unemployment, poverty and inequality, with concomitant inadequacies of human dignity, freedom of movement and association, safety / security, health and more.
- Although the term 'transformation' is nowhere to be found in the Constitution, the Constitutional Court has coined the phrase 'constitutional transformation imperatives' to deal with the Bill of Rights issues, to *inter alia* heal divisions of the past, enhance social justice, weed out unfair discrimination and redress imbalances of the past.
- Constitutional transformation imperatives find application mostly in the public sector and bigger private business concerns where e.g. affirmative action policies have been devised to increase owner / employee representivity in line with the race and gender composition of the population. It thus essentially relates to more black ownership and more efforts towards employment equity.
- The on-going dire circumstances of the majority of the population have in recent times led to a call for so-called radical transformation which has created the public perception that everything "white and / or colonial" should be replaced by "black and indigenous", currently serving to increase socio-political tension and divisions.
- In the People's Guide to the 2017 Budget, the National Treasury on radical economic transformation for inclusive growth however stated the following:

*"The alternative to raising taxes is faster economic growth. This will require economic transformation. Government's objective is to transform the economy, not simply transfer ownership or hand out tenders. Transformation must aim to **build a new economic momentum, mobilize new investments, create new jobs and create new resources to support social change.**"* (p1) (own emphasis).

- Unfortunately redress through representivity has in many public bodies and parastatals led to a reduction in efficiency and effective service delivery, as evident from a multitude of dysfunctional municipalities today countrywide. This state of affairs is in stark contrast to the Constitutional role of municipalities which should be

that of developmental agencies in pursuance of growth and development.

- Economic growth and development is seen as the ultimate prerequisite for socio-economic transformation, i.e. the catalyst to propel transformation into an achievable goal to culminate in job and income creation, enhance dignity / pride, increased welfare and a better quality of life for all.
- Although the proposed development is only residential in nature it will serve to provide housing for business owners and employees in *inter alia* the nearby Sunderland Ridge Industrial Node and the Monavoni Emerging Regional Node. Also the hospital and other uses in the Local Node immediately north of the development site, in this way serving to provide labour to businesses and industries. In conjunction with value-adding labour resources, future residents will also contribute to economic growth through increased consumer spending locally thereby – directly or indirectly – contributing to the reduction of the three challenges of unemployment, inequality and poverty.

6.6.4 Rights and obligations of affected parties

- First and foremost is the right of the land development applicant to due process and consideration of the application in terms of existing statutory provisions of the relevant townplanning legislation and policies. In this regard the applicant contends that it has discharged its responsibility to prove the merit of the development proposal in the selected locality unequivocally and decisively.
- The rights of parties potentially affected by the land development proposal will be honoured by affording them the opportunity to participate in the decision-making process as interested and / or affected parties. This is usually done by registering an objection during the public participation phase of the application process, followed by pro-active engagement between the parties to endeavor finding common ground.
- Furthermore has the “duties of state” (which include municipalities) been well documented in various pieces of townplanning legislation, including in the Development Principles of Section 7 of SPLUMA. These are not repeated here, save for the reminder that the CTMM is obliged to factor into the decision-making equation the benefit of the proposed development towards the transformation agenda of government through economic growth advantages for the local economy and the social benefit of the place of worship to be implemented.

6.6.5 Object of Bylaw

- The object of the City of Tshwane Land Use Management Bylaw, 2016 as part of a uniform approach to municipal planning is to act as instrument *inter alia* –

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

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

"(1)... provided that:

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

The applicant has gone to great lengths to prove compliance with the object and principles of the Bylaw, these which to a large degree derive from and coincide with *inter alia* the SPLUMA development principles, transformation imperatives and the Development Guidelines of the RMSDF. The following explanation serves to elucidate.

- *Economic unity, equal opportunity, equal access to government services and to promote social and economic inclusion.*

It is the role and function of the CTMM to maintain unity and ensure access to municipal and government services. Social and economic cohesion will be promoted through the various housing typologies in the township to appeal to different socio-economic strata of the population, and will be further bolstered by the proximity to three development nodes with employment opportunities for the entire

socio-economic spectrum and where positive interaction and cohesion would be the logical outcome.

- The applicant has earlier in the memorandum demonstrated compliance with all the following criteria, with special reference to the discussion on the planning and design criteria and development principles of the RMSDF:
 - Co-ordinated and harmonious development: Suitability of the residential township in this particular locality in relation to surrounding land-use activities – current and future. The applicant has gone to great lengths to refrain from excessive development densities as proposed in the RMSDF and to rather devise a development concept of appropriate scale to be in harmony with existing surrounding residential neighbourhoods. Implementation of the Tshwane Road Master Plan proposal on and around the development site furthermore ensures co-ordinated development and the framework for a harmonious development area.
 - Principle of a healthy environment through introduction of a similar and highly compatible development typology, properly planned / designed as guided by official norms and standards. The proposed residential use is clean, with no noise or air pollution and supportive of NMT in respect of localized movement / circulation, with concomitant reduction in emission of greenhouse gases.
 - Safety of future residents in the township will be ensured through adoption of CPTED-principles. Future residents in the townships will comprise for the most part of families and friends who would not serve to pose a safety threat to the surrounding community of which it will ultimately form an integral part.
 - The balance of the prevailing good order will not be disturbed. The proposed residential township will contain a self-sufficient “community” within the surrounding community, yet with certain integrative factors like recreation, shopping and worshipping together.
 - Likewise will the prevailing amenity of the area not be adversely affected. The new development will *inter alia* contribute to an enhanced urban environment through infrastructure improvement (e.g. road upgrades, street lighting). The buildings and other structures will furthermore be architect’s designed and the site and sidewalk areas

landscaped and maintained, making a huge contribution to the amenity and sense of place of the area.

