

**EMFULENI**  
LOCAL MUNICIPALITY

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Stuur asseblief terug na Stadsbeplanning, Ou Trustbankgebou h/v President Kruger en Eric Louwstraat, 1ste vloer, Kamer 216, Vanderbijlpark.

**COUNCILLOR/ RAADSLID**    **WARD 5 CLR P NOTHNAGEL**

**DATE:**    27/01/2017

Application for / aansoek

**APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS AND AMENDMENT OF THE VANDERBIJLPARK TOWN PLANNING SCHEME, 1987: HOLDING 135 MANTERVREDE AGRICULTURAL HOLDINGS**

**File No: 7/4/H1352**

aan u gestuur vir kennisname en kommentaar/belange / send to you for your information and comments/concerns.

Please take note that no report can serve on any committee without the comments/concern of the relevant Councillor. Your comments/concerns can be written on this sheet (together with the report) and returned to the abovementioned fax no. or Vanderbijlpark office.

Neem asb kennis dat geen verslag op enige Komitee mag dien alvorens die kommentaar/belang van Raadslede nie aan verslag geheg is nie. U kommentaar/belange kan op hierdie blad (tesame met die verslag) aangeteken word en na bogenoemde faks gestuur word of by Vanderbijlpark kantoor ingedien word.

➤ **\*\*if a Councillor wants to object as a resident who has direct interest in the matter, it must be done so, in their own private capacity and not on this letter head.**

**IN ORDER TO SPEED UP THE FINALIZATION OF REPORTS, IT WOULD BE APPRECIATED IF COMMENTS/CONCERNS CAN BE RECEIVED WITHIN 10 WORKING DAYS. IF NO COMMENTS/CONCERNS ARE RECEIVED WITHIN THIS PERIOD, IT WILL BE ASSUMED THAT YOU HAVE NO COMMENTS/CONCERNS.**

GETEKEN/SIGNED: *Me L Burger*

YOUR COMMENTS:

.....  
.....  
.....  
.....

## 1. INTRODUCTION

Vaalplan Town & Regional planners has been appointed by the owner of Holding 135, Mantervrede Agricultural Holdings, Vanderbijlpark to apply to the relevant authority for the removal of conditions and re-zoning of the property in terms of the Vanderbijl Park Town Planning Scheme, 1987.

## 2. PURPOSE OF THE APPLICATION

The main purpose of this application is to amend the Vanderbijl Park Town Planning Scheme in respect of Holding 135 Mantervrede Agricultural Holdings. This application is submitted in terms of the provisions of the Gauteng Removal of Restriction Act, 1996 (Act 3 of 1996) as amended, the provisions of Section 2 and relevant provisions of the Spatial Planning and Land Use Management Act (Act 16 of 2013) for the removal of restrictive title conditions contained in the title deed and simultaneous amendment of the Vanderbijl Park Town Planning Scheme, 1987. The purpose of the application is to re-zoning the property to establish a residential development in the form of a sectional title scheme the

## MOTIVATION REPORT

APPLICATION IN TERMS OF THE PROVISIONS OF THE GAUTENG REMOVAL OF RESTRICTION ACT, 1996 (ACT 3 OF 1996) AS AMENDED AS WELL AS SIMULTANEOUS AMENDMENT OF THE VANDERBIJL PARK TOWN PLANNING SCHEME, 1987, READ WITH SECTION (2) AND THE RELEVANT PROVISIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (ACT 16 OF 2013) FOR THE REMOVAL OF RESTRICTIVE TITLE CONDITIONS AND RE-ZONING

HOLDING 135, MANTERVREDE AGRICULTURAL HOLDINGS, VANDERBIJLPARK.

## 3. PROPERTY INFORMATION

### 3.1 Property Description and Size

The subject property is described as Holding 135, Mantervrede Agricultural Holdings, Vaalplan Township and is approximately 2,1577 hectares in extent.

### 3.2 Ownership

The subject property is registered in the name of Stefan Botha Trust, held under deed of transfer number T57633/2015.

### 3.3 Area of Jurisdiction

The site is situated within the area of jurisdiction of the Emfuleni Local Municipality within the Vaalplan Municipality.

### 3.4 Locality

The property is situated at holding number 135, River Road, Mantervrede Agricultural Holdings, Vaalplan Township.

