

MEMORANDUM

APPLICATION IN TERMS OF CITY OF TSHWANE LAND USE

MANAGEMENT BY-LAW, 2016 ON

PORTION 321 OF THE FARM DE ONDERSTEPOORT 300 JR

FOR

Subdivision

JULY 2020



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APPLICATION FOR THE SUBDIVISION OF PORTION 321 OF THE FARM DE ONDERSTEPOORT 300 JR IN TERMS OF SECTION 16(12)(a)(iii) OF THE TSHWANE LAND USE MANAGEMENT BY-LAW, 2016

1. INTRODUCTION

This is an application made in terms of Section 16(12)(a)(iii) of the Tshwane LUM By-law for Subdivision of the property for a densification of residential purposes.

2. GENERAL

2.1 PROPERTY DESCRIPTION AND SIZE

The property is currently still known as Holding 70 Bon Accord Agricultural Holdings. However, following a recent approval for the Excision of the Holding, the Surveyor General has awarded a new description, being **Portion 321 of the farm, De Onderstepoort 300-JR**. See also Par 2.2 below. For the purposes of this application therefore, we have prepared items such as the Subdivision Plan under the new property description.

The property is 21,414m² (2,1414 hectare) in extent.

2.2 REGISTERED OWNER AND TITLE DEED

The property is registered in name of a private person, Pieter André Johannes Lochner, with ID 530115 5105 080. See copy of Title Deed No T60902/2019 attached. Please note that the Title Deed has already been submitted to the Registrar of Deeds for endorsement, following the excision and a fresh copy will be submitted as soon as it is available. See letter of the Surveyor General dated 16 July 2020 including also Caveat of even date.

A Special Power of Attorney is also attached, together with proof of marriage arrangements.

2.3 BONDHOLDER

There is no bond registered over the property.

2.4 LOCALITY

The property is situated at 168 Erica Street, Bon Accord Agricultural Holdings. The Bon Accord Agricultural Holdings are located to the east of Lavender Road (old Warmbaths Road), approximately 2km north of the N4 Platinum Highway. See attached Locality Plan.

2.5 ZONING

The property is currently zoned Use Zone 17: "*Agricultural*" in terms of the Tshwane Town Planning Scheme, 2008 (Rev 2014). A Zoning Certificate is attached.

2.6 LAND USE

The property is developed with a single dwelling, with an associated outbuilding on the proposed Remainder and with an open steel structure agricultural shed on the proposed Portion 1.

2.7 SURROUNDING LAND USES

Land Uses surrounding the property are predominantly vacant farm land, single dwellings and a Lodge, directly to the east of the property.

2.8 RESTRICTIVE CONDITIONS OF TITLE

The attached title deed indicates restrictive conditions as per the customary requirements of the Agricultural Holdings (Transvaal) Registration Act of 1919. These include, inter alia, a limitation on the subdivision of the land. However, following the successful excision of the Holding, all of the offending title deed conditions in respect of Holding 70 Bon Accord AH fell away and Portion 321 of De Onderstepoort 300-JR emerged, without such limitation. An endorsed title deed will be submitted as proof, as soon as it becomes available, certainly before the application is submitted to the AO-Com for approval.

2.9 ADVERTISEMENTS

The application will be advertised in the prescribed way, per Section 16(1)(f), in Beeld, Citizen and the Provincial Gazette once we received such authorisation from the Metro Municipality, in terms of Section 16(1)(b). Notices will be served on all neighbouring land owners. Attached please find a plan indicating neighbouring land owners plus address details. Proof of said advertisement will be submitted to the Municipality after the said placement.

3. MOTIVATION

3.1 Background

This application is made in terms of Section 16(12)(a)(iii) of the City of Tshwane Land Use Management By-law, 2016 for the subdivision of the property into two freehold properties. This memorandum aims at providing the motivation for the subdivision of the property,

while it will also address the requirements of SPLUMA in the assessment of the merits of the application.

3.2 PROPOSED LAND USE

The current usage of the land is in line with the "Agricultural" zoning, it being rural residential purposes. The proposal for the subdivision of the property in two parts, as will appear more fully in below, will not alter the current usage.

3.3 PROPOSED SUBDIVISION

The proposed subdivision requests the subdivision of Portion 321 into the following portions, as indicated on the Subdivision Plan No 1236//01 dated 17/07/2020 attached:

- Portion 1 of Portion 321 – 1,1062ha in size, including a panhandle access of ± 107.5 m long x 6m wide and 645 m² and
- Remainder of Portion 321 – 1,0352ha.

