

# MEMORANDUM

**APPLICATION MADE IN TERMS OF SECTIONS 35 OF THE MERA FONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2020 FOR A WRITTEN CONSENT USE ON ERF 1636 FOCHVILLE EXTENSION 2 TOWNSHIP, TO BE READ IN CONJUNCTION WITH THE MERA FONG LAND USE MANAGEMENT DOCUMENT, 2020**



**P.O. BOX 408  
KELVIN  
2054**

**MOBILE: 082 319 5577  
[tp1@alphatp.co.za](mailto:tp1@alphatp.co.za)**

**AUGUST 2024 SUBMISSION TO:**



**THE EXECUTIVE DIRECTOR  
ECONOMIC DEVELOPMENT AND  
PLANNING  
P.O. BOX 3  
CARLETONVILLE  
2500**

## **INDEX**

### **1. THE APPLICATION**

### **2. PURPOSE OF THE APPLICATION**

### **3. PROPERTY INFORMATION**

- 3.1 Local Authority
- 3.2 Property Description
- 3.3 Locality
- 3.4 Property Size
- 3.5 Ownership
- 3.6 Title Deed / Restrictive Conditions
- 3.7 Bondholder
- 3.8 Existing Zoning
- 3.9 Surrounding Land Uses
- 3.10 Services
- 3.12 Legal Notice (Advertisements)

### **4. MOTIVATION**

- 4.1 Background
- 4.2. Need & Desirability
  - Current Zoning:
    - Definitions
    - Mixed use
    - Parking requirements
    - The Site
    - Topography / Physical Character of site
    - Employment Opportunities
    - Traffic and Noise impact
    - Surrounding Land Uses
    - Environmental Considerations
    - Characteristics and Aesthetics
    - Bulk Infrastructure Services
    - Context
- 4.3. National Legislation
  - Spatial Planning and Land Use Management Act 2013
    - Section 42 of the Act:
    - The Public Interest
    - The Constitutional and Transformation Imperatives

- The Respective Rights & Obligations of All Those Affected
  - Time Frames
  - Effect of the Land Development Application on the Environment
    - National Development Plan 2030
    - National Environmental Management Act 1998 (NEMA)
    - Municipal systems Act (Act 32 of 2000)
- 4.4. Provincial legislation
- Gauteng Spatial Development Framework 2011 (Reviewed 2016)
  - Metro Spatial Development Framework 2012
- 4.5. Municipal Legislation
- Merafong City 2023-2024 Integrated Development Plan

## **5. CONCLUSION**

## **1. ANNEXURES**

- Covering Letter
- Application Forms
- Registered Title Deed
- Application fees
- Power of Attorney
- Bondholder's Consent
- Motivating Memorandum
- Locality Map
- Zoning Map
- Context Map
- Site Development Plan
- SG diagram
- Proof of Advertising (To follow)
  - Affidavit
  - Newspaper
  - Photographs
  - Registered mail

**1. THE APPLICATION**

APPLICATION MADE IN TERMS OF SECTIONS 35 OF THE MERA FONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2020 FOR A WRITTEN CONSENT USE ON ERF 1636 FOCHVILLE EXTENSION 2 TOWNSHIP, TO BE READ IN CONJUNCTION WITH THE MERA FONG LAND USE MANAGEMENT DOCUMENT, 2020

**2. PURPOSE OF THE APPLICATION**

The purpose of this application is to apply to the Merafong City Local Municipality FOR A **WRITTEN CONSENT USE ON ERF 1636 FOCHVILLE EXTENSION 2 TOWNSHIP.**

- The proposed uses entail: A Guest House with 16 Rooms.

**3. PROPERTY INFORMATION**

**3.1 Local Authority**

The property is situated within the jurisdiction of the Merafong City Local Municipality

**3.2 Property Description**

The property under discussion is described as ERF 1636 FORCHVILLE EXTENSION 2 TOWNSHIP, REGISTRATION DIVISION I.Q., PROVINCE OF GAUTENG.

**3.3 Locality**

The property is SITUATED ON 13 KEURBOOM AVENUE, FOCHVILLE, (Locality Plan Attached).



Figure 1: Site locality map

**3.4 Property Size**

The property is 986 m<sup>2</sup> (NINE HUNDRED AND EIGHTY-SIX square metres) in extent.

**3.5 Ownership**

The property is registered by virtue of a Deed of Transfer T 000059440/2022 (See attached Deed of Transfer).

The owner of the property is RAVINDRA SEWPERSAD, Identity number: 8010145179082. (Special Power of Attorney Attached).

**3.6 Title Deed / Restrictive Conditions**

The property is registered by virtue of Deed of Transfer T 000059440/2022 (See attached Deed of Transfer). **There is no restrictive condition** that must be removed from the deed for the successful approval of the application.

**3.7 Bondholder**

There is **a bond** attached to this property. (Bond consent letter attached)

**3.8 Existing Zoning**

The property is currently zoned ‘Residential 1’ in terms of the Merafong Land Use Management Document, 2020.

**3.9 Surrounding Land Uses**

The property is situated along Keurboom Lane as well as Losberg Avenue, Fochville (Locality Plan Attached) and is surrounded by Business, Residential and Open Space within a 2km radius.