A locality plan indicating the position of the property in relation to the surrounding area is attached to the application documentation.

### 3.5 Existing Land Use

A dwelling house with outbuilding have been erected on the property. A store has also been erected on the property.

### 3.6 Surrounding Land Uses

The property is situated adjacent to the Vaal River. The surrounding used are mainly leisure and residential. Similar developments as proposed on the subject property also exist. Redevelopment of the property is constantly taking place because of the location next to the Vaal river and because the property is large.

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#### 4. LEGAL INFORMATION

##### 4.1 Deed of Transfer

Holding 135 Mantervrede Agricultural Holdings is held under deed of transfer No. T57633/2015 of which a copy of is included in the application documentation.

##### 4.2 Conditions of Title

Conditions A. (c)(i) - (ii), (d)(i)-(vi), (e), (f), (g), (h) & (j) restrict the property from being used as intended and need to be removed for purposes of this application.

##### 4.3 Mortgage Bond

The following bond is registered against the property:

B30240/2015 (Nedbank)

Bondholders consent to be requested and provided.

##### 4.4 Servitude

There are no servitudes registered over the subject property.

##### 4.5 Current Zoning

Use and development of the property is controlled in terms of title conditions and in terms of the Vanderbijl Park Town Planning Scheme, 1987. In terms of the title conditions the property may only be used for agricultural purposes with one dwelling house and outbuildings for agricultural purposes may be erected on it. The property is zoned "Agricultural" in terms of the Vanderbijl Park Town Planning Scheme, 1987.

#### 5. APPLICATION

##### 5.1 Application process

Application is herewith made in terms of the provisions of the Gauteng Removal of Restriction Act, 1996 (Act 3 of 1996) as amended, read with Section (2) and the relevant provisions of the Spatial Planning and Land Use Management Act (Act 16 of 2013) for the removal of restrictive title conditions A. (c)(i) - (ii), (d)(i)-(vi), (e), (f), (g), (h) & (j) contained in title deed T57633/2015 and simultaneous amendment of the Vanderbijl Park Town Planning Scheme, 1987, by the re-zoning of the subject property from "Agricultural" to "Residential 2" with an annexure (Annexure 889) which will allow the erection of a total of 6 dwelling houses with outbuildings on Holding 135, Mantervrede Agricultural Holdings, Vanderbijl Park.

##### 5.2 Proposed development

The owner is desirous to establish a river security estate with a total of 6 dwelling houses with outbuildings on the subject property. He is desirous to create weekend / leisure housing in the form of a sectional title scheme development.

##### 5.3 Proposed development controls

Zoning	-	Use zone 2 : "Residential 2" (6 dwelling units with outbuildings)
Coverage	-	30%
Height	-	2 storeys
Building line	-	5m from street boundary (River Road) 2m from any other boundary
Parking	-	As per Vanderbijl Park Town Planning Scheme, 1987

#### 6. MOTIVATION

##### 6.1. Need & Desirability

###### 6.1.1 Need

There is an ever increasing need for housing throughout the country. This need exists in all which include Holiday/Recreation housing, High rise, High density housing, Group Housing middle class neighbourhoods; low cost housing; upmarket residential estates; exclusive housing sectors using sectors conventional etcetera.

The Vaal Barrage area is of prime quality to provide in one or more of these sectors, especially weekend/leisure estates, and due to saturation point being reached on both land and water Hartbeespoort Dam and other water orientated venues, the Vaal River can play an increasing role in providing in this need. A great deal of interest is already being displayed in the intended development potential purchasers.

Adding to the extreme attractiveness of the Vaal River as a living environment, is the fact that an hour's drive away from Johannesburg by way of safe and unobstructed dual-carriage highway.

There is also a serious need for employment opportunities among the large local population whom live in severe poverty.

###### 6.1.2 Desirability

###### • General

The shoreline of the Vaal River is characterised by medium density residential developments as well as small holdings with single dwelling houses and ancillary outbuildings these holdings. More than 90% of the land covered by these holdings, are completely undeveloped. These properties are mainly used as residential - weekend- or holiday homes where only the property closest to the river is utilised. In the past agricultural activities were also practised on these holdings which meant that the land was sensibly utilised. The situation today is that agricultural activities in this area are non-existent.

