

**MOTIVATIONAL MEMORANDUM:  
Extension of Township Boundary**

**Application**

**for**

**Holding 13 Trevallyn Agricultural  
Holdings**

**on behalf of**

**Johannesburg Development Agency  
(Pty) Ltd**

<b>Date</b>	24 February 2021
<b>Prepared by</b>	<b>Raeesa Soomar Cassim (Pr Pl. A/1852/2014)</b> raeesa@kipd.co.za      084 440 5957  <b>Saskia Cole (Pr Pl..A/1554/2012)</b> saskia@kipd.co.za      082 574 9318
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## INTRODUCTION

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The purpose of this memorandum is to introduce, elaborate upon and motivate the application for extension of boundaries of an approved township in respect of **HOLDING 13 TREVALLYN AH** to be incorporated into **KYA SAND EXTENSION 113**.

The full extent of the application is set out in this memorandum, which comprises of the following:

- ❖ Chapter 1: General Information
- ❖ Chapter 2: The Application
- ❖ Chapter 3: Engineering Services
- ❖ Chapter 4: Policy Environment
- ❖ Chapter 5: Motivation
- ❖ Chapter 6: Conclusion

## 1. GENERAL INFORMATION

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KiPD (Pty) Ltd, the authorised agent, has been appointed by the Johannesburg Development Agency (JDA), a municipal owned entity of the City of Johannesburg Metropolitan Municipality (COJ), the registered owner of Holding 13 Trevallyn Agricultural Holding, to lodge an application for the extension of boundaries of Kya Sand Ext 113 to incorporate Holding 13 Trevallyn Agricultural Holdings in order to acquire the land use rights for municipal purposes to allow for the development of a taxi holding area. The holding area will be referred to as “the site”, “the subject property” and/or “the proposed development” in this memorandum.

### 1.1. THE APPLICATION

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Application is hereby made in terms of Section 32 of the City of Johannesburg Municipal Planning By-Law, 2016, hereinafter referred to as the “By-Law”, read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), for the establishment of a township (extension of township boundaries).

### 1.2. LAND DEVELOPMENT AREA

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#### 1.2.1. Site Locality

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Holding 13 Trevallyn AH is located along Elsecar Road to the north west of Johannesburg, in the area known as Kya Sand, east of Cosmo City and Malibongwe Drive.