**3.10 Services**

The site of application is situated in an area that is fully serviced. The proposed land use will not have any negative impact on the existing services.

**3.11 Legal Notice (Advertisements)**

As per the requirements, the newspaper advertisement shall be published. Also, on the first date of advertisement, an A3 site notice will be placed on the property in full view of the general public and maintained for a minimum of 14 consecutive days. Thereafter photographic evidence shall be provided.

Registered mail shall be sent to all surrounding property owners the Municipality deem necessary notifying them of the proposed application.

<b>4.</b>	<b>MOTIVATION</b>
-----------	-------------------

**4.1 Background**

RAVINDRA SEWPERSAD (hereafter referred to as ‘the client’ or ‘the applicant’), the property owner has employed the services of Alpha Town Planning, a town planning and architecture consultancy, with regards to submission of A WRITTEN CONSENT USE ON ERF 1636 FOCHVILLE EXTENSION 2 TOWNSHIP.

This motivational memorandum has been prepared by Alpha Town Planning on behalf of the client, for submission to the Municipality for the purposes of motivating the Consent Use application **FOR PURPOSES OF A GUEST HOUSE with 16 rooms**

This report has considered all the relevant information available and needed to approve this application. The report makes an assessment and analysis of the relevant legislation and development policies that guide applications within the municipal area to ensure that the proposed development does not contradict with the current and future development plans for the area.

The main objective of this application is to ensure that the proposed development is consistent with the relevant legislation and that the current and future municipal development plans to be incorporated into the land use scheme are being undertaken without causing any land use or spatial conflicts.

Initial inquiries made as to the direction to take done with the council and feedback was given to follow a Written Consent Use application for the proposed application. The site is currently vacant and the proposed shall be a double storey building for the guest house.

The application site shall remain zoned for 'RESIDENTIAL 1' with secondary rights for the guest house. The proposed uses are permitted as secondary rights as a guest house is compatible with and regarded as a residential use. As such the proposed development fits within the general character of surrounding buildings and uses.

**4.2. Need & Desirability / Public Interest & Impact**  
**MERAFONG CITY LAND USE MANAGEMENT DOCUMENT, 2020**  
**Current Zoning:**

