

**APPLICATIONS IN TERMS OF SECTION 26 OF THE CITY OF  
JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 FOR THE  
TOWNSHIP ESTABLISHMENT ON PORTIONS 246 AND 247 OF THE  
FARM BRAAMFONTEIN 53-IR**

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**PREPARED FOR:**



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**MEMORANDUM IN SUPPORT OF THE SIMULTANEOUS APPLICATIONS IN TERMS OF SECTIONS 26 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016 FOR THE TOWNSHIP ESTABLISHMENT OF PORTIONS 246 AND 247 OF THE FARM BRAAMFONTEIN 53-IR TO BE KNOWN AS VICTORY PARK EXT.36**

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**1. THE APPLICATION**

Application is hereby made for:

The amendment of the City of Johannesburg Land Use Scheme, 2018, by the township establishment, for the purposes of “Business 1” for purposes of Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘Residential 3” @ a density 200 du/ ha (permitting 204 dwelling units) on the Portions 246 and 247 of the Farm Braamfontein 53-IR, subject to certain proposed conditions in terms of the provisions of Section 26 of The City of Johannesburg Municipal Planning By-Law, 2016.

The City of Johannesburg’s Corporate Geo-Informatics Department confirmed on 19 July 2024 that the name to be known as **Victory Park Ext.36**, is reserved for the township.

Two separate simultaneous applications has been lodged for the permanent Street Closure and Public Open Space Closure in terms of Section 45 of The City of Johannesburg Municipal Planning By-Law, 2016 to accommodate the proposed township on the subject properties.

**2. PURPOSE OF THE APPLICATIONS**

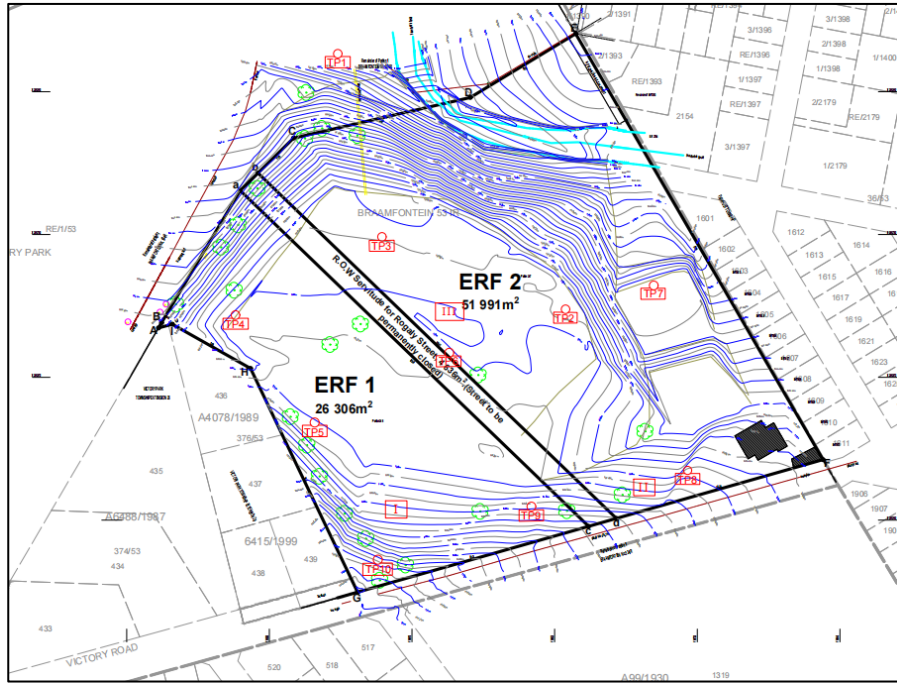
The purpose of the application is to obtain the necessary land-use rights to accommodate the proposed township for “**Business 1**” for purposes of Business Purpose, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘**Residential 3**” @ a density 200 du/ ha (permitting 204 dwelling units) “on the properties in order to enable the approval of building plans by the City of Johannesburg.

The proposed township establishment is strategically located along the major roads such as the Rustenburg Road and Victory Road and in close proximity to the Victory Park Shopping Centre. In addition, the proposed development will alleviate the shortage of affordable housing in the Gauteng region and provide a shopping complex in close proximity to the residential development. The need for infill development within areas that have adequate infrastructure makes the subject property ideal for the proposed development. Furthermore, more than the residential component, the client is proposing to develop a complimentary land use (Business 1) to add an economic (job creation)

element on the proposed development. The proposed application will not detract from the local amenity; instead, it will support and enhance it.