Annexure A – Locality

#### 1.2.2. Extension of Township Boundary

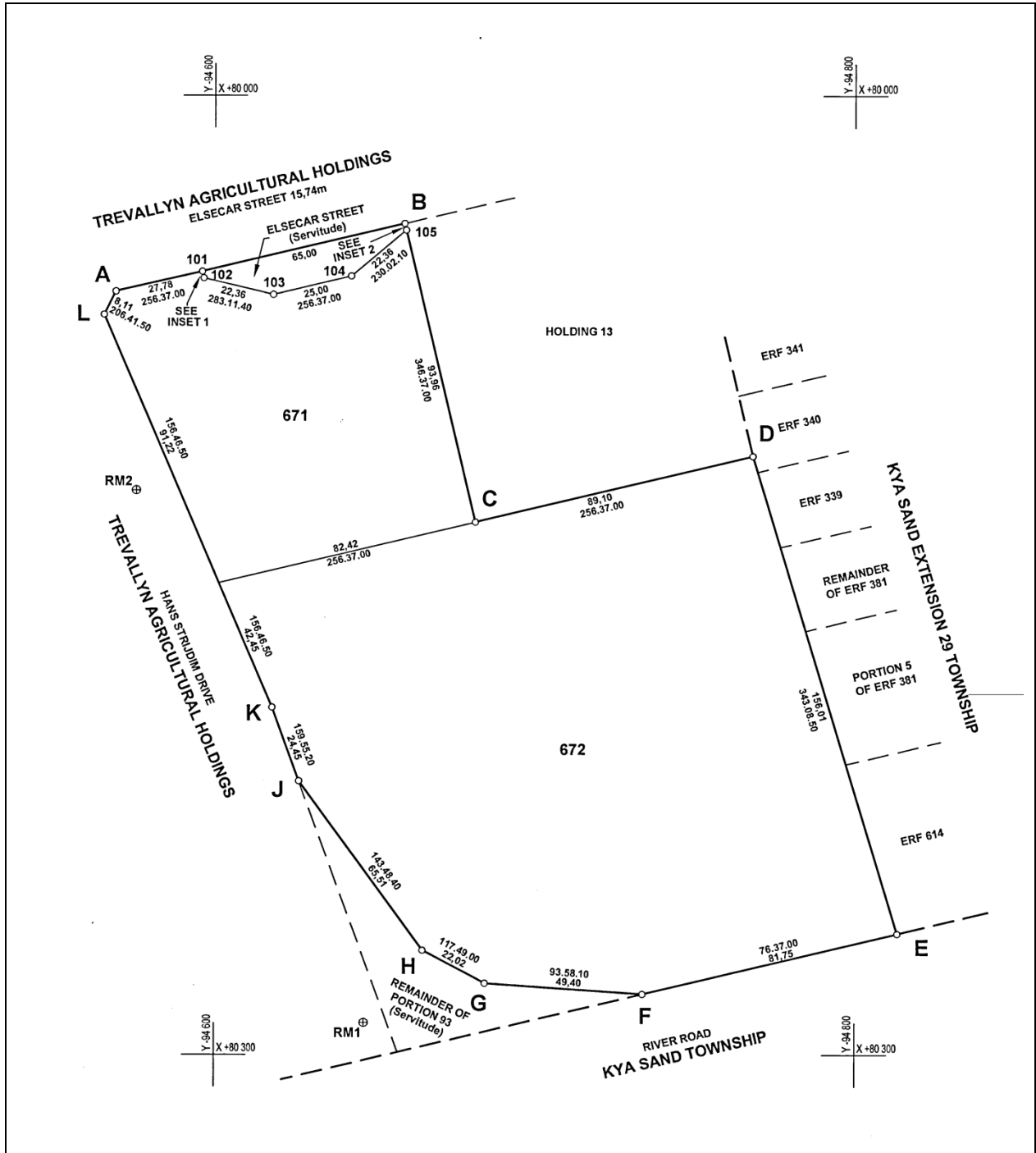
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Due to the relatively small size of the subject property and its location, the decision was made to rather extend the boundaries of Kya Sand Extension 13 and create one new erf, rather than trying to create two new erven in its own township.

The General Plan for Kya Sands Extension 113 was approved on 9 May 2017 and the township was proclaimed on 9 May 2018. The Certificates of Registered title for Erven 671 and 672 Kya Sands Extension 113 were registered on 1 June 2018. The township has thus been completed.

Annexure B – Kya Sands Ext 113 GP and Title Deeds

The general plan for Kya Sands Extension 113 has sufficient space to include a new erf :



### 1.3. AGENT AND CLIENT

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#### 1.3.1. Agent

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The authorised town planning agent acting on behalf of the client is:

Name	KiPD (Pty) Ltd
Responsible Persons	Saskia Cole
Postal Address	P O Box 52287, Saxonwold, 2132
Contact Number	011 888 8685 / 082 574 9318
Email	saskia@kipd.co.za

#### 1.3.2. Client

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The client's details are as follows:

Name	Johannesburg Development Agency
Responsible Persons	Lwazi Sikiti
Postal Address	P O Box 61877, Marshalltown, 2107
Contact Number	071 403 3948
Email	lsikiti@jda.org.za

### 1.4. LEGAL ASPECTS

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#### 1.4.1. Ownership

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Holding 13 Trevallyn AH is owned by the City of Johannesburg Metropolitan Municipality in terms of Title Deed T34250/1986 and measure 8565 m<sup>2</sup>.

Annexure C- Title Deed

#### 1.4.2. Power of Attorney

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The Johannesburg Property Company (JPC) is a municipal owned entity tasked with management of all municipal owned properties within the City of Johannesburg Metropolitan Municipality. JPC has provided a formal signed Special Power of Attorney to enable KiPD to make application for township establishment on the subject properties as per the requirements of the COJ Municipal Planning By-Law, 2016.

Annexure D – Power of attorney

#### 1.4.3. Registered Bonds

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There is no registered bond held against the property.

### 1.5. EXISTING LAND USE

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The property is currently vacant.

### 1.6. SURROUNDING LAND USE

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Kya Sands is a commercial and industrial area. Erven 671 and 672 Kya Sand Ext 113 are used by a construction company for storage of vehicles and equipment as well as offices. The property to the north of the subject site is used for the manufacture, storage and distribution of window and door frames. To properties to the east of the site mainly have small industrial units for the manufacture, repair and storage of various items.