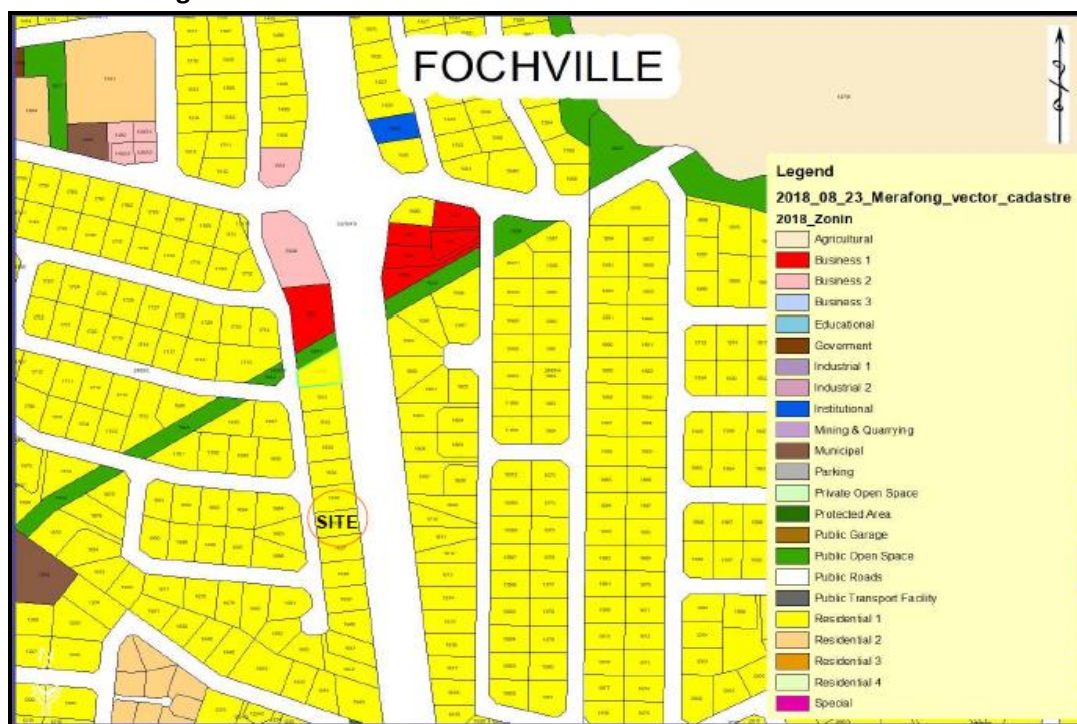


Figure 2: Zoning map

## CURRENT ZONING:

### RESIDENTIAL 1

Use Zone	Notation on Map	TABLE A			TABLE C			TABLE D	TABLE E	TABLE F	TABLE G
		Uses permitted as a primary right (to be read in conjunction with the conditions in chapters 6 and 7)	Uses permitted with written consent in terms of Clause 35 - By-Laws	Uses not permitted	Building Lines			Height (Storeys)	Coverage (%)	F.A.R.	Density
					Street (m)	Rear (m)	Side/other (m)				
(1)	(2)	(3)	(4)	(5)	(6)			(7)	(8)	(9)	(10)
Residential 1	(255;255;0)	Dwelling House	Commune Guest House Dwelling House Office Place of Instruction Place of Public Worship Informal Structure Second Dwelling Unit Home Enterprise Spaza** Shebeen** Service Industry**	Uses not under columns (3) and (4)	> 500m <sup>2</sup> = 5m	2	2	3	> 500m <sup>2</sup> = 50% < 500m <sup>2</sup> =60%	1,2	Growth Management Overlay Zone
						2m along any 2 boundaries, other than street boundary.					
					< 500m <sup>2</sup> =3m						
					*	*	*				
					*	*	*				
					*	*	*				

## Definitions

### Guest House

“Temporary residence for transient guests which, with the consent of the municipality can be conducted from a dwelling house in use zones Residential 1, Residential 2 and Agriculture. This may include concepts such as bed and breakfast establishments, self-catering establishments. Other ancillary uses may with the written consent of the municipality be permitted.

- The owner of the dwelling unit may reside on the property
- The guest house may include self-catering suites, but may not be converted into dwelling units or be sectionalised
- All amenities and the provision of meals and beverages shall be for the sole benefit of bona fide guests and the resident household/person, unless otherwise permitted.
- All development on the site shall be in accordance with an approved site development plan.

### Need and Desirability

The proposed development entails a guest house for 16 rooms and as defined in the land use scheme. The desirability of the proposed development is not only based on the need for mix of uses at neighbourhood level, but also on the need for functional urban, social, and economic systems. The property is situated in a medium to high-density residential area with a suitable threshold for the proposed uses. The site is also accessible as it adjacent to Losberg Avenue which is not only a development corridor but also links the property to the greater region.

A development that strives for a mix of land uses needs to embrace connectivity between various uses within the existing neighbourhoods. This results in an active urban environment, which enhances liveability, environmental quality, and economic vitality. The proposed development will provide for a more compact and smart urban form, which is highly integrated.



The desirability of the development is also drawn from the existing provision made in terms of the Spatial Development Framework wherein the property falls within the Losberg-Loopsruit Avenue Corridor which is an activity corridor. The corridor is earmarked for mixed uses including high density residential, business activity and small-scale office developments.

Merafong municipality is primarily rural in nature with significant tracts of mining and agricultural land. Scattered unproclaimed settlements dot the central mining belt and proclaimed townships are located close to the belt on the northern and southern side. Fortunately, through restructuring, based on development corridors, nodes, infill development and growth boundaries, greater integration is obtainable and is already showing results. Urban efficiency is greatly dependent on the structure morphology and land use patterns of an urban area.

As mentioned earlier a written consent use application is submitted in terms of Sections 35 Merafong City local municipality spatial planning and land use management by-law, 2020.

### **Mixed Land use**

The principles of land use mix at appropriate locations are given high priority amongst spatial planning policies within the Merafong City Municipal area. The principles are particularly important as they will allow thresholds to be reached in terms of the provision of services, both municipal, private and to residents of an area.

The property is surrounded by mixed uses ranging from business, residential and open space as illustrated below. The proposed use is for a guest house conforms to the general character of the area and is in line with the SDF.

### **Merafong Land Use Management Document , 2020**

<b>Use zone</b>	Residential 1
<b>Primary Rights</b>	As per Scheme
<b>Consent Rights</b>	Guest House
<b>Density</b>	As per scheme
<b>Height</b>	2 Storeys
<b>Coverage</b>	32%
<b>F.A.R</b>	0,5
<b>Building Lines</b>	Street: 2m Sides: 2m
<b>Parking</b>	As per scheme

**Floor Layout:** The Site Development Plan which will be submitted prior to building plans will specify these details further.

The proposed Site Plan below provides an overview of the proposed development. The Site Plan clearly indicates the floor layout and footprint of the proposed building. The application requests a coverage of 32% and a F.A.R of 0,5 only.