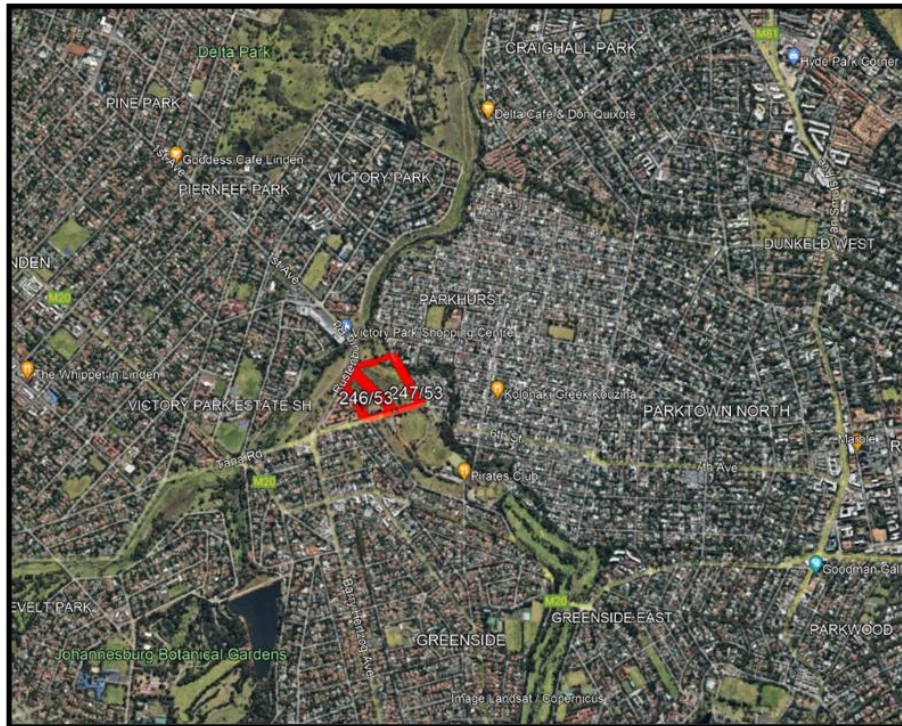
Two separate simultaneous applications has been lodged for the permanent Street Closure and Public Open Space Closure in terms of Section 45 of The City of Johannesburg Municipal Planning By-Law, 2016 to accommodate the proposed township on the subject properties.

VICTORY PARK EXT.36					
ERVEN	PROPOSED ZONING	COVERAGE	FAR	GLA	HEIGHT
Erf 1  Erf 2  (to be Consolidated as)	<b>Erf 1-</b>  <b>Use Zone 6.</b> "Business 1" for purposes of Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank  <b>Erf 2-</b>  <b>Use Zone 3</b> 'Residential 3" @ a density 200 (permitting 204 dwelling units).	Erf 1 – 50% excluding covered parking  Erf 2- 50% excluding covered parking	Erf 1 – 0.38  Erf 2 – 0.8	Erf 1 – 25 000m <sup>2</sup>  Erf 2 – 8160m <sup>2</sup>	Erf 1 : 2 Storey  Erf 2 : 4 Storey
Total area of the township		7.8295ha			



### 3. REGIONAL AND LOCAL CONTEXT (refer to Annexure A)

On a regional scale the sites are located in Victory Park in the northern extent of the City of Johannesburg Metropolitan Municipality's municipal area and within Region B, Ward 117. The sites are strategically located near main routes such as the Rustenburg Road and Victory Road.





Victory Park is characterised by a mix of land uses such as Businesses, Shopping centres such as Victory Park Shopping Centre and Residential with typology ranging from full titles to sectional titles.



The aerial photographs indicate the locality and context of the application site within an established township. On a local scale the properties are located at 19 and 27 Victory Road, Johannesburg, Gauteng.

4. GENERAL AND LEGAL INFORMATION

4.1. Properties Registration Details

Property Description	Portions 246 & 247 of the Farm Braamfontein 53-IR
Owner	Johannesburg Municipality
Title Deed	T16694/1951 & T16695/1951
Registered size	2.6304H & 5.1991H
Compilation Plan	IR1C-1C
Bond	N/A
Current zoning	"Public Open Space"



Title Deed T16694/1951 & T16695/1951 do not contain any restrictive title conditions that might hinder the proposed township establish applications on Portions 246 and 247 of the Farm Braamfontein 53-IR.

As confirmed by Deed of Transfer No. T16694/1951 & T16695/1951 the properties are 7.8295ha in extent. Application is however made for the establishment of the proposed township Victory Park Ext.36 on part of the mentioned holding, measuring approximately 7,8294ha.

The Power of Attorney and Resolution that duly authorise the applicant to lodge and administer the application on behalf of the registered property owner are attached to the Motivational Memorandum as Annexure B.

There is no bond registered against the properties.

#### **4.2. Surveyor General Diagrams**

Compilation no. IR1C-1C indicates that Portions 246 and 247 of the Farm Braamfontein 53-IR are not subject to any servitudes that may hamper the proposed township or future development of the properties. However, Compilation no. IR1C-1C indicates there a street (Rogaly Street) which lies between Portion 246 and 247 of the Farm Braamfontein 53-IR, which an application has been lodged to permanently close it down to accommodate the proposed development.