Annexure E – Land Use Map

### 1.7. TOPOGRAPHY

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The slope of the site falls from the south west (1456m) towards the north east (1452m), diagonally across the site. This equates to a 4m drop over ± 130m or a slope of 1:32.

### 1.8. EXISTING ZONING AND DEVELOPMENT CONTROLS

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In terms of the City of Johannesburg Land Use Scheme, 2018, the property is zoned as follows :

Zoning	Agricultural
Primary rights	Agricultural purposes, dwelling house, urban agriculture.
Floor Area	1,2 (dwelling houses) or 2.1 (other uses)
Coverage	Dwelling house 50% (1 or 2 storeys) 40% (3 storeys) Other uses : 70%
Height zone	A : 3 storeys

Annexure F – Zoning Certificate

### 1.9. SURROUNDING ZONING

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Annexure G : Surrounding zoning

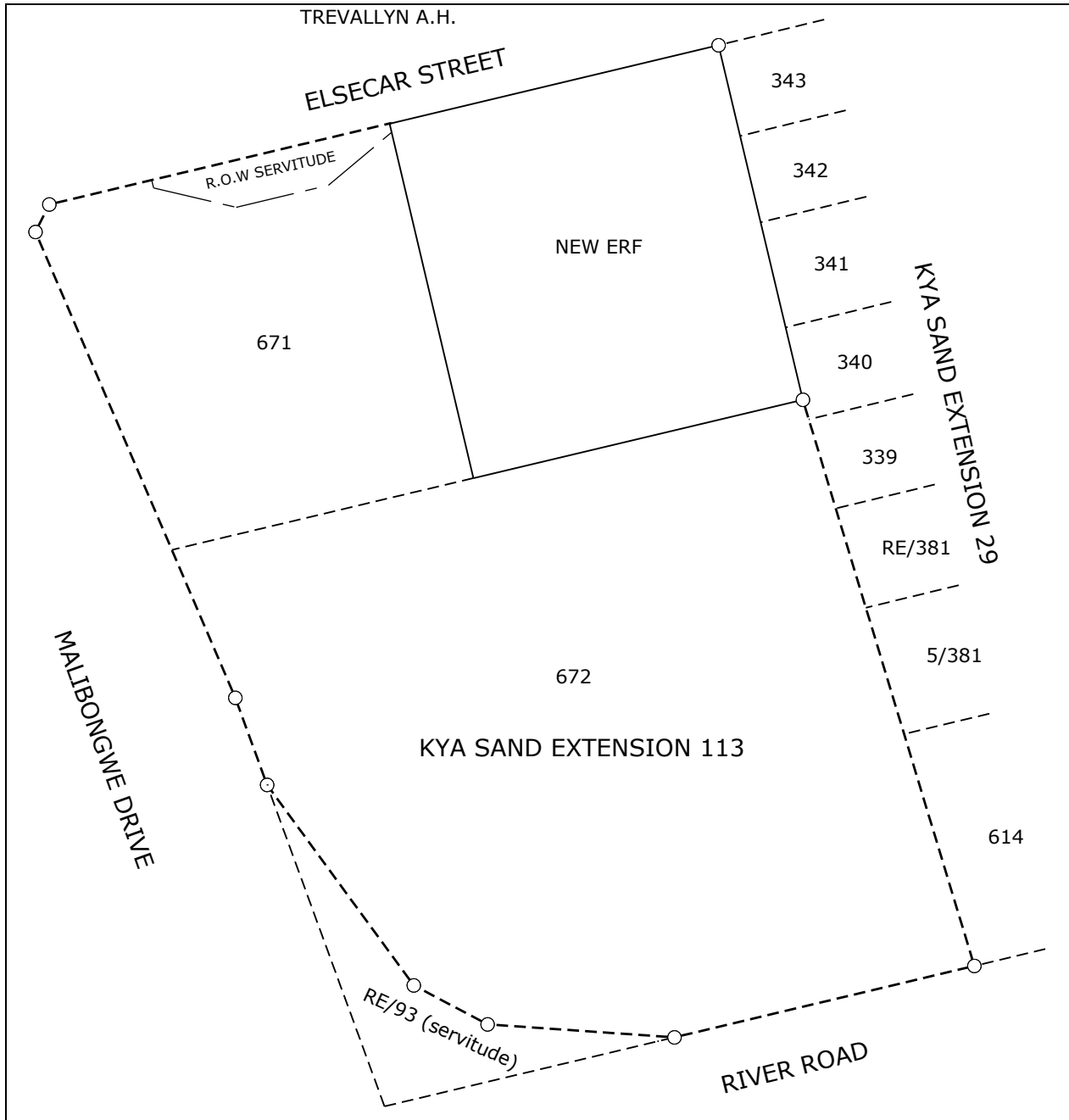
In terms of the City of Johannesburg Land Use Scheme, 2018, the property is surrounded by mostly industrial zoned properties, with some business, commercial, residential and undetermined zoned properties.