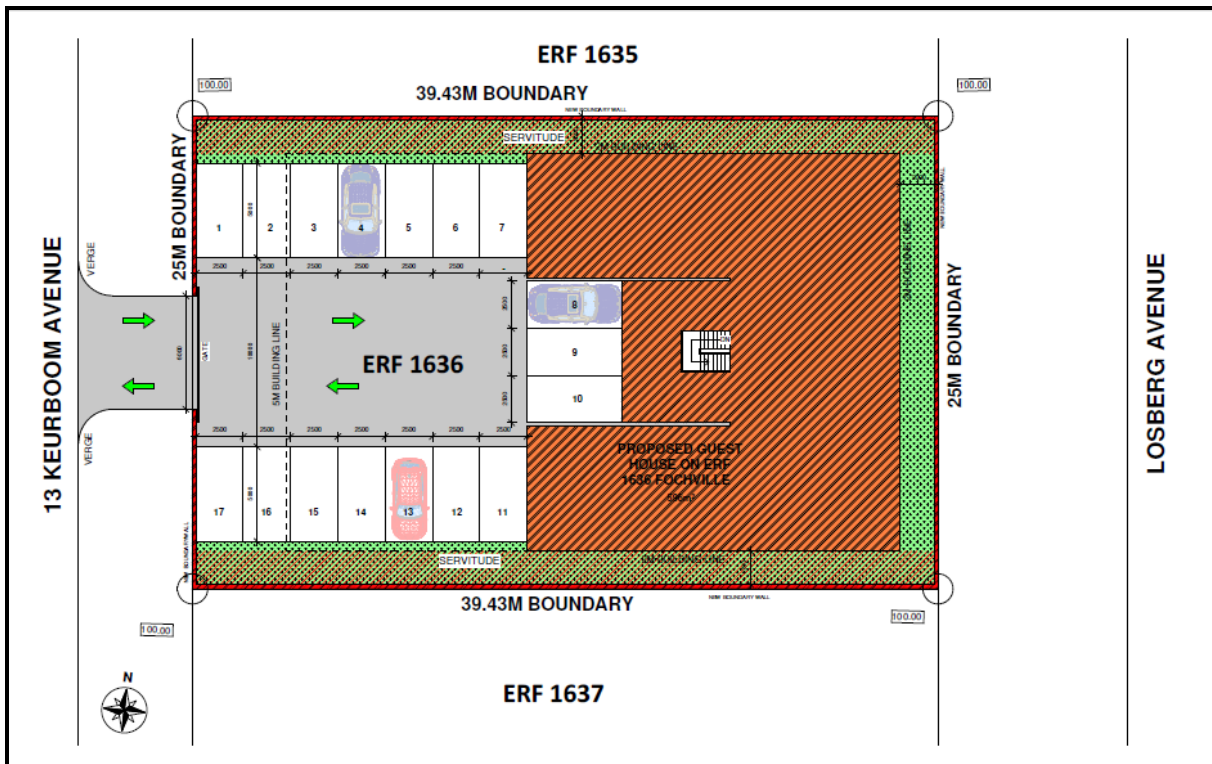


Figure 3: Proposed Site Plan

Privacy to adjacent properties will be respected by means of a minimum non-transparent boundary to be constructed to ensure privacy with the surrounding neighbouring properties. The client wishes to gain the rights first in order to draw up and submit the full building plans.

### Parking Requirements

Prior to submission of the consent use application, the proposed site layout concept was circulated with the pre-submission inquiry and minimum parking requirements have been met on the site.

In light of the above, the minimum parking requirements being proposed are as follows:

Proposed Use	Min parking requirements	Total Bays Required
Guest House [16 Rooms]	1 bay /habitable room	17 bays
ancillary reception office [17sqm]	5 bays/100sqm	1 bay
<b>TOTAL PARKING BAYS REQUIRED: 17 BAYS</b>		
<b>PARKING BAYS PROVIDED: 17 BAYS</b>		

### The Site

The property is situated well within a medium-density area and in terms of the SDF 2018 it falls within both a mixed-use zone and a medium to high density zone with a suitable threshold for the proposed uses. The property is situated along Losberg Avenue on the

Eastern side as well as Keurboom Lane on the Western side and as illustrated above there are mixed uses which on this location which are residential in character therefore similar with the proposed use.

The site is currently vacant as such all development shall be proposed as new. The proposed uses will not affect the general amenity of the neighbourhood and shall subscribe to the highest quality health measures as well as comply to the fullest extent with the Health & Fire department's guidelines.

A full floor plan layout showing internal attributes and safety measures will be provided at the building plan stage, of which all emergency exits will be displayed, all fire equipment services as well as health measures fully displayed.



Figure 4: SDP Floor plan (see annexure)

The site is currently zoned 'Residential 1' and surrounded by mixed uses and medium-density residential uses, situated in an area that is fully serviced. The proposed land use will not have any negative impact on the existing services.

#### Topography / Physical Character of site

There is no difficulty in gaining access to the property by walking or driving. The character of the site will be maintained and improved on a regular basis. The open space area will be landscaped to the satisfaction of the Municipality.

With the approval of this application, the premises will also contribute to job creation and economic upliftment brought by guest house, employing construction, caretaking, and security related staff for the development.

### **Employment Implications**

This proposal will certainly assist in alleviating employment struggles by appointing security and caretaking staff and assist in reducing the large-scale unemployment rate.

With the approval of this application for Consent Use the premises will contribute to both job creation and economic upliftment in the area.

### **Traffic & Noise Implications**

There shall be no excessive traffic volume increase as parking will be sufficiently provided with adequate manoeuvring space. There will be no excessive noise generated.

The site in question is situated along Losberg Avenue on the Eastern side as well as Keurboom Lane on the Western side. Losberg Avenue is an Activity Street, however, no access shall be permitted from Losberg Avenue.

### **Surrounding Land Uses**

The character of the surrounding area is predominantly mixed with medium-density residential units and Business uses within a radius of 2km. The proposed development will not negatively influence the nature or character of the surrounding urban environment; and it will fit into the general character of the neighbourhood due to the fact that the land use rights will be for permissible intensity and land use mix.