###### • Specific

In their "Vaalmet Regional Land Use Plan, 1992", the Vaalmet Consortium pointed out that presents a real and unique opportunity for commercial exploitation. The Vaalmet consortium that a study should be commissioned to reconsider land use planning and the control of development along the river course. In more recent years, several stakeholders with an interest in the Vaal Area, expressed a similar viewpoint.

The recently completed exercise of research and compilation of the present Spatial Development Framework

Framework Plan for the Loch Vaal area, that provides guidelines in terms of which development in the area should be directed and permitted, is therefore a long awaited scientifically developed tool that unfolds the unique opportunities and potential for development in the concerned area. This guideline is specific with regard to the most desirable land use types on groups of properties. It provides a well researched and developed guideline in terms of which the local authority and other stakeholders can promote development activity.

The development intended by the applicant on the subject property is in line with the development guidelines for the property in terms of the said Spatial Framework Plan and therefore a desirable development.

- Environment

Due to previous agricultural activities indigenous vegetation has been destroyed on most of the area while those parts that are today not utilised for residential and recreational purposes, are neglected. It is a paradoxical fact that in those cases where such areas have been developed more intensively for residential or leisure purposes, indigenous vegetation and animal life often got restored due to conservation awareness amongst those who acquired the properties for leisure and residential purposes.

- Ambience and sense of place

It is possible that interested parties may express fears that the development could have a negative impact on the local environment, the character of the area, and such characteristics as its tranquillity, sense of place, and so on.

The applicant addresses such potential fears as follows.

- It is his particular intention to protect the tranquillity and ambience of the area by creating a select, upmarket development which is reasonably expected to attract a class of owners who will appreciate and cherish such qualities.
- The development will be contained within a tall and attractive enclosure. The property is virtually secluded from its neighbours already, and will be more so when the development is complete.
- Owners with substantial financial stakes in their properties have a compelling vested interest in ensuring that the area, especially its ambience, is not degraded and that the river continues to be a safe and agreeable amenity. Furthermore, the House Rules of the complex will exert a restraining discipline if ever necessary.
- The type and standard of development herein contemplated will be compatible with norms and standards associated with the area.
- It must be remembered that section 3 of the national Water Act provides for recreational use of public water for every person who has lawful access to that water. The Barrage reservoir is a public navigable river. Acting Judge J.P. Vorster reaffirmed these facts in a High Court ruling on November 2001. If the general public, with very little vested interest are entitled to access to the river, then substantial long term investors should be allowed at least the same rights.

Densification also contributes to the better utilisation of existing infrastructure. Re-zoning of erven leads to an increase in the income of local authorities as the number of properties in respect of which rates and taxes are levied, increases. This income can then be applied in the interest of the whole community.

## 6.2 Public Interest

The public interest is that which generates optimum benefit for the majority of the community without inflicting undue harm on any minority.

In the present instance, the majority of the community will clearly benefit, directly through possibilities, financial improvement, and spending power which will enter the region from indirectly, through the financial benefit accruing to the Local authority from assessment rates. Local property owners are likely to experience appreciating property values, rather than the reverse, as the area becomes sought after.

It is difficult to see what harm or loss could be sustained by the proposed weekend / leisure business. The task of authorities and decision makers in these cases, is to maintain an objective balance between different interests. If consideration of this development application takes into account what benefit for the largest part of the community might be, there can be no doubt regarding the desirability of the intended development.

## 6.3 Motivation in Terms Of Section 3(2) Of The Gauteng Removal Of Restrictions Act, 1996

The removal of the title conditions as proposed is consistent with the provisions of Section 3(2) of the Gauteng Removal of Restrictions Act, 1996 in that it:

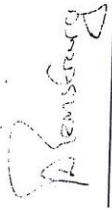
- It is reasonable and desirable to do so in order to promote the development of Holdings 133, Mantervrede Agricultural Holdings.
- The effect of this action will be that the use and development of the property will be solely in terms of the Vanderbijlpark Town Planning Scheme, 1987.