## 2. THE APPLICATION

### 2.1. TOWNSHIP LAYOUT

Annexure H – Township Layout Plan

It is proposed that the property be included into Kya Sands Extension 113 as a third erf, as follows :





## 2.2. PROPOSED DEVELOPMENT CONTROLS

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The proposed development controls for the new erf is detailed as follows:

Zoning	"Municipal"
Primary rights	Municipal purposes, including a mini-bus taxi holding area and informal trading.
Height	As per Scheme – 2 storeys
Coverage	As per Scheme – 30%
Floor area ratio	As per Scheme – 0,3
Building lines	As per Scheme – 3m along all street boundaries, provided that all building lines may be relaxed by the local authority by way of the approval of a site development plan.
Parking	Parking shall be provided to the satisfaction of the municipality

In terms of the City of Johannesburg Land Use Scheme, 2018, municipal purposes is defined as being "such purposes as the municipality may be authorised to carry out in terms of its powers and functions and shall include all municipal land uses as well as such uses as sewerage works and reservoirs and their related buildings."

To ensure clarity, the proposed use is being specifically mentioned. A mini-bus taxi holding area being a place, other than a rank, where a mini-bus taxi remains until space for it is available at a rank or stopping place and where it can park when not on duty. It includes facilities for washing of taxis as well as ablution facilities and space for informal traders selling food and other items to the drivers.

## 2.3. TITLE CONDITIONS

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The property is registered as an agricultural holding. Upon approval of this application it will be necessary to obtain approval from the Gauteng Provincial Government for the excision of the agricultural holding to a farm portion. This will effectively remove any title conditions imposed in terms of the Agricultural Holdings Registration, 1919 ( Act 22 of 1919).

The property is further subject to conditions relating to mineral rights. These title conditions have lapsed and must now be regarded as pro non scripto.

There are no servitudes registered against the title deed.