The proposed guest house will contribute to urban and service revitalisation that will contribute towards providing highly safe and secure short term accommodation establishment as well as towards architectural upliftment and bulk service contributions that will be of benefit for the surrounding property owners and residents in the area.

The proposed activities would be of a complimentary use for the area in the long term as it falls within the council frameworks of where the council would like to see sustainable growth take place and positively influence the area.

### **Environmental Considerations**

The use is compatible with the site as there are sufficient services in existence and the surrounding uses and zonings are in favour of such an activity. Also, from an environmental point of view, it shall not add to the carbon emissions of the area, thereby contributing to environmentally sustainable infrastructure and assisting in climate change resilience and environmental protection. The site is located within an established neighbourhood, therefore not affecting any agricultural land.

All construction and building work will be in compliance with the SABS code as well as the National Building Regulations (NBR).

### **Character & Aesthetics**

All building plans will be submitted prior to any building work taking place. The floor layouts, elevations & sections will be submitted in the building plans phase, if need be, once this application has been successful. All department requirements will be specified on the

building plans at that stage, as well as all conditions identified at this application stage will also be incorporated.

The proposed development will be designed in accordance with the architectural styles of the area. The proposed development will comply with all of the requirements in terms of architectural design and aesthetics. The proposed mixed uses will be in line with the aesthetics of the existing urban environment. The design and materials used for the building will be of top quality and will fit with the design of the area.

The proposed use shall be in line with the aesthetics of the area and character complimenting the surrounding buildings, thus providing for a positive effect on the surrounding area and not to disturb the functional structure of this specific area.

The controls will remain as per the land use scheme so to keep with the aesthetics of the area. All conditions or provisions will be specified within the approval letter shall and will be followed diligently.

The external appearance of all classes of buildings which any person proposes to alter, extend, or erect, and their harmonious relationship with their environment, shall be subject to the approval of the Council, which approval the Council may withhold or may grant unconditionally or subject to such conditions as it may deem proper.

Every person who proposes to alter, extend, or erect any building shall submit to the Council for its approval the drawings, plans and schedule required in terms of the National Building Regulations.

### **Bulk Infrastructure Services**

#### **Water**

The site is well serviced by the Municipality. The site has access to water and sanitation services and this application is not anticipated to negatively impact these services.

#### **Electricity**

Eskom is the licensed electricity distributor to the municipality. The site has access to electricity and is not anticipated to cause any interference with the electricity supply.

#### **Sewer and Storm water**

The suburb exhibits a well – established Sewer and Stormwater management system and the proposed use will not negatively affect the existing system of the area.

#### **Context**

The application site is situated within the boundaries of the Merafong City. Merafong City Municipality is a local municipality in the West Rand District Municipality, in the Gauteng province of South Africa

With the approval of this application, the subject property will allow for establishment of a Guest House with 16 self-catering rooms. The proposed development will have an insignificant impact on the prevailing environment and character of the area since the

*existing land use which is predominantly mixed use and medium density* in nature and the *proposed development's intensity, and land use mix* are generally compatible with one another.

### 4.3 National Legislation

#### SPLUMA Principles

Pre-1994 Planning was designed to serve a different political idea – segregation, differentiation, and privilege; multiple laws, multiple institutions and parallel processes instituted by the pre-1994 pieces of legislation. Planning laws were fragmented across the old boundaries of the then four (4) provincial administrations, homelands, and Self-Governing Territories (SGT).

In 1994, South Africa inherited complex and disjointed planning systems which manifest in unequal, incoherent and inefficient settlement patterns; The Development Facilitation Act, 1995 (Act No. 67 of 1995) (“the DFA”) was promulgated as an interim measure to deal with this legacy.

SPLUMA emerged through the Green Paper (1999) and White Paper (2001) processes to replace the DFA as the legislative instrument to regulate spatial planning and land use management in the country.

- **Spatial Justice**

- Spatial Development Framework - Inclusion, integration of disadvantaged areas
- Land Use Scheme - Flexible procedures

The proposal seeks to promote the integration of communities and the creation of settlements that allow the poor to access opportunities. In a spatially just settlement, opportunities and access are provided to those whose historical access and opportunities have been impeded by the practice of apartheid spatial planning. Land development procedures must include provisions that accommodate access to, and facilitation of, security of tenure and the upgrading of communities.

- **Spatial Sustainability**

- Uphold consistency of land use measures in accordance with the environmental instruments.
- Promote land development that is spatially compact, resource frugal and within the fiscal institutional and administrative means of the competent authority.

The application promotes less resource consuming development typologies that promote mixed-use, densification and pedestrianised urban environments which allow for the development of a functional public transport system and space economy. A spatially sustainable settlement will be one which has an equitable land market, while ensuring the protection of valuable agricultural land, environmentally sensitive and biodiversity rich areas, as well as scenic and cultural landscapes and ultimately limits urban sprawl.

- **Efficiency**

- land development optimises the use of existing resources and infrastructure.
- decision-making procedures are designed to minimise negative financial, social, economic, or environmental impacts.

The proposal contributes to creating settlements that optimise the use of space, energy, infrastructure, resources, and land. Inherent in this statement is the need to promote mixed use and sustainable local economies. This also has to do with the manner in which the settlement itself is designed and functions, which should reduce the need to travel long distances to access services, facilities, and opportunities.