## 6.4 Compliance with the development principles of SPLUMA

Reference is made to the following Principles for land development enshrined in Chapter 2, of the Act, in so far as it:

- the principle of spatial sustainability, whereby spatial planning and land use management systems must—
  - promote land development that is within the fiscal, institutional and administrative means of the Republic;
  - Development of private and underutilized properties is in line with land use principles;
  - promote and stimulate the effective and equitable functioning of land markets
  - The development contributes to creating markets.
  - promote land development in locations that are sustainable and limit urban sprawl;
  - The proposed development contributes to densification in an area where large underutilised properties exist.
  - result in communities that are viable;

In light of the above it is trusted that this development application will receive favourable consideration.



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- Densification enhances viability.
- (c) the principle of efficiency, whereby—
  - (i) land development optimizes the use of existing resources and infrastructure;
  - Better utilization of large property.
  - (ii) decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts;
  - By establishing the proposed development on the subject property the municipality will receive financial income through higher rates and taxes. The area will also become sought after which contributes positively to social, economic and environmental impacts.

#### 7. BASIC SERVICES

##### 7.1 Water

Municipal water is already available on the property. The existing water connection will be utilised. The owner will be responsible for the connection to the additional units according to municipal standards at his own cost.

##### 7.2 Electricity

Electricity is provided to the property by the Municipality. The existing connection will be utilised. The owner will be responsible for the connection to the additional units according to municipal standards at his own cost.

##### 7.3 Sewerage

The property is connected to the Municipal sewer system. The existing connection will be utilised. The owner will be responsible for the connection to the additional units according to municipal standards at his own cost.

##### 7.4 Refuse

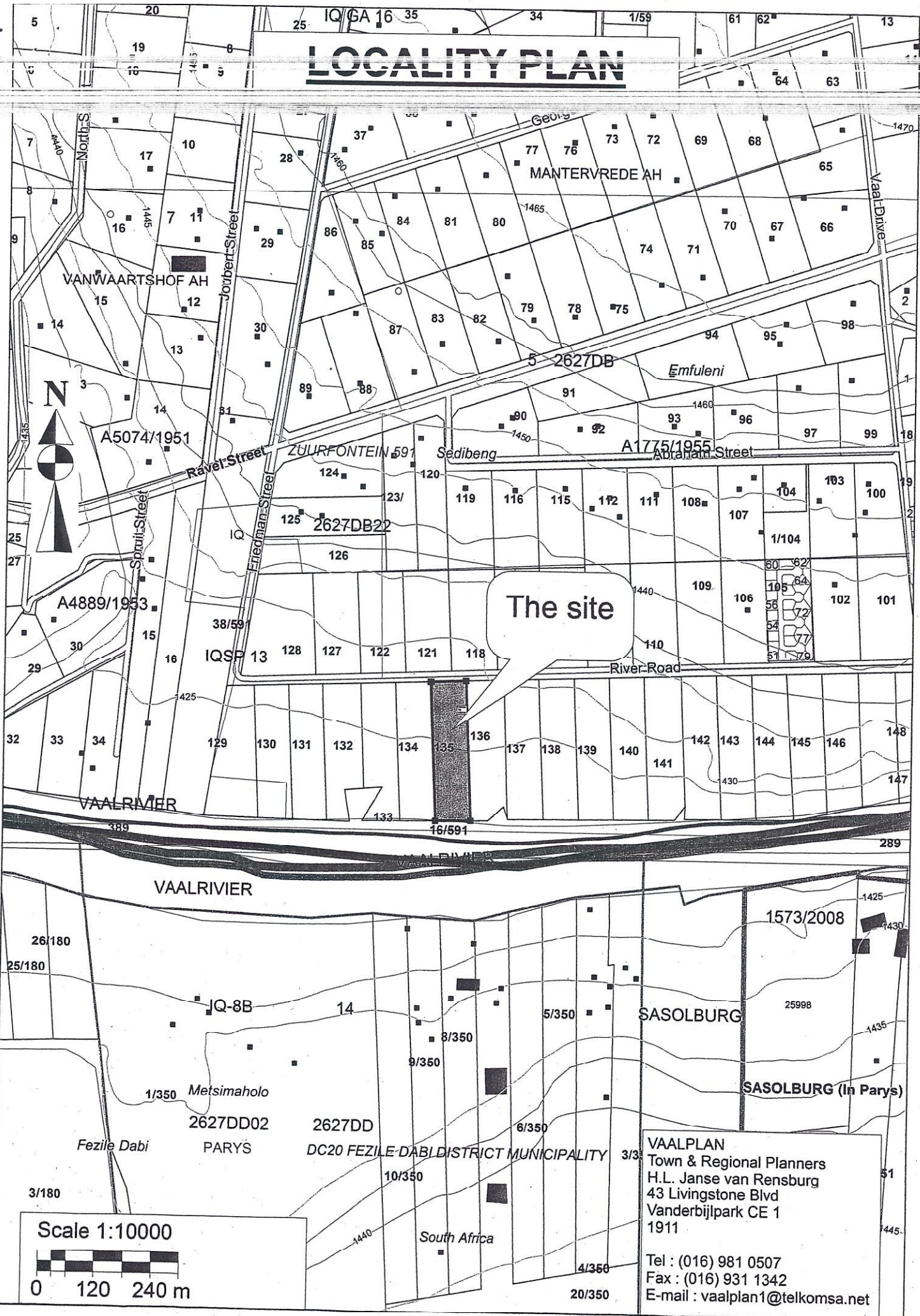
Normal house hold refuse to be place at gate once a week for collection by the service rendered by the Municipality.