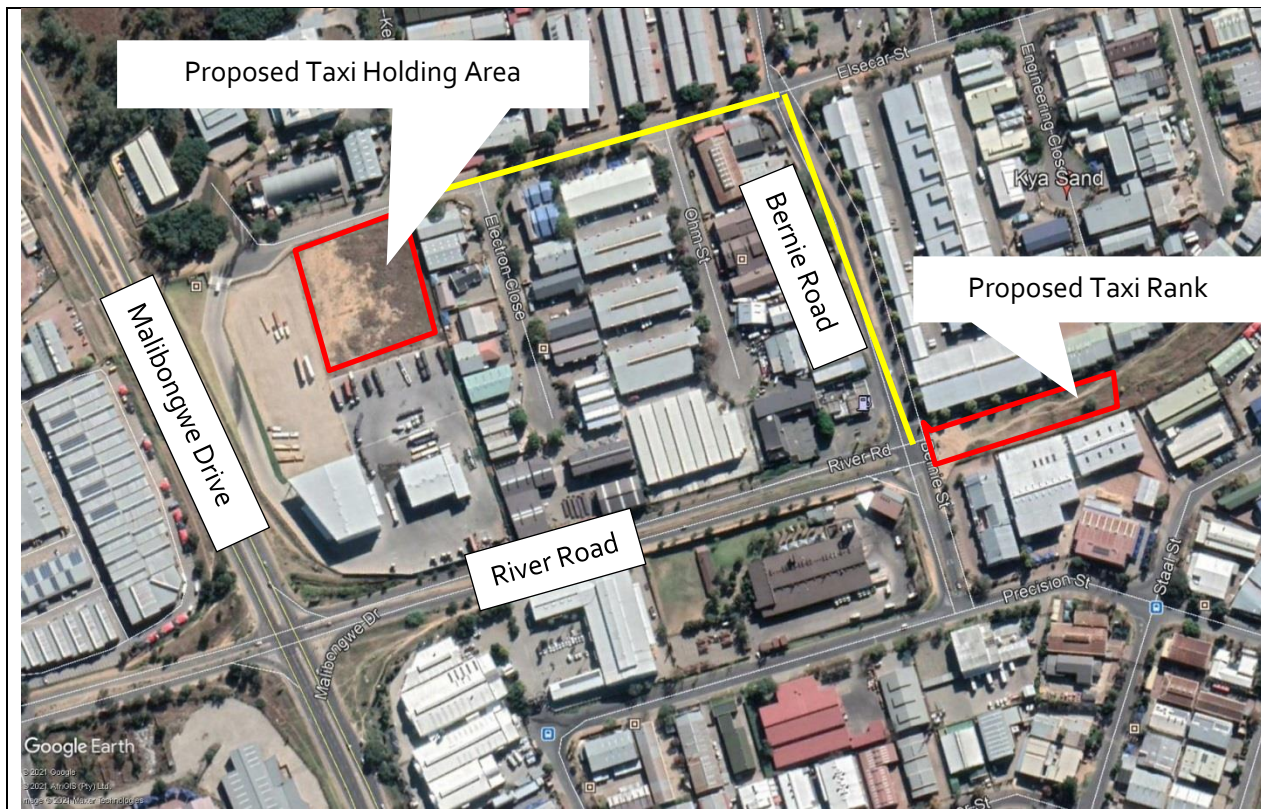
Annexure J - Conveyancer Certificate

## 2.4. DEVELOPMENT INTENT

In 2019, the Johannesburg Development Agency commissioned a Kya Sand Transport Plan. The report dated June 2019 was prepared by Naka Iliso Pty Ltd. The aim of the study was to evaluate the most suitable location to formalise the current informal ranking facility located on the road reserve along the corner of Bernie Street and River Road, Kya Sands. The current informal facility does not meet the critical needs of commuters such as universal access and other safety requirements of a public transport facility. The key objective was to explore how the identified facility can be developed into a "Super Stop" facility which is a ranking facility.

Annexure K – Kya Sand Transport Plan – June 2019

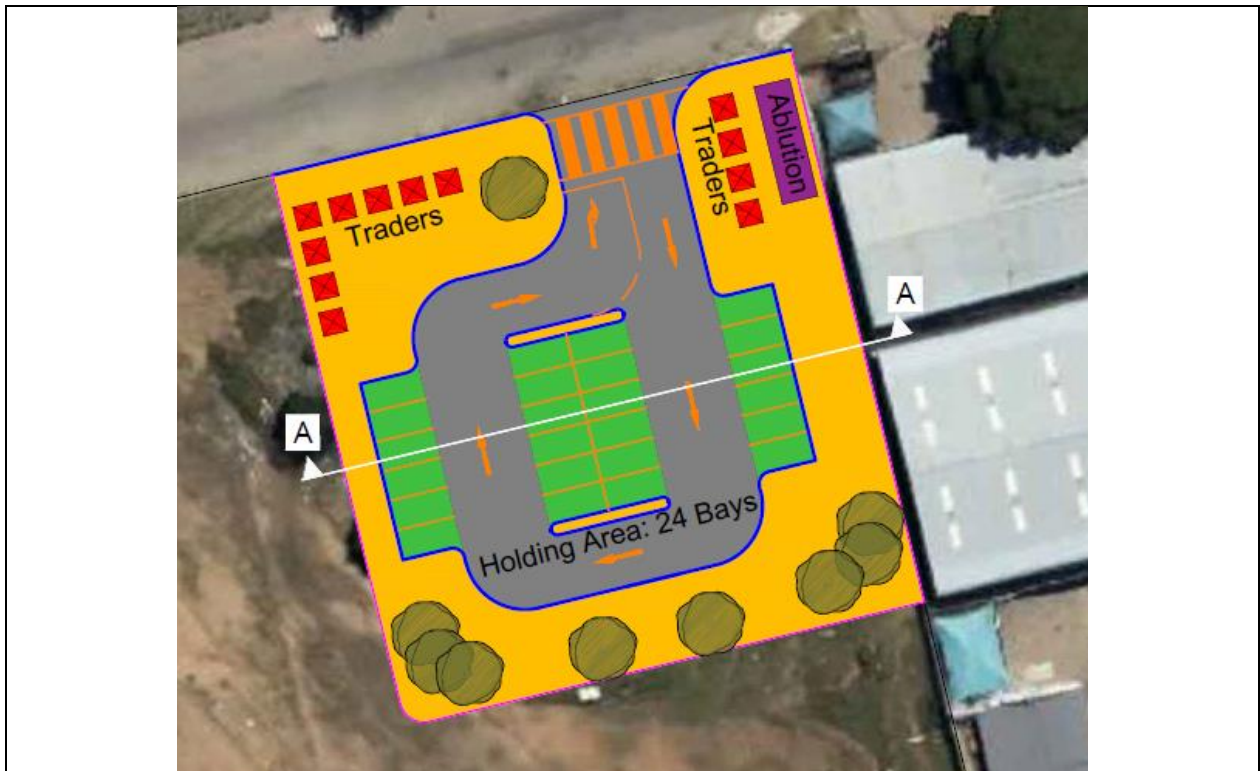
The study included three options for the development of a formal taxi rank with holding facilities, but it concludes that a Super Stop public transport facility within the road reserve of River Road, on the corner of Bernie Road, is the best option with a separate holding area to be developed approximately 560m drive to the north west of the taxi rank on Holding 13 Trevallyn AH.