### **5. DETAILED DESCRIPTION REGARDING PROPOSED AMENDMENT OF THE LAND USE RIGHTS AND PRELIMINARY SITE DEVELOPMENT PLAN**

In order to enable the Municipality to effectively manage and control the proposed development, development controls are proposed and contained in the Amendment Scheme Conditions. The development controls contained in the Amendment Scheme Conditions as well as the consideration of the formal Site Development Plan will enable the municipality to ensure that a desirable and controlled development of the application site takes place.

The following table summarises the approved land-use rights as well as the proposed land-use rights:

Description	PORTIONS 246 AND 247 OF THE FARM BRAAMFONTEIN 53-IR TO BE KNOWN AS VICTORY PARK EXT.36	
	Existing Zoning and Development Control Measures	Proposed Zoning and Development Control Measures in terms of the City of Johannesburg Land Use Scheme, 2018
<b>Use zone</b>	20. "Public Open Space"	Erf 1- Use Zone 6. "Business 1" for purposes of Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank Erf 2- Use Zone 3 'Residential 3' @ a density 200(permitting 204 dwelling units).
<b>Uses permitted</b>	Public open space	Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through, Taxi Rank & Dwelling Units
<b>Uses with consent</b>	See Clause 24.	As per scheme
<b>Height</b>	As per scheme	As per scheme
<b>Floor Area Ratio</b>	As per scheme	Erf 1 – 0.38  Erf 2 – 0.8
<b>Coverage</b>	As per scheme	Business 1" 60%"  "Residential 3" – 60% excluding parking bays
<b>Building Lines</b>	As per scheme	As per scheme
<b>Parking</b>	As per scheme	As per scheme

The primary land use rights included under "Public Open Space" & "Public Street" zoning in terms of the Johannesburg Land Use Scheme, 2018, are listed below:

- Public Open Space; and
- Public Street

The purpose of the application is to obtain the necessary land-use rights via a Township establishment for the purposes of “Business 1” for purposes of Business Purpose, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘Residential 3” @ a density 200 du/ ha (permitting 204 dwelling units) “on the properties in order to enable the approval of building plans by the City of Johannesburg.

The proposed additional land use rights for a Township are to create the much-required mixed use development in a densely populated area. Furthermore, the proposed development will reinforce the social structure of the residential communities in the vicinity without impinging the rights of the surrounding developments. It is evident that the area is transforming rapidly due to the multiple land use applications that materialised. The client is proposing to develop a social enmity that will be complimentary to the surrounding land uses (residential and public garage development). The proposed application will not detract from the local amenity, instead, it will support and enhance it.

Application is made for the establishment of the township, Victory Park Ext.36, which is proposed to consist of the following erven:

VICTORY PARK EXT.36					
ERVEN	PROPOSED ZONING	COVERAGE	FAR	GLA	HEIGHT
Erf 1	<b>Erf 1-</b>				
Erf 2	<b>Use Zone 6.</b> “Business 1” for purposes of Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank	Erf 1 – 50% excluding covered parking	Erf 1 – 0.38	Erf 1 – 25 000m <sup>2</sup>	Erf 1 : 2 Storey
(to be Consolidated as)	<b>Erf 2-</b>	Erf 2- 50% excluding covered parking	Erf 2 – 0.8	Erf 2 – 8160m <sup>2</sup>	Erf 2 : 4 Storey
	<b>Use Zone 3</b> ‘Residential 3” @ a density 200 (permitting 204 dwelling units).				
<b>Total area of the township</b>		<b>7.8295ha</b>			