- Convenience relates amongst others to proximity to other urban facilities like places of public worship, education institutions, parks, shopping facilities and more. This has been discussed in more detail elsewhere in the memorandum.
- The proven desirability and sustainability of the development proposal in various sections / sub-sections of the memorandum prove unequivocally the nett contribution of same to the general welfare of the area.
- Efficiency and economy are two requirements which private sector developments automatically strive for, in pursuance of the profit motive at the base of our capitalistic system. Whereas the developer will in this regard strive to minimize inefficiency to maximize economy, it is the municipality's role to optimize the end-result of the development in favour of the general wellbeing and proper functioning of the surrounding community. This process plays itself out in *inter alia* the negotiations and conclusions of engineering services agreements between the CTMM and the developer.

6.7 STATE AND IMPACT OF SOCIAL FACILITIES

- Examples of social facilities serving to provide a service to communities and society as a whole include universities, colleges, technikons, schools, child care facilities, old age homes, post offices, police stations, children's homes, various disability care facilities, specialized schools and more. While universities, technikons and other higher-order social facilities require a larger population threshold its sphere of influence is usually quite wide. The same goes for a specialized school catering for a particular infirmity (e.g. the hearing impaired) which will have a wide sphere of influence due to the limited number of hearing impaired individuals per 1 000 of the population.
- Social facilities like schools (pre-school, primary and secondary), libraries, police stations, post offices (or similar) and the like are usually more community and neighbourhood bound, requiring a lower population threshold to render it viable. These social facilities all contribute to the livability concept of integrated human settlements and should be spatially distributed to be reached on foot within a guideline 20 minute walk or cycling (i.e. the "20 minute neighbourhood" concept).
- The applicant has proceeded to plot on a map as many of the existing social / public infrastructure facilities it could identify in the surrounding vicinity. These for the most part occur further eastwards within and in proximity to well-established older residential suburbs, but also within the Emerging Monavoni Regional Node (south) and the Local Node immediately north of the

development site. The latter accommodates a hospital facility with a wide sphere of influence supported by excellent accessibility of several high-order roads in the area.

- The proposed new township on the subject property will contribute to the present offering of social / public facilities in the area by establishment of a place of public worship on the premises. It will for the most part serve the local community and not have such a wide sphere of influence.

[FIGURE 6: SURROUNDING SOCIAL / PUBLIC FACILITIES]

Although fairly well served by social facilities it should be remembered that this is a developing area which understandably is still to some extent under-provided. Social facilities tend to follow established and well-functioning residential areas and it can be expected that the same would happen here.

6.8 STATE AND IMPACT OF OPEN SPACE

- Being a residential township requires the applicant to comply with Section 47 of the Bylaw with regards to provisioning of open space, which may be in the form of public open space, private open space, conservation areas and / or floodplains and / or any area(s) for the benefit of the community or public (refer Section 47(1)(a) of Bylaw).
- Section 47(2) of the Bylaw however provides for a monetary contribution towards the provisioning of parks / open space *in lieu* of land. The Section reads as follows:

"Nothing contained in this By-law shall oblige the Municipality to accept land for the provision of open spaces and parks and the Municipality may in lieu of the provision of open spaces and parks require that the owner of property, on which a land development application has been approved, pay an amount of money in lieu of the provision of land for open spaces and parks as contemplated in section 16 read with Section 21(3) of this By-law;"

- Due to the relative low development density of the Residential 1 zoned erven in the proposed township and the ample space on the large erven for private open space and recreation, the applicant has decided to opt for the payment of a parks contribution as allowed for in the By-law. The Residential 3 zoned erf will provide the necessary open space for a children's playground area, as per Clause 14(3)(a) of the TTPS.
- The street-reserve boundaries will be provided with a 1,8m pedestrian walkway on one side of each and fully landscaped. This will be done to encourage NMT and will go a long way towards serving a recreational purpose for residents of the estate walking, jogging and cycling along these roads.

- Due to the above it is foreseen that a formal public or private park would be underutilised and not serve its intended purpose. Add to this the maintenance requirement and associated costs, and it becomes clear that a monetary contribution for parks paid to the Municipality presents a better option.
- In terms of Schedule 16 of the Bylaw the extent of land required for the proposed township and which will rather be quantified and paid to the Municipality is calculate as follows:

• 50 Residential 1 zoned erven	x 24m ² =	1 200m ²
• 24 Dwelling-units zoned Residential 3	x 18m ² =	<u>432m²</u>
TOTAL EXTENT		1 632m ²

- Payment of a parks contribution to the Municipality will therefore be based on the area of 1 632m² for unserviced Residential 1 zoned property in the area. The CTMM Valuations Department is required to provide guidance on the valuation of such property in the area.