Concept layout – proposed taxi rank in the River Road reserve



Concept layout – proposed taxi holding area in Elsecar Street (subject property)



## 2.5. ACCESS

Access to the proposed development will be via Elsecar Street, the existing defined road.

## 3. ENGINEERING SERVICES

Various engineering studies have been undertaken on the site to determine the impact that the proposed development will have on the municipal service supply.

### 3.1. CIVIL ENGINEERING

Annexure L – Civil Engineering report

The outline scheme report was undertaken by AIMH Civil Engineering (Pty) Ltd dated 14 January 2021.

#### 3.1.1. WATER DEMAND

##### Water and Fire Demand Calculations:

The unit rate of water demand for taxi rank (with ablution facilities) is 0.3 kL/100m<sup>2</sup> per day. The peak factor of 4 is used in the calculation of instantaneous peak demand. The fire risk category of low risk – group 3 was used. Therefore, a 1-hour duration of fire flow is used. A minimum design fire flow is 350 Litres/Minute is used for each hydrant. There must be at least a 15m pressure at the hydrant.

Property Type	Area (m <sup>2</sup> )	Unit Demand	Total Demand (AADD)
Taxi Holding Facility (With ablution facilities)	2,200	0.3 kL/100m <sup>2</sup> /day	6 600 l/d
Peak Demand (Peak Factor 4)			26 400 l/d
Fire			21 000 l/d
<b>Total</b>			<b>47 400 l/d</b>

The total Average Annual Daily Demand is 26 400 litres per day (0.305 l/s). The fire demand is 21 000 litres per day (0.24 l/s). The total Water and fire demand is 47 400 litres per day (0.55 l/s). A 110mm diameter uPVC pipe (Class 16), to supply the proposed development, will be connected from the existing 150mm diameter pipe.

### 3.1.2. SEWER FLOWS

#### Sewer Flow Calculations:

The unit rate of sewer discharge for taxi rank (with ablution facilities) is 0.25 kL/100m<sup>2</sup> per day. The peak factor of 1.8 is used in the calculation of peak sewer discharge.

Property Type	Area (m <sup>2</sup> )	Unit Discharge	Total Demand (AADD)
Taxi Holding Facility (With ablution facilities)	2,200	0.25 kL/100m <sup>2</sup> /day	5 500 l/d
<b>Peak discharge (Peak Factor 1.8)</b>			<b>9 900 l/d</b>
<b>Total</b>			<b>9 400 l/d</b>

The estimated sewer outflow is 9 400 litres per day (0.1 l/s). a 160mm diameter uPVC Heavy Duty Class 34 pipe will be used to convey discharge to the nearest manhole.