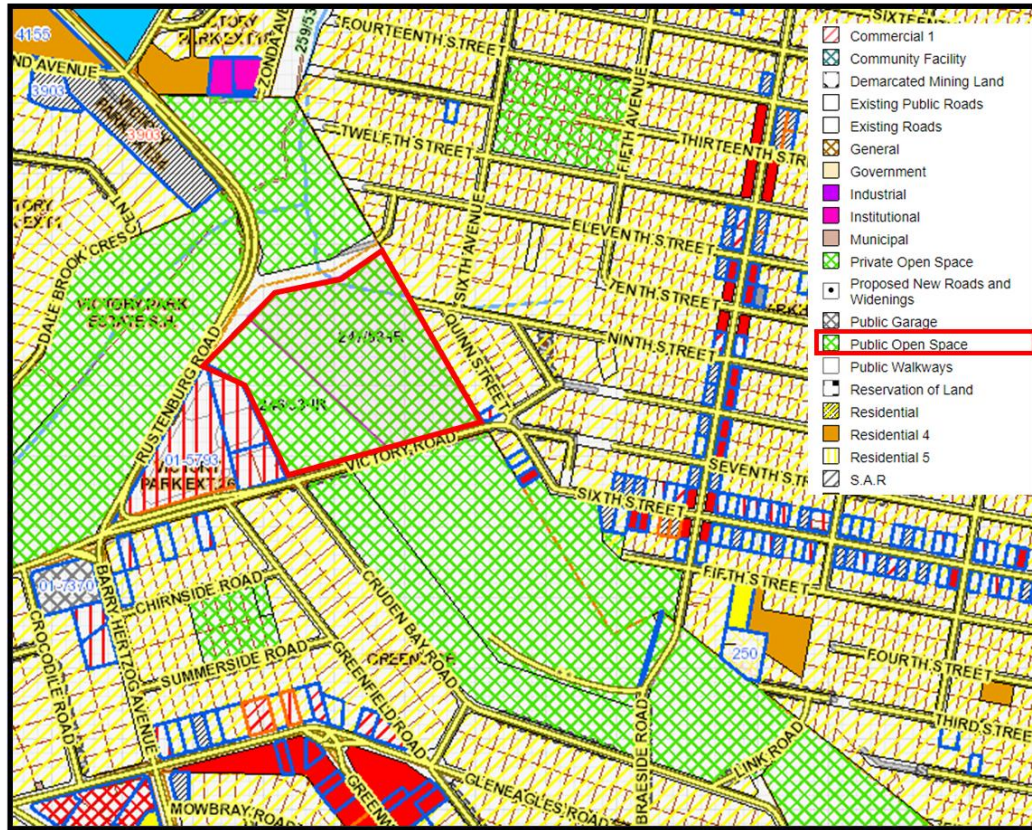
## 5.1. Existing and surrounding zoning

The existing zoning of the property is “*Public Open Space*”. The current zoning is summarised in the table below:

CURRENT ZONING IN TERMS OF THE CITY OF JOHANNESBURG LAND USE SCHEME, 2018	
Property	Portions 246 and 247 of the Farm Braamfontein 53-IR
Use Zone	“ <i>Public Open Space</i> ”
Uses permitted	As per Scheme
Uses with consent	See Clause 24.
Density	As per scheme
Height	As per scheme
Floor Area Ratio	As per scheme
Coverage	As per scheme



The zonings of the surrounding properties consist of a mixture of “Public Open Space”, “Residential 1”, “Residential 4”, “Educational”, “Business 1”, “Business 3”, “Business 4” and “Special”.