The proposed development will optimise the use of existing resources and infrastructure. The subject site is located in an area where water, roads, sanitation, and electricity infrastructure are well established, and this proposal conforms to the efficient utilisation of these existing services.

- **Spatial Resilience**

- The principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

In the context of land use planning refers to the need to promote the development of sustainable livelihoods for the poor (i.e., communities that are most likely to suffer the impacts of economic and environmental shocks). Spatial resilience also refers to the requirement for flexibility in spatial plans, policies, and land use management systems to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks. The spatial plans, policies and land use management systems should enable the communities to be able to resist, absorb and accommodate these shocks and to recover from these shocks in a timely and efficient manner, which includes the preservation and restoration of essential basic infrastructure and functions, but also adaptation in order to ensure increased resilience in terms of future shocks.

- **Good Administration**

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

Land use planning refers to the promotion of integrated, consultative planning practices in which all spheres of government and other role-players to ensure that a joint planning approach is pursued. Furthermore, it is critical that decisions made in terms of land use planning seek to minimise the negative financial, social, economic, and environmental impacts of a development. Furthermore, 'good administration' in the context of land use planning, refers to a system which is efficient, well run and where the timeframe requirements are adhered to.

This proposal caters to this in terms evaluating and assessing the proposal and the impacts of the development.

**Table 1: SPLUMA Norms and Standards**

Section 8 (2)(a)	The norms and standards must reflect the national policy, national policy priorities and programmes relating to land use management and land development
Section 8(2)(b)	The norms and standards must promote social inclusion, spatial equity, desirable settlement patterns, rural revitalization, urban regeneration, and sustainable development
Section 8(2)(c)	The norms and standards must ensure that land development and land use management processes, including applications, procedures and timeframes are efficient and effective
Section 8 (2)(d)	The norms and standards must include – i) A report on and an analysis of existing land use patterns. ii) framework for desired land use patterns iii) Existing and future land use plans, programmes, and projects relative to key sectors of the economy; and iv) Mechanisms for identifying strategically located vacant or underutilised land and for providing access and the use of such land
Section 8 (2) (e)	The norms and standards must standardise the symbol of all maps and diagrams at an appropriate scale
Section 8 (2)(f)	The norms and standards must differentiate between geographic areas, types of land use and development needs
Section 8 (2) (g)	The norms and standards must provide for the effective monitoring and evaluation of compliance with and enforcement of this Act

The norms and standards outlined in the SPLUMA are also stressed in the Land Use Scheme and in preparing this application, the governing land use Scheme was considered in order to align the proposed development to the principles embodied in these spatial planning blueprints.

In ensuring that the application adheres to some of the prescribed principles, consideration was given to the impact on existing services and the application optimizes on existing resources. The proposed application upholds principles behind the concept to limit urban sprawl through the densification and mixing of land uses on the existing properties as well as that of development of sustainable localities.

**Section 42 of the Act:**

In terms of Section 42 of the Spatial Planning and Land use management Act 2013 the following information should be made evident:



### **The Public Interest**

The proposed development is in the public interest in view of the following:

- maximization and increase in land use mix creates more vibrant, walkable, and connected communities.
- There will be greater interest from the general public in such development considering renewed interest in urban revitalization and therefore more sustainable real estate development.
- The neighbourhood will become self-sustaining.
- The neighbourhood will attract professionals and other working individuals.
- A development like this, for integration of land uses, that promotes a walkable built environment can help revitalize an area, increase private investment, leading to higher property values and the support development of a good business climate.
- Further due to the construction of the development, bulk service contributions will be payable, which will be utilised to upgrade the bulk municipal engineering services of the municipality as well as contributing to infrastructure upgrades in the area where all surrounding property owners will benefit from.
- An increase in property tax revenue will be inevitable. As the neighbourhood becomes denser, municipalities gain more tax revenue. This increased income base can be utilised to the benefit of the general public.

### **The Constitutional and Transformation Imperatives**

In addition to the above, the following will also contribute to the constitutional and transformation imperatives:

- Access and opportunity to make use of services.
- Best interest of Public (contributing to infrastructure upgrade)
- Best interest of Public (contributing to positive property value)
- Compliance with legal procedures that acquire land use rights.

### **Agent/ Town Planning Consultant**

The owner has the right to appoint a town planning professional for the submission of a land use application with regards to the envisaged development. The snapshot application procedure, which the Consultant must follow, is hereby outlined.

- **Compilation** of a land use application (Written Consent) for submission to Merafong City Local Municipality.
- By **publishing**, a notice in the local newspapers as prescribed.
- by **posting** a notice in such form as may be prescribed in a conspicuous place to the satisfaction of the Municipality, on the subject property as prescribed, and the applicant shall maintain such notice for a period of at least 14 days from the date of the first publication of the notice: Provided that the Municipality may, in its discretion, grant exemption from compliance with these provisions.
- By **delivering** a notice of the application by registered mail to each owner of a property, that abuts the land development application areas and adjacent street.
- To **advise**, inform and guide the property owner and/or developer with regards to all town planning matters and concerns.