#### 8. CONCLUSIVE REMARKS

The applicant and his professional team are intent on creating an environmentally friendly and aesthetically pleasing scheme which offers security of investment and quality of life for all. The intended development will comply in every way with prescribed parameters and design standards and there is no doubt that it is a necessary and extremely desirable addition to the area. It will also ensure that a particularly beautiful stretch of the river does not fall into decay or shabby development in the future.

There is no doubt that a sustainable development is possible on the concerned site. All relevant aspects have been considered and taken into account by the applicant.

# LOCALITY PLAN

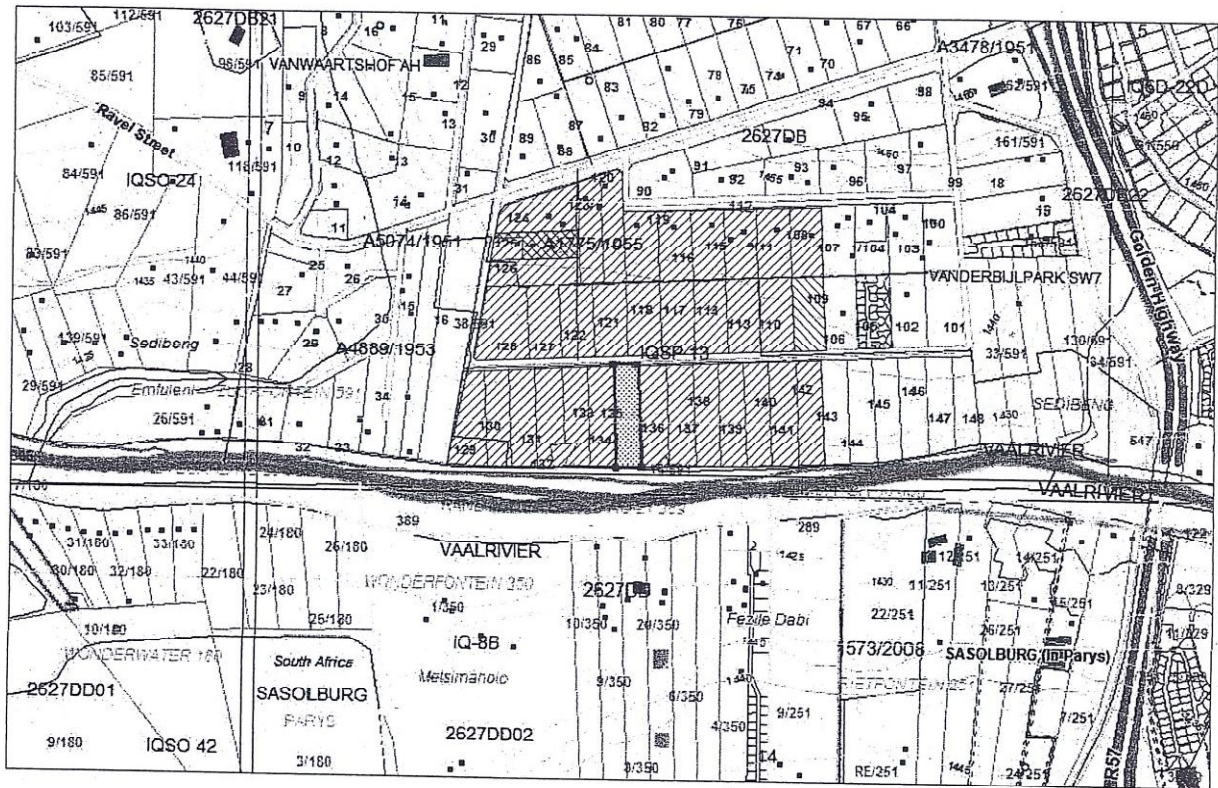


The site






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# LAND-USE PLAN



 The site

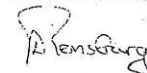
## LAND USES

-  Residential
-  Business
-  Vacant land

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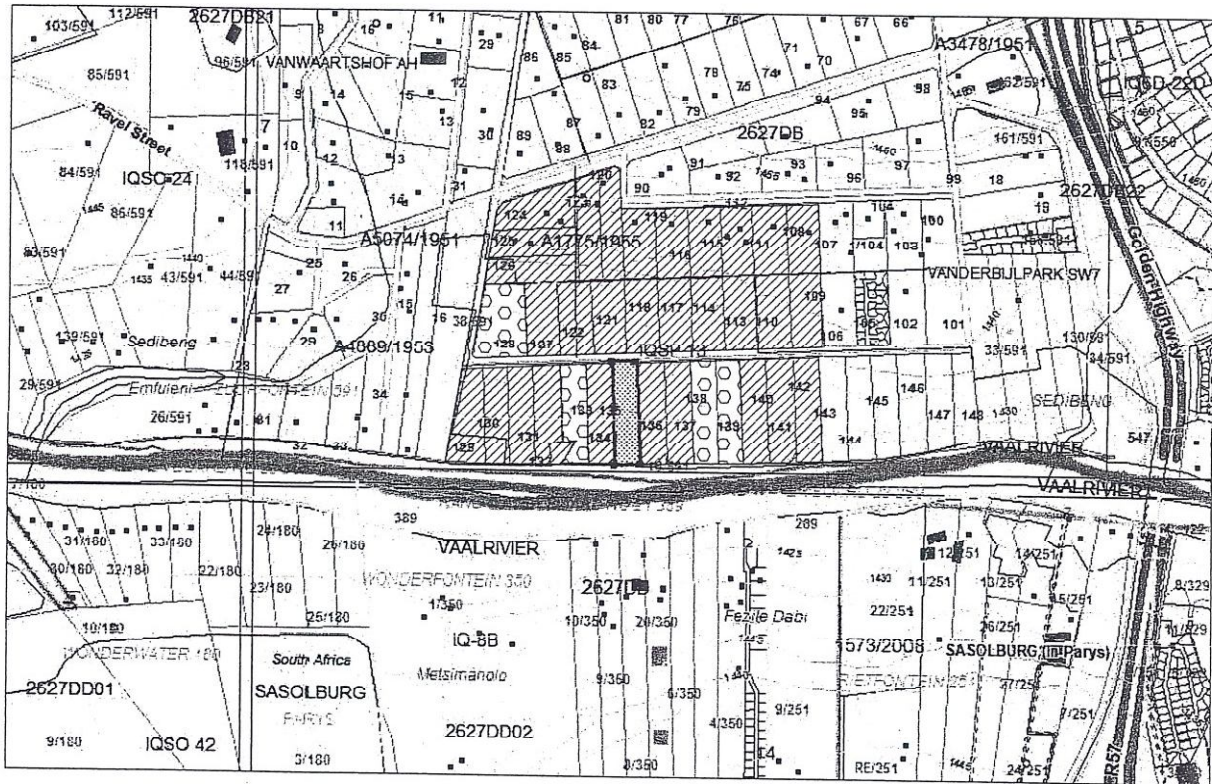
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# ZONING PLAN



 The site

## ZONINGS



Agricultural



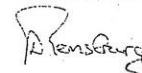
Residential

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