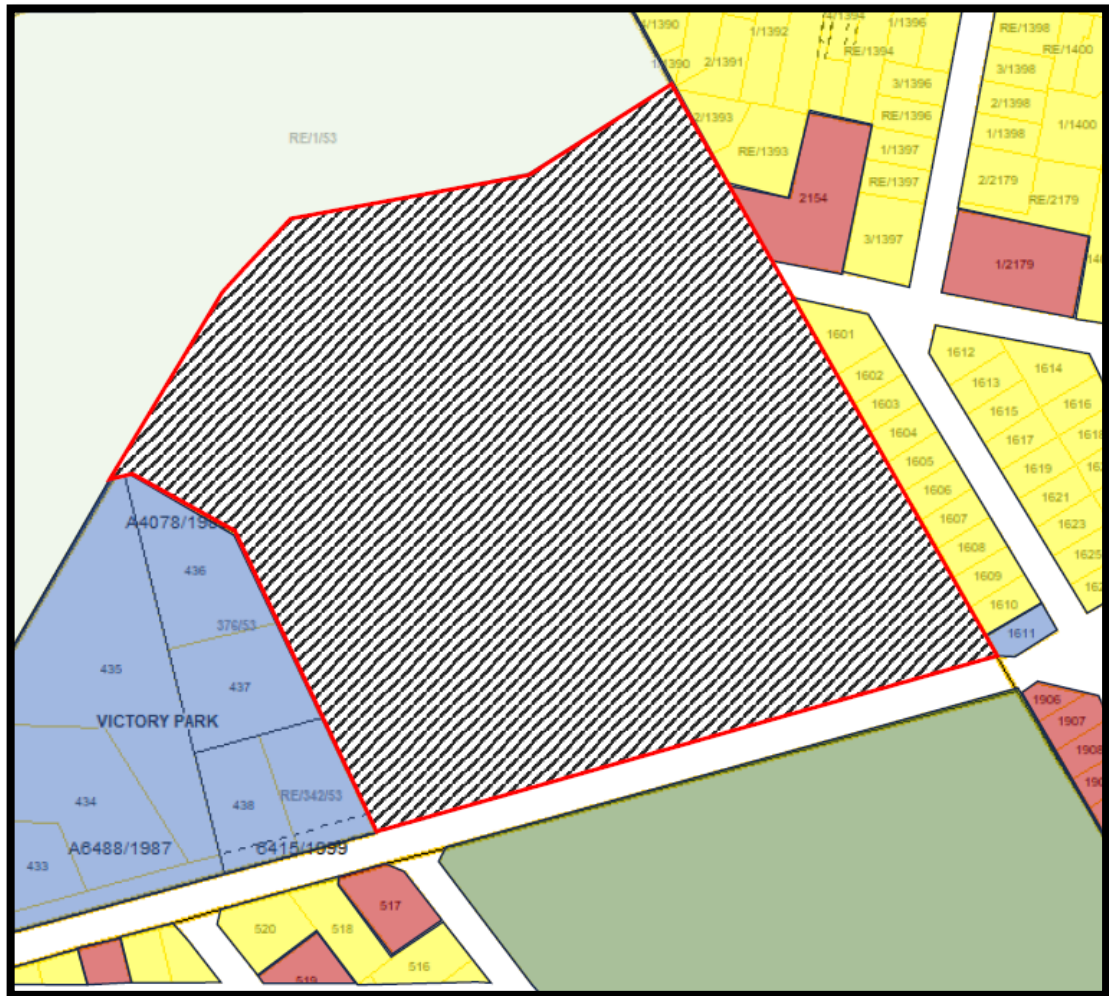


Application is made to amend the current “Public Open Space” to “Township”, for the purposes of “Business 1” for purposes of Business Purpose, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘Residential 3” @ a density 200 du/ ha (permitting 204 dwelling units) “on the properties in order to enable the approval of building plans by the City of Johannesburg (Zoning Certificate and Map is attached as **Annexure D**).

## 6. Existing and surrounding land uses

The application sites are currently used for undetermined purposes. The land use survey which was conducted during July 2024 confirms that the sites are surrounded by a variety of land uses including business, different typologies of residential units, retail, commercial, open green space etc.

Considering the surrounding land uses and contextual characteristics of the area, the proposed development will not negatively impact or deviate from the existing land use pattern. The Land Use Map is attached as **Annexure E**.



## **7. MOTIVATION IN TERMS OF SECTION 7 OF SPLUMA (2013) AND THE OBJECTIVES AND PRINCIPLES OF THE JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016**

Due to the enactment of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and Regulations (1 July 2015), the relativeness and compliance of the proposed township establishment in terms of the Development Principles contained in Section 7 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) are forthwith motivated.

### **7.3. Principle of Spatial Justice:**

In many instances, the legacy of Apartheid and planning practices of the past have resulted in sprawling urban areas characterised as being uneconomical and offering one-dimensional opportunities to residents. The proposed development represents in-fill development which is a counter for urban sprawl.

#### **7.4. Principle of Spatial Sustainability:**

The principle of Spatial Sustainability should be approached holistically and include specific reference to environmental-, social- and economic considerations. Compliance with the three spheres of Spatial Sustainable Development is discussed below:

*i) Environmental responsibility*

With reference to environmental considerations, the application relates to a development within a built-up urban area with approved land use rights. Environmental Authorisation in terms of the new NEMA Regulations, 2014 will therefore not be required. The application site will go through the process of securing an ROD with GDARD to make sure, the protection of prime agricultural land in terms of the Preservation and Development of Agricultural Land Framework Bill is protected.

*ii) Social responsibility*

Social considerations are addressed considering the locality and context of the application site, where there are established residential and commercial land uses, thereby limiting traveling distances and urban sprawl.

*iii) Economic considerations*

The proposed development is strategically located within a Regional Node and therefore provides much needed employment opportunities. The primary existing uses on the properties will remain unchanged and will therefore continue to support the existing function of the Regional and Specialist Node. The sites are also within walking distance of many public transport facilities, thus making it an easily accessible site resulting in lower travelling costs.

#### **7.5. Principle of Efficiency:**

The application site, being located within an existing urban environment, optimally utilises existing resources and services infrastructure thereby minimising the negative impacts of urban sprawl on municipal infrastructure.

The formal application process being followed, is in-line with the principle of efficiency, considering that one of the objectives of SPLUMA is to minimise negative impacts of long extended administrative procedures as well as to promote positive



and efficient interaction between the applicants/developers/ property owner's and the authorities.

#### **7.6. Principle of Spatial Resilience:**

The importance of a sustainable form of urbanisation needs to be emphasised considering that it:

- encourages a more secure and affordable way of life for our cities;
- promotes good governance;
- enables investment in new urban infrastructure;
- enables the youthful population; and
- creates more equitable and inclusive societies across South Africa and the continent.

#### **7.7. Principle of Good Administration:**

A comprehensive and multi-disciplinary application, in accordance with the City of Johannesburg Municipal Planning By-Law, 2016, has been submitted by the applicant and will enable the local authority to fast track the administration process.

### **8. MOTIVATION IN RESPECT OF SECTION 42 OF SPLUMA, 2013**

#### **8.3. Public Interest**

Opportunities are created for the public by the development proposal (i.e. maintenance and upgrade of existing municipal services, employment opportunities, etc.). The application process followed also protects the public interest by ensuring the fair and proper administration of laws conforming to the natural law that all persons, irrespective of ethnic origin, gender, possessions, race, religion, etc., are to be treated equally and without prejudice.

#### **8.4. The Constitutional and Transformation Imperatives and related duties of The State**

The Constitutional and Transformation Imperatives and the related duties of the State as included in the Spatial Planning and Land Use Management Act, 2013, refers to Sections 24, 25, 26 and 27(1) (b) of the Constitution:

- *The environment must be protected for the benefit of present and future*

*generations through reasonable legislative and other measures, which include a land use planning system that is protective of the environment.*

The properties are not located within an environmentally sensitive area and will therefore not impact negatively on the environment. It would therefore not legally be required to obtain environmental authorisation for the current and future development.