- To **lawfully represent** the property owner and/or developer at a Municipal Planning Tribunal, if deemed necessary.

### **Merafong City Local Municipality**

Merafong City Local Municipality has the obligation to evaluate and approve the said land development application for the consent, should it conform to all requirements and be considered a complete application.

As the Municipality is the decision-making authority, it has the right to approve or turn down the said application, after thorough evaluation and consideration.

### **Time Frames**

All prescribed timeframes as per Merafong City Local Municipality Spatial Planning and Land Use Management By-Law, 2020, will be complied with.

### ➤ **National Development Plan, 2030**

The National Development Plan, 2030 has a vision for a better South Africa for all races, genders, and religions. Certain visions and goals have been set out which must be met for this National Development Plan to be successful. The vision for a better South-Africa, according to the NDP 2030, is a country in which the people can say:

*“We feel loved, respected and cared for at home, in community and the public institutions we have created. We feel understood. We feel needed. We feel trustful. We feel trusted. We feel accommodative. We feel accommodated. We feel informed. We feel healthy. We feel safe. We feel resourceful and inventive. We learn together. We talk to each other. We share our work. We play. We worship. We ponder and laugh. I have a space that I can call my own. This space I share. This space I cherish with others. I maintain it with others. I am not self-sufficient alone. We are self-sufficient in community. Through our service we show our solidarity. We enjoy the same quality of service. We are connected through our caring...”*

According to the National Development Plan, 2030, the Commission proposes a national focus on spatial transformation across all geographical scales. Policies, plans, and instruments are needed to reduce costs, especially for poor households. By 2030 a larger proportion of the population should live closer to places of work, and the transport they use to commute should be safe, reliable and energy efficient. This requires:

- a) Strong measures to prevent further development of housing in marginal places.
- b) Increased urban densities to support public transport and reduce sprawl.
- c) More reliable and affordable public transport and better coordination between various modes of transport
- d) Incentives and programmes to shift jobs and investments towards the dense townships on the urban edge.
- e) Focused partnerships with the private sector to bridge the housing gap market.

The National Development Plan (NDP) offers a long-term perspective. It defines a desired destination and identifies the role different sectors of society need to play in reaching that goal. As a long-term strategic plan, it serves four broad objectives:

- Providing overarching goals for what the nation wants to achieve by 2030.
- Building consensus on the key obstacles to us achieving these goals and what needs to be done to overcome those obstacles.
- Providing a shared long-term strategic framework within which more detailed planning can take place in order to advance the long-term goals set out in the NDP.
- Creating a basis for making choices about how best to use limited resources.

The Plan aims to ensure that all South Africans attain a decent standard of living through the elimination of poverty and reduction of inequality. The core elements of a decent standard of living identified in the Plan are:

- Housing, water, electricity, and sanitation
- Quality education and skills development
- Safe and reliable public transport
- Safety and security
- Quality health care
- Social protection
- Employment
- Recreation and leisure
- Clean environment
- Adequate nutrition

The proposed written consent application to obtain land use rights for a guest house is not in contrast to the NDP. The development is expected to enhance the standard of living through providing employment opportunities and a creating safe residential neighbourhoods.

Land, being a limited resource, which needs to be protected will be utilised more efficiently. Further, the reduction of inequality will be possible through the introduction of densified uses in traditionally single-use areas.

#### **National Environmental Management Act, 1998 (Act 107 of 1988) (NEMA)**

NEMA's main purpose is to ensure and promote sustainable development by utilising the environment in a way, which both meets human needs and ensures the environment's preservation. Sustainable Development as defined by the Act is the integration of social, economic, and environmental factors into planning, implementation, and decision-making process as to ensure that the development serves current and future generations.

#### ➤ **Municipal Systems Act, 2000 (Act 32 of 2000)**

The Municipal Systems Act sets out legislation that enables municipalities to uplift their communities socially and economically by ensuring access to essential services. The Act furthermore defines development as sustainable development that includes integrated social, economic, environmental, spatial, infrastructural, institutional, organizational upliftment of the community. The aim is to improve the quality of life for members of the community and to ensure that development serves present and future generations.

It seeks furthermore to establish an effective framework for integrated development in the form of an Integrated Development Plan (IDP) to ensure municipal planning, performance

management and the optimal use of resources. The optimal use of resources is therefore possible by the principle of mixed use.

In terms of the provisions of the Municipal Systems Act, all local municipalities are required to compile Integrated Development Plans (IDP's) for their area of jurisdiction. One of the key components of such plans is a Spatial Development Framework that guides planning and future land development within the various municipalities.

This application is situated within the jurisdiction of the approved SDF and the uses being applied for are compatible with residential use in the area in which it is situated.