7. INSTITUTIONAL SUSTAINABILITY

One of the main criteria to examine when discussing sustainability is the alignment of the proposal with the forward planning vision for the area as contained in the strategies and policies of the CTMM, as required in terms of the Bylaw. This is discussed in the section here, under appropriate headings as applicable.

It is important to note that the policies and strategies of the City of Tshwane have to be informed and aligned with policies and strategies of the other spheres of government (i.e. national and provincial government). Therefore even though the applicant may not refer in particular to certain strategies and policies prepared and approved by national or provincial government, these should have been heeded when the CTMM prepared its policies and strategy documentation. The applicant therefore reserves its right to discuss and / or use such documentation in any further motivation to the present application, including at the Municipal Planning Tribunal, if necessary.

7.1 SPLUMA DEVELOPMENT OBJECTIVES AND PRINCIPLES

The sustainability of the proposed township development on Portion 11 is measured against certain development principles (as applicable) contained in Chapter 2, Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 and 2013) ['SPLUMA'].

The requirements in SPLUMA have resulted from certain of the duties and responsibilities contained in the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (as amended). Other national sphere documentation applicable here are the National Development Plan Vision for 2030 and the Medium Term Strategic Framework, 2019-2024 (MTSF).

7.1.1 Principle 7(a): Spatial justice

This development principle requires planning and development to facilitate the elimination of past spatial imbalances through redress and increased access to land and secure tenure and use of same. The proposed new residential township will indeed serve this principle fully by making a major contribution to quality housing availability in an area close to employment opportunities (e.g. Sunderland Ridge Industrial Node) and alongside a future BRT-route (Voortrekker Road). Public transport is already available in close proximity and the varying housing typologies proposed will serve to cater for different socio-economic strata of the population.

Residential densification within established urban areas is a strong policy directive on all levels of government so as to create a variety of residential opportunities for *inter alia* previously disadvantaged individuals to translocate from the unsustainable, high-density, under-serviced, low-quality dormitory towns on the urban periphery to established and fully-functional parts of the City closer to employment, recreation, sport, culture, shopping and educational facilities.

It is furthermore noteworthy that no previously disadvantaged individuals / families would be displaced as a consequence of the development of the subject property. On the contrary, as elucidated above, will access to and the use of land by such individuals be enhanced in the process.

With regards to the duties of the Municipality, the spatial development frameworks of the Municipality as well as the region and the land-use scheme have been prepared with due consideration to the public's inputs through participation in the preparation and review process of same. The proposal will be in line with the future planning for the area in a Linear Zone earmarked for higher residential densities.

The development of the subject property will serve to enhance the value of properties in the area for its high quality and envisaged amenity described earlier.

7.1.2 Principle 7(b): Spatial sustainability

The principle addresses certain of the rights and responsibilities contained in the Constitution, including Section 24 which speaks about the environment. Furthermore Section 8(2)(b) of SPLUMA refers to norms and standards for land development, desirable settlement patterns, urban revitalisation and sustainable development which are applicable here.

The NDP confirms the above where it indicates that it is necessary for private investment and partnerships to be encouraged to ensure that economic growth and more employment opportunities are created in a shorter space of time (creating opportunities to improve lives and living standards). The private sector involvement should be coordinated with the public sector and will act as a catalyst for further investment and competitiveness.

The MTSF finds applicability here too where one of the priorities listed is to create human settlements which are sustainable, equitable and efficient (p146) and improve quality of life (p149) as well as the protection of environmental assets and natural resources (p148).

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

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

Thus the goals identified in the GSP are to:

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

The GSDF considers the Province holistically and it describes the vision for the province to be "...liveable, prosperous, competitive, equitable, accessible and sustainable..." as a City Region.

The present application proposal will comply with the development principle of spatial sustainability in the following way:

- The proposal will not have any appeals on the fiscal, institutional and administrative means of Government.
- The development of the subject property is an infill development, well within the urban edge where very-low rural residential use will merely be replaced by medium-density residential use with no appeal whatsoever on prime and / or unique agricultural land. The converse is indeed true in the sense that the development of the subject property at a much higher development density will see to less pressure for horizontal residential expansion / sprawl on the outskirts of the City of Tshwane. It will therefore indirectly serve to preserve valuable agricultural land outside the development edge.
- The development site sponsors no environmental sensitivities worthy of preservation.
- The proposed development will not militate against the principle of effective and equitable land markets. It will serve to create a variety of housing typologies to choose from which would indeed serve to stimulate the property market locally.
- The local area is already fully-serviced with the infrastructure required to render the proposed development sustainable. With upgrades / improvements to same by the applicant as required, it follows that no appeals would be made on the City's budget for the provision of social and engineering services to previously neglected areas, and neither will it be required of the Municipality to pay for such service improvements.
- The development will furthermore lead to additional income by way of rates & taxes to the CTMM, which could be spent on social facilities in the area to enhance the community even further.

- The development project represents a much desired urban counter-weight for the perpetual sprawl along the urban periphery which will contribute to a less fragmented, more inwardly-focused urban environment, contributing to a viable public transport system and improved spatial sustainability.

The development proposal on the subject property will therefore contribute positively to the development principle of spatial sustainability as set out in Section 7 of SPLUMA.