- *Ensure the protection of property rights including measures designed to foster conditions that enable citizens to gain access to land on an equitable basis.*

No citizens will be restricted to gain access or ownership rights to the land.

- *Have the right of access to adequate housing which includes an equitable spatial pattern and sustainable human settlements.*

The existing and proposed development is residential/commercial in nature and would therefore not impact on the right to access adequate housing.

#### **8.5. The facts and circumstances relevant to the applications**

The facts and circumstances relevant to the applications have been thoroughly investigated and deliberated on throughout this Motivating Memorandum.

#### **8.6. The respective rights and obligations of all those affected**

The City of Johannesburg Municipal Planning By-law, 2016 has been compiled in such a manner that applications submitted in terms of this legislation promote a move towards more user-friendly, inclusionary, democratic and facilitative land development. The developer commits itself to the most transparent and community consultation-based town planning approval procedure currently available. In the spirit of providing as much information as possible to affected residents and landowners and to protect the fundamental rights of all involved, applicants consult widely to the benefit of the surrounding area and municipal area as a whole.

Considering the above, it is evident that the respective rights of the Municipality as the decision-making authority is protected, the applicant and developer are protected considering that certain time-frames need to be adhered to and the

general public and surrounding property owner's rights are protected by the transparency of the application process being followed

The Municipality as the decision-making authority in turn has an obligation in respect of the applicant, the developer and interested and affected parties to ensure that the social, economic, institutional and physical aspects of land development are integrated and to ensure that the rights of all those affected are protected.

The applicant is furthermore obliged to provide the Municipality with a complete application to enable the Municipality to make an informed decision and to enable interested and affected parties to view all information relevant to an application.

## **8.7. The state and impact of engineering services, social infrastructure and open space requirements**

### **8.7.1. Engineering Services**

The application sites, being located within an existing built-up environment, optimally utilises existing resources and -services infrastructure thereby minimising the negative impacts of urban sprawl and having to invest in implementing new engineering services.

#### **a. Water and Sanitation:**

The application sites are currently connected to Johannesburg Water supply and sanitation services along the properties' boundaries and within the road reserves.

#### **b. Roads and Stormwater:**

The application sites are serviced by existing municipal/public roads and stormwater system.

#### **c. Electricity:**

Electricity to the application sites are supplied by City Power.

### **8.7.2. Open Space Requirements**

Landscaped areas are provided on-site and are indicated on the Site Development Plan. There are no open space requirements considering the land use rights applied is full title residential 1 development.

## **9. NEED AND DESIRABILITY IN TERMS OF NATIONAL-, PROVINCIAL- AND MUNICIPAL PLANNING POLICIES**

During the drafting of the motivating memorandum for this application the following National- and Provincial policies were considered:

- i) National Development Plan, 2030
- ii) National Spatial Development Perspective, 2006
- iii) Gauteng Spatial Development Framework, 2011

The proposed development does not in any way deviate from, or impede the principles, objectives and proposals in the above-mentioned policies.

### **9.3. Municipal/Local Authority Policies:**

#### **9.3.1. Integrated Development Plan 2016/2021 (IDP)**

Johannesburg generates a large amount of South Africa's gross domestic product (GDP) through the manufacturing, retail and service industry sectors. Industrial and commercial land uses such as warehouses, storage, distribution centres, light industry, industrial buildings and -use, placed within strategic locations alongside existing nodes and mobility spines support the sustainability and viability of the manufacturing, retail and service industry sectors, thereby ensuring a more economically sustainable area.

The IDP confirms the importance of development as an economic catalyst by confirming that, "*The City has made great progress in terms of development. As such, there has been sustained strong growth and impressive poverty reduction over the past 10 years*" (IDP, page 19). The IDP also states that Johannesburg has been one of the great economic development success stories, with sustained strong growth and impressive poverty reduction over the past 10 years. Despite this, high poverty levels

are still a concern in the region. The latest statistics show 24.5% of people are still living below the poverty line.

According to the IDP, *“absence of adequate sanitation services due to ever increasing population demands, pose a high risk to human health”*. (IDP, page 57). **It is through urban renewal and in-fill development that municipal infrastructure is upgraded by developers and existing infrastructure is maintained by the payment of bulk contributions.**

### 9.3.2. Spatial Development Framework, 2040 (SDF 2016/2017)

The Spatial Development Framework, 2040 (SDF) seeks to address five major issues in Johannesburg’s spatial and social landscape:

- i. “Increasing pressure on the natural environment and green infrastructure.*
- ii. **Urban sprawl and fragmentation.***
- iii. Spatial inequalities and the job-housing mismatch.*
- iv. **Exclusion and disconnection emanating from:***
  - securitisation and gated developments, and disconnected street networks (high cul-de-sac ratios and low intersection densities).*
- v. Inefficient residential densities and land use diversity.”*