#### 4.4. Provincial Legislation

##### ➤ **Gauteng Spatial Development Framework 2011 (Reviewed 2016)**

Key principles stated in the Gauteng Spatial Development Framework, 2011 are:

- The promotion of densification in specific areas to utilise resources more efficiently.
- The creation of an integrated open space system and promoting the function of natural systems.
- The integration of poor communities into the urban system, particularly those on the periphery of the system
- The promotion of viable public transport systems and reduction of reliance on private mobility
- The establishment of a hierarchy of nodes, and supporting existing development nodes
- The enhancement of development corridors; and
- The improvement of linkages and connectivity

The Gauteng Spatial Development Framework (2011) provides a common future spatial structure for the Gauteng Province and is clear on the fact the “growth must be structured and directed; not merely accepted and accommodated”. The following five critical factors were identified in the GSDF:

- Contained urban growth.
- Resource based economic development resulting in the identification of the economic core.
- Re-direction of urban growth – achieve growth on land within the economic growth sphere.
- Protection of rural areas and enhancement of tourism and agricultural related activities; and
- Increased access and mobility.

The precepts of a sustainable city according to the Gauteng Spatial Development Framework, 2011 are:

- The horizontal spatial extent of the urban system is kept tight within the existing urban system to prevent unbridled, ill-constructed and unsustainable horizontal urban sprawl.
- The greater part of the province is kept rural for agricultural, recreational, biodiversity and aquifer management purposes.
- The intensity of urban development and the densities at which people are accommodated within the urban area are increased significantly through time as population increases.

- An integrated open space network is embedded in the urban system as one of the principal spatial ordering principles, both for reasons of biodiversity, ecological sensitivities, and the making of a liveable city for a densely populated area
- Mass public transport is used as a fundamental shaper of the urban logic with the existing rail systems and now, more recently Gautrain and the BRT routes, forming the basis of the movement systems.
- Urban structuring elements (consolidation zones, urban corridors, urban activity nodes, activity spines) are defined to create a “skeleton” on which urban development forms over time.
- Strong relationships between movement, particularly public transport routes, and urban intensification are formed as a fundamental spatial logic.
- The shape and pattern of the urban systems existing and proposed road network is used to reinforce and shape the urban form.
- Within these areas noted for urban intensification, emphasis moves away from separation of land uses at defined maxima in terms of intensities or densities of development as a basis for development control versus inclusionary zoning and mixed-use development to minimum intensities or densities as a basis for urban management.
- The push for higher intensities and densities notwithstanding, there is sensitivity to the qualities of the existing patterns of lower-density districts and suburbs and the value, lifestyle, and heritage these represent. Nevertheless, there is a general push towards increasing the densities within suburbia and broadening the profile and range of housing opportunities within these.

The proposed application promotes the precepts of a sustainable city according to the Gauteng Spatial Development Framework, 2011, as the horizontal spatial extent of the urban system is kept tight within the existing urban system to prevent unbridled, ill-constructed and unsustainable horizontal urban sprawl.

The proposed development can be considered sustainable according to the Gauteng Spatial Development Framework, 2011 that sets out the principles for a sustainable development framework, which promotes increased land use mix developments within appropriate locations and discourages urban sprawl.

#### 4.5. Municipal Legislation

##### ➤ Merafong City 2023-2024 Integrated Development Plan

This legislation sets out relevant and generic development principles in the government policies and strategies, such as: -

- Basic Service Delivery
- To Promote Local Economic Development
- To Promote Municipal Transformation & Organisational Development
- To ensure Municipal Financial Viability & Management
- To ensure Good Governance and Public Participation
- Spatial Development Framework

The vision of the Integrated Development Plan is:

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

The sustainable delivery of qualitative services,

- An integrated and growing economy
- Ecological sustainability and
- Integrated communities that are self-reliant

The proposed land use is in line with the Integrated Development Plan as it promotes the sustainable delivery of qualitative services, an integrated and growing economy, ecological sustainability, and integrated communities that are self-reliant. The facility will also provide employment opportunities during the construction phase and afterwards by employing caretaking and security related staff, which promotes a great sense of self-reliance.

In terms of the provisions of the land use scheme, Guest House being proposed can be established through Written Consent which is the purpose of this application. The proposed use of the property is in line with the proposal of the mentioned approved policy document, as it is compatible with surrounding area.

5.

## CONCLUSION

This site is ideally suited due to the surrounding medium-density residential and mixed uses, as it will compliment and not stick out. The property is located within a well-established area and locality of the Municipality with a thriving community in desperate need of the proposed services this application will give rise to.

With the proposed application of which the current services installed are of the highest standard, the proposed land use attached to it will not negatively impact the services infrastructure.

APPLICATION MADE IN TERMS OF SECTIONS 35 OF THE MERAFFONG CITY LOCAL MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2020 FOR A WRITTEN CONSENT USE ON ERF 1636 FOCHVILLE EXTENSION 2 TOWNSHIP, TO BE READ IN CONJUNCTION WITH THE MERAFFONG LAND USE MANAGEMENT DOCUMENT, 2020

The applicant is of the opinion that the application is in line with all the above-mentioned strategic objectives, policies and procedures and scheme regulations, and that the application will have no negative impact on surrounding land uses and that it should therefore be considered favourably. In view of the above-mentioned we trust that the application will be supported.

We trust that you will find the above in order.

*M CHIKUKWA*

Maryjane Chikukwa  
Town Planner

**DATE: AUGUST 2024**  
**ALPHA TOWN PLANNING**

**Cell: 082 319 5577**  
**[tp1@alphatp.co.za](mailto:tp1@alphatp.co.za)**