7.1.3 Principle 7(c): Efficiency

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

The use of the Property will be optimised in relation to the vision of the City as expressed through *inter alia* its RMSDF, namely for higher-density residential development. Land, and especially developable land within the urban edge with available engineering services, is a scarce resource, which should be put to its highest-and-best use – as being done in the case under consideration.

Physical, social, economic and institutional infrastructure are all available in fair measure in the area. The applicant will be obliged and is prepared to contribute proportionately to any required engineering service installations and improvements pursuant to the higher demand for same by the development on the development site.

The applicant undertakes to comply with the timeframes of the approval process and to streamline responses as best as possible to obtain a positive outcome in the shortest possible time.

Spatial efficiency will also be enhanced through proximity of the proposed development on the subject property to shopping, employment, health care and other high-order urban functions in the surrounding area.

With the Property abutting Voortrekker Road the development of medium-density housing here will promote public transport usage and non-motorised transport, i.e. reduced dependence on private vehicles which will lead to less congestion and concomitant increased efficiency of the movement system of the City in and through the area.

7.1.4 Principle 7(b): Spatial resilience

This principle provides for flexible spatial plans, policies and land-use management systems to ensure sustainability of the livelihoods of especially vulnerable communities.

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

One of the main advantages of this proposed development here is that the proposal is completely in line with the development vision for the area as contained in the RMSDF for the Region. In addition, the proposal will see to the provision of quality housing at a good address for a wide spectrum of residents.

7.1.5 Principle 7(e): Good administration

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

7.2 SPLUMA NORMS AND STANDARDS

SPLUMA Section 42(1)(b) requires of a Municipality when considering and deciding on an application to:-

"make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework;" (p50)

Section 8 of SPLUMA deals with norms and standards for land use management and land development, which have yet to be prescribed by the Minister of Rural Development and Land Reform.

With no such norms and standards having been adopted yet it is not possible to measure the proposed new residential development in detail against same. However, considering the criteria for such norms and standards set out in Section 8 (2)(a) to (g) of SPLUMA, the following finds application:

- Ad Section 2(a): The applicant in this section of the memorandum discusses the institutional sustainability by assessing the relevant government policies / plans / frameworks / strategies as required in terms of the Bylaw for its value and applicability as official planning instruments to guide and inform the current development proposal.

- Ad Section 2(b): The norms and standards that are applicable here must:-
 - Promote social inclusion: The dwelling-units / -houses in the proposed new township have been earmarked for particular family members and a close circle of friends. The reservation has no malicious intent and will *ceteris paribus* include various races, genders, economic backgrounds, social inclinations, etc. thereby promoting social inclusion.

The development is located on a main route and is well linked to economic, social and educational facilities in the area as well as other modes of transport connecting the area to the wider Tshwane and beyond. The future residents will enjoy and add to the vibrancy of the area as a typical cosmopolitan development where everyone socializes and mingles in an integrated way.
 - Spatial equity: With the development site located on Voortrekker Road (R55) and close to other high-order roads like Wierda Road and Ruimte Road with established public transport networks it serves as counter-weight for outlying dormitory townships and attraction for individuals from all walks of life, providing an equitable solution to sustainable urban living.
 - Desirable settlement patterns: The proposed development is 100 percent in line with the vision of the City for the area and the subject property as contained in the RMSDF for Region 4.
 - Urban regeneration: The proposed development will make a notable contribution to urban regeneration of both the area and the site. The development will lead to high-quality architect's designed buildings with extensively landscaped road- / street-reserves. This will lead to an enhanced aesthetic and residential amenity in symbiotic relationship with surrounding residential neighbourhoods. The inclusion of landscaped walkways along street-reserves will further serve to enhance urban regeneration in the localized area.
 - Sustainable development: The entire motivation of the merit of the development proposal is permeated with sustainability principles not here repeated again.
- Ad Section 2(c) to 2(g): The principles of efficiency and effectiveness have been discussed under Development Principle 7(c) above in detail. The balance represent norms and standards for the authorities to comply with which have no bearing on the present application.

7.3 CITY OF TSHWANE 2021-2026 INTEGRATED DEVELOPMENT PLAN [“IDP”] (ADOPTED 27 MAY 2021)

The Tshwane IDP is one of a suite of financial and spatial planning instruments underpinning the identification and implementation of strategic projects and key

programmes towards achieving the outcomes of the Tshwane Vision 2030 policy document adopted 25 May 2017 (p53).

The contents of the IDP has been informed by various policies and strategic documents in the national and provincial spheres as well as municipal. This document includes the Metropolitan Spatial Development Framework (MSDF) which was approved at the same time as the IDP. These two documents were prepared and approved in terms of the current governing political regime and is intended to place the city on "... a new development trajectory". Similar to the former IDP, the strategic pillars and deliverables are:-

- A city of opportunity
- A sustainable city
- A caring and inclusive city
- A safe and clean city
- An open and honest city

These have been translated into pillars of long term planning which align with those contained in the Vision to create "Tshwane: A prosperous capital city through fairness, freedom and opportunity", i.e.:

- Advancing economic growth and job creation
- **Creating a caring environment and promoting inclusivity**
- Delivering excellent services and protecting the environment
- Keeping residents safe
- Being open, honest and responsive

The following priorities were determined which set the framework for the adopted IDP, premised on "Stabilise, Revitalise and Deliver". This would be done as follows:

"Framer 1 – Stabilise the Administration

- *Restructure the organisation*
- *Reform the billing system*
- *Manage debt*
- *Reform customer relations*
- *Generate new revenue sources*
- *Ensure sufficient resources to delivery departments*

Framer 2– Revitalise the Economy

- ***Ensure urban regeneration***
- *Reprioritise the budget on infrastructure backlogs*
- *Create efficiencies in planning applications*

Framer 3 – Deliver services to everyone especially the poor

- ***Provide services to informal settlements and public housing***
- *Employ new skills in engineering to roll out long-term service delivery plans*
- *Establish maintenance teams*
- *Provide Indigent Relief*

- *Provide effective and professional healthcare services*

The framers above guided the focus of each of the five strategic pillars and 19 IDP priorities.” (pp 57-58) (own emphasis)

The provision of adequate housing in large quantities and associated physical (e.g. water, electricity, roads, stormwater and sanitation) and social (e.g. clinics, schools, parks) infrastructure are being viewed as very high priority service delivery imperatives in the IDP and as required to be provided in terms of the rights and responsibilities contained in the Constitution (Section 26). The CTMM realizes that it is a mammoth task that will require other role players than the Municipality to become involved and assist in shouldering the burden of providing quality housing in a sustainable manner and thus comply with their vision for a liveable city. A holistic approach of providing integrated human settlements is being propagated, as opposed to the provision of segregated dormitory towns perpetuating apartheid planning deprived of supporting social, economic, institutional and recreational facilities. Nodal development and spatial targeting are one of the main tools to assist with growth management of the City.

The population of Tshwane has on average grown 2,74%, faster than the average growth of Gauteng and almost double nationally when evaluating 2009 to 2019 population figures, to approximately 3,56 million residents. It is estimated that the City will grow by a 2% average until 2024. The growth can be attributed to Tshwane being a popular city of opportunity where there is an influx of job seekers from all walks of life as well as being the seat of Government, corporate headquarters and diplomatic embassies. Furthermore the growth can also be attributed to Tshwane being an education hub with 90% of all research and development nationally taking place in the City.

The IDP confirms that housing infrastructure takes time to be delivered and that in 2018 the housing backlog was 208 000 households, which represented an annual increase of 1,3% since 2008 (thus measured over ten years). Municipalities generally are struggling with a backlog of inequitable infrastructure provision especially to areas on the outskirts that were previous dormitory towns with the growth of the City and a lack of maintenance of existing aged services in the City which break down more and more often. These swallow up all available funds that the City has, leaving little for new expansion projects. The cost of meeting the backlog in housing and infrastructure is formidable and thus the Municipality is encouraging private initiatives to address this desperate need.

The proposed residential development would undoubtedly be a great asset that will assist the City with achieving its goals in this regard.

The spatial concept of nodal and corridor development will facilitate the realisation of the five pillars mentioned, with these permeated throughout this motivational memorandum and thus not repeated here again.

7.4 METROPOLITAN SPATIAL DEVELOPMENT FRAMEWORK, 2021

The City of Tshwane Metropolitan Spatial Development Framework was adopted by the Metro Council on 29 July 2021 (MSDF) and replaces the MSDF, 2012. Commencement with the preparation of this document started in July 2018 and culminated in this latest version which complies with SPLUMA (the latter promulgated on 01 July 2015). The document was required in terms of SPLUMA to be evidence based.

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

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

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

The development site is located in Region 4, which also hosts the Centurion CBD as well as one of the Gautrain Stations. The Region accommodates a high percentage of hi-tech industries and innovative business concerns. The nearby Monavoni Emerging Regional Node is set for exponential growth and development, with secondary growth and development effects foreseen along Voortrekker Road right up to and past the Sunderland Ridge Industrial Node.

The MSDF highlights the need to grow Tshwane inwards towards these identified nodes, mixed-use activity spines and specialized activity zones.

Throughout the City there is a need to reduce travel-time and costs between places of education and / or work and residence by creating living opportunities in areas close to places of work / social / etc. This in turn creates more liveable, efficient, walkable and sustainable cities in line with smart growth principles. This also goes hand in hand with opening up opportunities for integration of previously disadvantaged societies to participate in structured city life. The benefits of "*compact, mixed-use, transit served neighbourhoods have dramatically lower emissions per person – as much as half or less per capita of sprawl developments*"(p91), speak for themselves.

The document outlines the following regarding spatial planning directives:

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

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

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

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

- Nodal development and spatial targeting: Through smart growth where efficient and effective resource allocation is promoted including infrastructure. Restricting of City (i.e. through RMSDF guidelines, urban / development edge, etc.) to areas with, close to or easily accessible to existing opportunities.
- Compaction and densification: Developable land close to higher-order roads and employment opportunities is in high demand, higher densities can also make it easier to enter the market, decreased travel costs, protection of high yield / viable agricultural land outside of the urban edge. Providing choices to the

market in terms of ownership type and size, creating quality living spaces for a diverse market, etc.