(SDF 2040, page 11 – own emphasis)

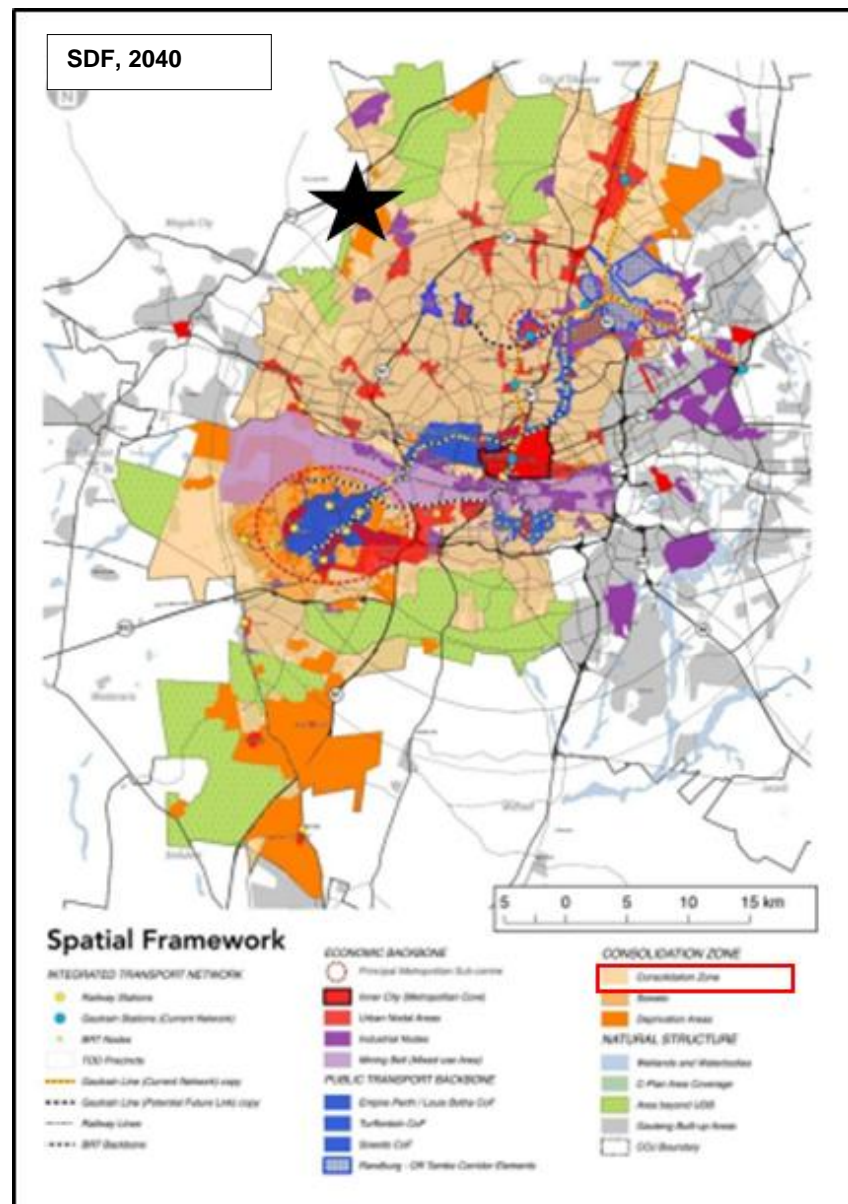
The proposed development addresses and provides some consolation to the mentioned issues. Due to the fact that the development represents urban renewal and in-fill development, urban sprawl and fragmentation will be curbed.

The proposed development promotes the following concepts contained in the SDF to facilitate the spatial transformation needed in the city:

- By combining diversity, **proximity and accessibility**, bringing jobs and social amenities to single use and reducing infrastructure costs, a more **Compact City** is created;
- By providing opportunities for all by diversifying land uses, promoting social mixing and bridging social, spatial and economic barriers a more **Inclusive City** is created;

- Through enhancing public transit and ICT infrastructure at provincial and urban scales to re-connect the city, starting from 'the Corridors of Freedom' to street and neighbourhood-level connectivity, a **Connected City** is created; and
- By developing within the Urban Development Boundaries a **Resilient City** is created.

The application sites are located within a **Regional Zone** in terms of the SDF, 2040.



Regional Zones intension is to control growth and address social and infrastructural services backlog and to improve the structural efficiencies. (SDF, page 121 – own accentuation).

### 9.3.3. Regional Spatial Development Framework, 2010/2011 (RSDF)

The application sites are situated within Region B, Ward 117, according to the City of Johannesburg Regional Spatial Development Framework, 2010/2011 (RSDF).

According to the RSDF, 2010/2011 the following development guidelines should be taken into account, considering the locality of the subject properties (RSDF, 2011; page 195-196- own accentuation):

- To retain and develop this Sub Area for viable **development**;
- To **improve regional accessibility** and integration within the surrounding areas;
- Located **Regional Node**.