As indicated above the proposed Portion 1 will gain access via a 6m wide panhandle access. The panhandle will be ± 107.5 m long and have a slope of $\pm 1,82\%$ (1:55) over its length, falling away from Erica Street.

3.4 SPLUMA PRINCIPLES

a. Principle of Spatial Justice

The proposed densification and the provision of alternatives in residential opportunities are a clear example of redressing past inequality. As is evident from the Locality Plan the Bon Accord Holdings is still a remnant from a past era with on average large 2ha plots. Some of the holdings have in the recent past been subdivided, but only a few. The proposal makes provision for an additional single residential unit on a reduced size property in order to reduce costs and make the final product more affordable to the current diversified market.

b. Principle of Spatial Sustainability

The property is located in an area that is almost fully built-up. There are but a few vacant holdings in the established Bon Accord complex. The property is also in an area with fully developed municipal services. The proposed development is in an area where densification will be conducive for inward redevelopment. Increased densities results in increased services connections, which will yield higher income to the Municipality both in the sales of services and in property rates and taxes.

C. Principle of Efficiency

The density proposal for 1 unit per hectare, is a better utilisation of space and hence responsible use of scarce resources. With increased densities, the efficiency of infrastructure utilisation and lower cost per unit are achieved, with an increased number of consumers for the given length of pipe or cable.

d. Principle of Spatial Resilience

Since the proposed development makes provision for a higher density of housing than currently offered in the holdings complex, it offers a scope of choice to potential buyers.

e. Principle of Good Administration

This application is subject to the full scope of official verification by capable technical and professional service departments, who apply a variety of policies and procedure.

f. Impact of Services

Under Section 3.7 of this memorandum, the service provision is discussed. It will be clear that not only are all required services available and to sufficient capacity, but also, as indicated above, the increased densities make optimum use of available resources. Contributions payable by the owner for the increased demand, will eventually favour the community with capital investment by the Metro Municipality over time. Furthermore, more users of municipal services results in increased income to the Municipality.

g. Interest of the general public

Under the concept of "*interest of the general public*" one can identify two main groupings, namely the intended target market of the housing opportunities on the one part and the surrounding land owners on the other. In as far as the first group is concerned, the product that is being created (housing), should appeal to the buyer's market where a great need is experienced.

The latter group again, can be identified on a micro level as the neighbouring property owners/residents and on a wider scale, the whole community of Bon Accord holdings complex. The direct neighbours should find the proposed development as favourable in view of the scale of the development being on a similar neighbourhood scale.

On a macro scale in the community, the development will attract additional ratepayers, which will support the local tax base. Furthermore, with new residential units being build, it will aid the local property market, that will stimulate interest and can be beneficial for the general property values of the area. Lastly, it will generate work opportunities, not only temporary with construction, fencing, landscaping, etc, but also with permanent domestic workers and garden staff.

3.5 NEED

The need of the proposed subdivision can be expressed as the demand for housing in the current and future market. In this regard, the densification of the area will assist in the provision of this very specific market segment.

- a. Increased densities results in smaller land parcels. The relevant proposal for two units of ± 1 ha each, will result in more affordable land, appealing to a wider buyer audience.
- b. It allows for a wider scope of housing typologies. Although the highest demand in housing remains in the affordable high density housing bracket in our cities, there will always be a market for people looking for more space and the opportunity to potentially keep animals, do limited horticulture, or small enterprises such as bee keeping, breeding, etc, which are not conducive to an urban setting.
- c. A more compact form for the agricultural holdings, through systematic and sensible subdivisions, will have benefits through the more effective servicing of holdings and increased income to the Municipality, through increased sale of services.
- d. A serious challenge of rural communities is also addressed through increased densities, namely safety. In recent years the seemingly carefree and idyllic lifestyle in rural areas has been increasingly threatened by crime and in particular attacks on vulnerable citizens. By having more "eyes and ears" in an area, the collective society can improve safety to all. Furthermore, a particular danger, which never appear on the radar of city dwellers, is veld fires. These devastating events, particularly in the dry season can have serious implications to rural communities. Again, by having more residents on the lookout, but particularly more hands and equipment to combat fires, the area is a safer place for all.
- e. Lastly, maintenance of a larger portion of land can become a financial burden on any land owner. By reducing the land area through subdivision, the ever rising cost of living is mitigated.