- Urban edge: Containing development to preserve valuable environmentally sensitive land and high yield agricultural land. Agglomeration economies.
- Social infrastructure and retail developments: Supporting of existing and planned infrastructure to make these facilities more viable and accessible to a wider range of communities. Examples include parks, churches, shopping centres, schools, etc. Opportunities to close the distance between employment opportunities and home, decreasing transport cost and time.
- Mobility and connectivity: Already discussed under some of the other points. On high-order road for accessibility and in area of connectivity where transportation costs can be lowered.
- Engineering infrastructure: Better use of existing infrastructure and upgrades will benefit the local community and unlock future investments.
- Sustainable development: Which considers the current uses without infringing on the rights of future generations by careful planning and development.

The present development proposal will be in support of the movement and connectivity directive, being situated in an area where road infrastructure plays a primary connectivity role between opportunities and represent infill development when considering the strategic projects directly southwest and north / northwest.

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

More detail on the spatial vision for the City is found in the seven RMSDFs for same, which serve as a refinement of the aims and strategies of the MSDF. The subject property is situated in Administrative Region 4.

7.5 COMPACTION AND DENSIFICATION STRATEGY, 2005 (CDS)

The CDS is a "smart growth" initiative aimed at the sensible restructuring of Tshwane's spatial dimension towards a more efficient space economy, increased liveability and less pressure on horizontal expansion around the urban periphery by encouraging vertical expansion and thereby integration. The curtailment of urban sprawl holds numerous advantages, including preservation of valuable agricultural and conservation land as well as optimising the cost of providing infrastructure for intra-urban expansion.

The CDS in Section 5 (p11) identifies eleven aspects which work against compaction initiatives in Tshwane. One is the uncoordinated focus on areas for development (dispersed intensification attempts). Another is low emphasis on redevelopment and regeneration, with a strong emphasis on greenfields developments.

Areas of specific opportunity are identified and further detailed in the Regionalised Municipal Spatial Development Frameworks. It also emphasizes that private investment is required in order for the City of Tshwane to be able to develop the City to be sustainable and efficient.

The policy highlights the need to create more compact cities which are well designed. Intensification should take cognisance of surveillance, diversity, social integration and mixed-use supporting densification. The proposal here for consideration provide for:

- Promotion of integrated environments
- Substantiate interventions for compact cities
- Infill of existing urban structure

The proposed development entails a densification endeavour.

The development potential of Portion 11 will be increased from a single dwelling-house under its present zoning, to multiple dwelling-houses on individual erven, and dwelling-units to be held under sectional-title. The total number of dwellings in the township will be 74.

"Smart Growth" leads to healthy communities and strong neighbourhoods -

"... which provide a range of housing options giving people the opportunity to choose housing that best suits them. It maintains and enhances the value of existing neighbourhoods and creates a sense of community"(p13)

The applicant has gone to great lengths to ensure it "maintains and enhances" the value of adjoining residential neighbourhoods.

The Compaction & Densification Strategy identifies as "key legislative directives" *inter alia* the following:

- "* *Ensure that residents have access to a range of choices with regards to **housing typologies as well as locations**" (own emphasis)*
- * ***Integrate residential development, movement systems, social facilities, employment opportunities and activity areas.**"(p 7)*

One of the important reasons for densification is:-

"... creating the necessary population thresholds for economic growth and healthy business in specific areas." (p 9)

The CDS identifies four different densification zones, *viz.*

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

In terms of the CDS designations mentioned above, the site is located within a Linear Zone, just outside a Local Node (north) between the Monavoni Emerging Regional Node (south) and the Sunderland Ridge Industrial Node (further north). Voortrekker Road (R55) anchors a designated Linear Zone, destined to become a Transport Corridor in future at time of implementing the BRT along same. a Linear Zone is described in the CDS as follows:

"Linear zones refer specifically to high activity areas that are located along major mobility routes. The mobility routes usually carry high capacities of traffic to areas such as our Zones of Concentration and Transit Orientated Zones and thus encourage the feasibility of public transport" (p 18)

The following core principles are to be applied when densifying (as also carried over to the RMSDF):

- *"Densification must contribute to the overall structure and functionality of the metropolitan area in that it takes place in a balanced, focused and structured way;*
- *Appropriate higher density housing opportunities at appropriate locations must be provided for all income groups to promote the aims of social integration;*
- *Specific areas of opportunity or in need for restructuring should be identified (areas that should not be densified for specific reasons should also be identified);*
- *Areas targeted for densification should be well served by public transport, or have the potential to be well served by public transport in future. Pedestrianisation must be included into the densification process and 1.8 meter walkways must be provided on erf boundaries in these areas by developers as per NMT priority map in this document.*
- *Areas targeted for densification should be well served by social facilities such as education, open space, recreation etc. or should have the potential to be well served by social facilities*
- *Preserve and enhance open space, farmland, natural beauty and critical environmental areas.*
- *Retain, enhance and encourage cultural assets*
- *Densities for social housing developments, old-age homes and retirement centres, hostels and boarding houses, student*

accommodation will be evaluated on their own merits where location and accessibility to social infrastructure will play an important role.”

It is important to note that the CDS does not merely dictate higher densities but that developments should be considered in terms of design and typology to contribute positively to the overall quality of the environment in which it takes place.