The proposed development supports the strategies and guidelines of the RSDF in the following manner:

- The proposed development is located within the **Regional Node** and will contribute to the strengthening of the economic importance of the node in the larger city region; and
- The development will promote **economic growth and access to affordable housing** of the region, while continuing to provide employment opportunities in an **easily accessible** area.

### 9.3.4. CITY OF JOHANNESBURG NODAL REVIEW, 2020

The City of Johannesburg Nodal Review, 2020, is aimed at reviewing nodes and indicating revised developmental guidelines applicable by: (SDF, page 56 – own accentuation);

- Reflecting on the policy intensions of the SDF, 2040
- Reflecting on the intensions of SPLUMA
- Responding to current realities in the City of Johannesburg
- Having a strong foundation in evidence-based planning
- To respond to changes that have taken place since the previous nodal delineation
- To address limitations of the previous nodal definitions





According to the Nodal Review, 2020, the site remained “Regional Node and Critical Biodiversity Zoning” and the same guidelines and strategies obtained from the SDF, 2040 are still applicable.

It is clear that the proposed Township zone will be functional and will be complimentary as it falls within an area earmarked for a Regional Node..

## 10. ENVIRONMENTAL CONSIDERATIONS

### 10.3. Overview / description of the site situation highlighting identified site sensitivities

The application site is located in an existing built-up urban area, in a proclaimed township and not regarded as an environmentally endangered or sensitive area. Environmental Authorisation is therefore not legally required. Furthermore, the land use which is proposed for the properties will not have a negative impact on the environment or deviate from the character of the area.

#### **10.4. Site situation in relation to existing open space resources**

The application site is not situated in close proximity to an environmentally sensitive area.

The application will also be reviewed by the CoJ internal environmental department for comments to confirm the abovementioned.

#### **10.5. Motivation in terms of geological conditions prevalent on the application site**

The application sites are not located in an area which is subject to Dolomitic soil conditions. A geotechnical investigation will be conducted to determine soil conditions for the application. Additional studies will be also conducted to attend to investigate the soil conditions further.

### **11. CONCLUSION**

Application is hereby made for:

The amendment of the City of Johannesburg Land Use Scheme, 2018, by the township establishment, for the purposes of “Business 1” for purposes of Business Purposes, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘Residential 3” @ a density 200 du/ ha (permitting 204 dwelling units) on the Portions 246 and 247 of the Farm Braamfontein 53-IR, subject to certain proposed conditions in terms of the provisions of Section 26 of The City of Johannesburg Municipal Planning By-Law, 2016.

The City of Johannesburg’s Corporate Geo-Informatics Department confirmed on 19 July 2024 that the name to be known as Victory Park Ext.36, is reserved for the township.

Two separate simultaneous applications has been lodged for the permanent Street Closure and Public Open Space Closure in terms of Section 45 of The City of Johannesburg Municipal Planning By-Law, 2016 to accommodate the proposed township on the subject properties.

The purpose of the application is to obtain the necessary land-use rights to accommodate the proposed township for “Business 1” for purposes of Business Purpose, Plant Nursery, Builders Yard, Shop, Drive-through & Taxi Rank & ‘Residential 3” @ a density 200 du/ ha (permitting 204 dwelling units) “on the properties in order to enable the approval of building plans by the City of Johannesburg.

The proposed township establishment is strategically located along the major roads such as the Rustenburg Road and Victory Road and in close proximity to the Victory Park Shopping Centre. In addition, the proposed development will alleviate the shortage of affordable housing

in the Gauteng region and provide a shopping complex in close proximity to the residential development. The need for infill development within areas that have adequate infrastructure makes the subject property ideal for the proposed development. Furthermore, more than the residential component, the client is proposing to develop a complimentary land use (Business 1) to add an economic (job creation) element on the proposed development. The proposed application will not detract from the local amenity; instead, it will support and enhance it.

As required in terms of the provisions of Section 5 of the By-Law, 2016 the Motivating Memorandum elaborated in detail on the reasonableness, public interest, sustainability as well as the need and desirability of the proposed development in terms of:

- i) The local and regional context of the application site;
- ii) Existing and proposed zonings;
- iii) Surrounding land uses;
- iv) Development guidelines provided by the current approved Planning Policies on a National-, Provincial- and Municipal level; and
- v) The relativeness and compliance of the proposed development in terms of the Development Principles contained in Sections 7 and 42 of the Spatial Planning Land Use Management Act, 2013 (Act 16 of 2013).

Throughout the motivating memorandum the need and desirability of the proposed land uses were investigated and proven in order to ensure “*co-ordinated and harmonious development of the (Victory Park) – area in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience and general welfare of ....as well as efficiency and economy in the process of such development.*” [Section 5(4) of the City of Johannesburg Municipal Planning By-Law, 2016].

The application complies with current planning policies and principles and should receive the favourable support of the controlling authorities and neighbouring owners with commercial land uses.

**AUGUST 2024**

**MANONO NTSIBANDE**