3.6 DESIRABILITY

Desirability refers to the effect of the development in its area as well as the suitability of the site for the particular purpose.

a. Policy statements

The relevant property falls within the Tshwane Region 2 RSDF. This policy document indicates that the property is located in a Mixed-Use Zone. As primarily a zone for urbanisation, the future development will essentially be a mixture of work opportunities and residential, based on township establishment. However, until then, the farm land will remain, whereby the policy statements for rural subdivision applies. In this regard subdivisions of down to 1ha can be allowed where full municipal services can be provided. The attached Services Status Report confirms the availability and capacity of services. The proposed subdivision is therefore directly aligned with this policy.

b. Surrounding land uses

The surrounding properties are mostly single residential units at a density of 1 unit per 2 hectare, of which selected properties have either subdivided to 1ha or developed with second dwellings. The pattern is therefore still predominantly low density, but with clear tendency and opportunity to increase, in line with this proposal.

c. Services availability

The existing dwelling is fully serviced with stable provision. Growth in the area was very moderate in recent years with little demands on capacity. To provide services for one additional dwelling will be uncomplicated. See Par 3.7 below for the Services Status Report with more detailed description.

d. Topography

The slope of the site is virtually flat, with slope of on average approximately 1,6%. The slope is falling towards the north, away from Erica Street. The natural drainage is therefore towards the north-eastern boundary of the property.

e. Access

Access to the site is from Erica Street. The Remainder of the subdivided Portion 321, with existing dwelling fronts directly onto this street, while a 6m panhandle

access will be created for the vacant Portion 1 of the Portion, along the western boundary. The new access to Portion 1 will therefore be uncomplicated.

f. Layout design proposal

We refer to Plan No P1236/01 indicating the proposed subdivision layout. The site is a formal rectangular shape. The components of the layout are as follows:

- i. The existing dwelling is located towards the front half of the Portion;
- ii. A carport is positioned beside the existing dwelling;
- iv. The access gates towards the front south-eastern side of the Portion serves the main dwelling and will remain as such. Portion 1 will be provided with a new access on the south-western corner of the stand.
- v. The Layout plan indicates the details of the existing dwelling, relative to the proposed division line. It is clear that the existing dwelling will be 50m removed from the new northern boundary fence and approximately 60m from the western side of the main house. This distance will allow for sufficient privacy.

3.7 SERVICES PROVISION

Provision of services to the site must be view against the backdrop of the existing zoning of "Agricultural" with existing connections to the formal services networks. I refer you to the attached report by Makarios Consulting: Status Report: Services Portion 321 De Onderstepoort 300-JR. In summary, the arrangements are as follows:

a. Water

Total demand for water for the original property is 4.0 kl/day. Bulk supply to the Bon Accord area is provided by the City of Tshwane from the existing reservoirs. The estimated new demand will be 8.0 kl/day being 4,0 kl/day each for the proposed Portion 1 as well as the Remainder.

There is sufficient capacity in the existing water network for the proposed development.

b. Sewerage

The existing dwelling makes use of a *Septic Tank System* with a soak-away *French Drain* as per approved building plans.

Portion 1 will be required to make use of a conservancy tank as is the current norm in the guidelines of the Water and Sanitation Department.

c. Stormwater

The site has a very moderate slope of 1.6% from south-west to north-east. The stormwater drainage is therefore naturally away from the public street. The management of stormwater run-off will meet the requirements of Tshwane Roads & Stormwater Department and will be by way of sheetflow according to the natural contours on the properties.

d. Electricity

The proposed subdivision falls within the City of Tshwane's supply area, and the site has an Authorised Maximum Demand (AMD) of 13,8kVA. The addition of one further consumer will result in a Zoned Maximum Demand (ZMD) of 27.6 kVA. There is sufficient capacity in the existing electricity network for the proposed development.

d. Traffic generation

The proposed addition of one farm portion will be insignificant from a traffic generation point of view. Erica Street is a local street constructed and maintained by the City of Tshwane's Roads and Stormwater Department.

4. CONCLUSION

Having regard to the description of the proposed subdivision and with particular reference to the motivation in Par 3.3 to 3.7 above, it is our contention that the proposed subdivision will both fulfill in a need for housing in the current market and will be conducive to its immediate surroundings, being a very minor densification. Your favourable consideration of the application would therefore be appreciated.

CITYSCOPE TOWN PLANNERS

July 2020