As the RMSDF states *“... (d)ensification and compaction is not an end in itself, but a means to achieve an overall efficient, integrated and sustainable metropolitan area.”*

The proposed development on the subject property ticks all the boxes in terms of the principles mentioned above. Furthermore will the proposals here for consideration provide for:

- Advocating of densification of existing low-density area;
- Infill of the existing urban structure;
- Promotion and economics of public transportation;
- Integrate residential development, movement systems, social facilities, employment opportunities and activity areas;
- Focus residential densification around areas of opportunity (employment opportunity, activity areas, education opportunities, transport opportunities etc.) and
- Creation of a range of choices with regard to accommodation and location.

7.6 REGIONALIZED MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK – REGION 4, 2018

7.6.1 Importance of Regionalized Municipal Spatial Development Framework, 2018 (“RMSDF”)

The RMSDF represents the spatial development vision of the City of Tshwane serving to guide and inform development decisions in particular parts of the City. It is from the provisions of the RMSDF that developers take their cue regarding “where” to develop “what”, to be in line with the envisaged spatial manifestation of urban development in desirable locations. The RMSDF can be regarded as the ultimate management tool to ensure appropriate development in targeted areas.

The importance of the RMSDF as decision-making tool finds credence in Section 22(1) and (2) of SPLUMA, which reads as follows:

“(1) A Municipal Planning Tribunal or any other authority required or mandated to make a land development decision in terms of this Act or any other law relating to land development, may not make a decision which is inconsistent with a municipal spatial development framework.

“(2) Subject to section 42, a Municipal Planning Tribunal or any other authority required or mandated to

make a land development decision, may depart from the provisions of a municipal spatial development framework only if site-specific circumstance justify a departure from the provisions of such municipal spatial development framework."

Pursuant to Section 22, Section 42 of SPLUMA reiterates that the City is obliged to consider the consistency of a development proposal on particular land with the provisions of the RMSDF for the particular area and site. Section 42(1)(b) of the SPLUMA reads as follows:

"In considering and deciding an application a Municipal Planning Tribunal must –

- (a) ...*
- (b) make a decision which is consistent with norms and standards, measures designed to protect and promote the sustainable use of agricultural land, national and provincial government policies and the municipal spatial development framework; ..."*

The applicant will in the balance of this subsection prove that the development proposal at hand is indeed fully commensurate with the provisions of the RMSDF for Region 4.

7.6.2 Urban edge

The development site is located well-within the official urban edge, the latter being a management tool adopted in the RMSDF to define areas suitable for urban development, e.g. where municipal engineering services are readily available. It also serves to protect valuable conservation areas e.g. westwards of the urban development boundary of Centurion, as well as high-potential and unique agricultural land. The following extract from the RMSDF, p18 explains in more detail:

*"The urban edge will contribute to the achievement of the strategic objectives by conserving valuable environmental areas which would otherwise be compromised by development, and promoting the use of existing infrastructure through redevelopment, **infill development** and densification within the edge, thus achieving development that is sustainable... The edge also ensures the protection of land – an exhaustible resource – by encouraging Brownfield developments instead of Greenfield developments"* (own emphasis).

Developing of Portion 11 will constitute infill development, since neighbouring properties on three sides are already fully developed. The RMSDF defines "infill" as follows:

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

7.6.3 Voortrekker Road (R55)

Voortrekker Road abutting the development site on its west traverses the area in a north / south direction. It has been classified in the RMSDF as a Mobility Spine, which is –

"... an arterial along which through traffic flows with minimum interruption (optimal mobility). Much smaller than highways, Mobility Spines are usually made of two lanes of opposite vehicle flow.

It serves the purpose of inter-regional and metropolitan movement"(p56).

Voortrekker Road is also a designated Transport Corridor, as confirmed on p56 of the RMSDF. A Transport Corridor is usually declared for approved Bus Rapid Transit ("BRT") routes and is defined as follows:

"For the purpose of this SDF the routes are defined as the approved BRT routes within Region 4. They are regarded as the main public transport channels of the Region. Public transport orientated – with the prioritising of public transport and Non-Motorized Transport over private transport. Pedestrian / cyclist oriented environment with traffic calming for cars where appropriate. Densification along these spines should be encouraged to maximize the public transport opportunities provided by these routes. Mixed uses fronting the trunk route will also be supported in certain areas along the trunk route and not only at stations"(pvi).

Voortrekker Road is indeed depicted on the Spatial Development Framework Map as a "Future BRT Route". The Transport Corridor status has thus apparently not yet been bestowed on Voortrekker Road, as evident from the following extract from the RMSDF:

"The proposed PWV 9 together with the R55 will provide the necessary energy for the development of a third development corridor. The extension of Sunderland Ridge in a northern and southern direction to accommodate light and high-tech industries is proposed for this section of the new development corridor. The development of this corridor is subject to the construction of the PWV 9 and the feeder routes to the proposed highway"(p53).

7.6.4 Linear zone

With Voortrekker Road being a high-order Mobility Spine destined in future to host a BRT-route and –stops to develop it into a fully-fledged Transport Corridor, it comes as no surprise that it has been awarded Linear Zone status already, to encourage residential densification along same up to development densities of 80 dwelling-units per hectare. The *rationalé* for intense densification along BRT-routes lies in the inter-dependency of public transport and its prospective users. Increased densities along these routes serve to create the critical mass required for a viable / sustainable public transport service (pp 17, 25).

Linear Zones are defined by approximately 200 metres walking distance from public transport where residential development densities of up to 80 dwelling-units per hectare are being encouraged. The following excerpt expands further:

"... linear zones refer specifically to high intensity activity areas that are located along major routes. The routes usually carry high volumes of traffic to areas such as Zones of Concentration and Transit Promotion Zones and thus encourage the feasibility of public transport on strategic routes..."

... linear zones refer specifically to high activity areas that are located along major routes. The main aim of the routes should be to encourage public transport. The average density supported around linear zones will be in the order of 80/ha as prescribed in the Tshwane Compaction and Densification Strategy" (p80).

In the localized area around the development site the designated Linear Zone demarcation does not remain with the 200m walking distance band along Voortrekker Road. It is indeed much wider to the west of the latter, and more erratic and irregular to the east. It would seem that certain (but not all) existing low-density residential developments to the east have been excluded from the Linear Zone, and rather earmarked for Suburban Densification.

The development site itself has been assigned two densification zones, as follows:

- The approximately 80 percent length of the Property from Voortrekker Road eastwards: Linear Zone (80 dwelling-units per hectare); and

- The balance approximately 20 percent being the eastern-most parts of the Property: Suburban Densification (25 dwelling-units per hectare).

It is seldom that cadastral boundaries are being ignored with these demarcations and the applicant contends that the entire Property should have been assigned Linear Zone status. It is however of no consequence as the development proposal represents much lower development densities than the 80 dwelling-units per hectare (Linear Zone), with the density of the eastern-most part (Suburban Densification) indeed below 25 dwelling-units per hectare.

The development densities underpinning the development proposal are therefore fully commensurate with the provisions of the RMSDF in this regard.

7.6.5 Density compromise

As evident from the discussion in Para 7.6.4 *supra* the vision of the City for the development of Portion 11 as embodied in the RMSDF calls for high density residential development on the bulk of the site (up to 80 units/ha) and medium density residential development on the remainder (up to 25 units/ha). The RMSDF cautions furthermore that:-

*"The concentration zones and linear zones call for **drastic change in the built environment** in terms of densities, typologies, built form and urban design, moving away from suburban typologies in these areas towards a more urban fabric and typologies"*(P79) (own emphasis).

With the development site being surrounded by low/medium density residential development of the typical suburban density and typology, the introduction of densities of up to 80 dwelling-units per hectare in low-rise (3 – 4 storey) walk-up apartment blocks would *ceteris paribus* lead to a degree of spatial and social disharmony, which has led the applicant to opt for lower residential development densities of similar or more compatible typology for increased consistency and harmony / blending with surrounding developments. This decision is indeed in line the certain development principles contained in the RMSDF, of which the following deserve mention:

*"Residential densification along the development corridors along highways, **mobility spines**, mobility roads, activity spines and activity streets are proposed at medium or high densities, **subject to densities in line with the character of the specific area**. Buffer uses along certain roads and medium density residential to the rear is supported in line with the character of the specific area and*

in line with the existing trend of uses and developments”
(p46) (own emphasis).

The following extract similarly confirms the need for appropriate densities and typologies in particular locations, viz:

“Appropriate higher density housing opportunities at appropriate locations must be provided for all income groups to promote the aims of social integration”(p76)

Importantly furthermore is the following:

“Another important underlying principle of the Tshwane Compaction and Densification Strategy, is that higher density developments should not merely be dictated by density, but that design and typology considerations should be of critical importance, as these are the factors that in reality make either a positive or a negative contribution to the overall quality of the environment in which they are situated”(p76).

It follows therefore that a more sensitive approach would be required with the development proposal to ensure that it be compatible with adjoining developments, as well as existing residential neighbourhoods further afield. For this reason the development proposal was not seeking the achievement of the maximum permissible development densities (which would require a drastically different housing typology to the contextual environment) but rather more moderate densities in line with surrounding neighbourhoods. Since the subject property will still be densified from its existing one dwelling-house to multiple dwelling-units, the development proposal will still serve the purpose of residential densification towards achievement of the City’s vision for the area.

7.6.6 Synthesis

It follows therefore that the development proposal on the subject property will be fully commensurate with the future planning provisions of the RMSDF as discussed above. In summary therefore:

- Portion 11 is located well-within the urban edge and represents a text book case of infill development.
- Voortrekker Road (R55) is a designated –
 - Mobility Spine; and
 - Future BRT Route / Transport Corridor with high-density residential development promoted alongside same.
- The subject property is in a Linear Zone for approximately 80% of its area and a Suburban Densification Zone for the remaining 20%.

- A density compromise was necessitated by existing low/medium residential neighbourhoods adjoining the development site reflecting a high-quality residential amenity. Although it would therefore not be possible to achieve the maximum desired densities of the RMSDF, the development proposal nevertheless comprises a noticeable residential density increase towards a more sustainable public transport system on Voortrekker Road in future.

8. CONCLUSION AND RECOMMENDATION

8.1 CONCLUSION

As evident from the facts and reasoning in the preceding memorandum the applicant has successfully discharged its responsibility to prove the merit of the proposed new residential township on the subject property.

8.2 RECOMMENDATION

Based on the contents of the motivating memorandum and supplementing annexures to same and the positive conclusion reached, the City of Tshwane Metropolitan Municipality is hereby requested to award the application its favourable consideration and to approve it as applied for.



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FEBRUARY 2023

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