### 3.1.3. STORMWATER MANAGEMENT

There is no stormwater infrastructure in the vicinity of the site. Therefore, connection to any established stormwater network is not possible. Currently, the site discharges directly on the Elsecar Street. It is possible to maintain this system after the development, however, this will not be a proper solution. It is proposed that the developer install a piped sub-surface drainage system which will run along Kelvin Street. This pipeline is estimated to be 300m. The figure 8 below shows the path of the proposed pipeline. To develop this pipe, a Geotech, topographical survey and a design will be required. The discharge will be confirmed with JRA.

## 2.2 ELECTRICAL ENGINEERING

#### Annexure M – Electrical report

An electrical engineering report was compiled by Rivoningo Consulting Engineers (Pty) Ltd dated 02 November 2020 .

The power supply authority in the area is Eskom. The electrical network comprises of underground Medium Voltage (MV) cables connecting various 11kV mini-substations in the area.

The closest min-substations to the proposed site are on Kelvin Street, Electron Close and Elsecar Street located approximately 110m from the site.

The site is currently vacant and there is no power connection. It is surrounded by a developed industrial area with the electrical infrastructure in place.

There are mini-substations adjacent to the proposed site, once an application for connection has been submitted, Eskom will confirm the best suitable point to connect to the site after they have conducted their feasibility and technical investigation.

The electrical load requirements are based on the proposed site layout comprising ablution block, traders’ stands and parking bay area.

Description	Total Load	
Ablution Block	2	kVA
Area Lighting	5	kVA
Traders’ Stalls Lighting	1	kVA
<b>Total calculated load</b>	<b>8</b>	<b>kVA</b>

The calculated load for the proposed development is approximately 8kVA (15 Amps 3-phase).

### 3.2. GEOTECHNICAL ENGINEERING

Annexure N – Geotechnical report

The Geotech report was undertaken by (ARGS) Anza and Russell Geotech Solutions dated 14 February 2021.

The field investigation was conducted on 30 October 2020 and comprised excavating a total of five (5) test pits with the aid of TLB to depths varying between 1.3m and 2.1m. The soil materials derived from the decomposition of the bedrock have engineering properties summarized in the table below:

ROCK TYPE (GEOLOGY SYMBOL)	EXPECTED SOIL PROFILES	ENGINEERING PROPERTIES
Granite	Clayey sand, silty sand	Silty sand, Clayey sands of low plasticity, sands, sandy and gravelly soils.

Total of four disturbed bulk samples were collected from test pits excavated across the study area. The foundation indicator test results conducted on the samples from test pits TP01 to TP05 are summarised in Table 6. The in-situ material has the following characteristics:

Origin	Material properties		
<b>Transported</b>	<b>Material depth</b>	0-1.0m	
	<b>Plasticity Index (&lt;0.452mm)</b>	PI of 14	
	<b>Grading Modulus</b>	0.63	
	<b>CBR 93%</b>	6	
	<b>CBR 100%</b>	14	
	<b>MDD (kg/m3)</b>	1904	
	<b>OMC (%)</b>	11.4	
	<b>Material quality</b>	Clayey Sand (SC): <G10-type.	
	<b>Material usage</b>	<G10: Special treatment of in situ for use as subgrade  These materials should not be considered for use in construction and should be spoiled when excavated.	

Foundations should be constructed on a competent horizon. Where platforms are required, inert material (at least G7) should be used as compacted backfill provided the material complies with the requirements in SANS requirements. Any uncontrolled fill is deemed unsuitable to carry loads and should be removed during site clearing and initial earthworks. The material should be replaced with inert material compacted in layers at optimum moisture content to the underside of foundations and surface beds. Any constructed embankments exceeding 1.5m, or as deemed necessary by the design engineers, must be stabilized by means of retaining walls. Embankments should be adequately compacted and protected from erosion. Old backfilled excavations (such as geotechnical test pitting) are likely to be encountered across the site and these should be cleaned out of all loose material and backfilled with appropriate gravel to densities not less than 95% mod AASHTO. Precautionary measures for the area should include:

- Extensive site drainage and plumbing/service precautions.
- Walkways and driveways must be paved to allow easy access to the building during wet seasons.
- Planting of grass/lawn on the stands may be considered to prevent erosion.
- Care must be taken with foundation designs where foundations straddle different soil mediums such as dense horizons and loose soil.

The main geotechnical constraints will be Active soil: 2C. The site is subdivided in to two Zones:

- Zone A (S1/2C) comprises of an **intermediate excavation**, residual soil which observed not to have a transported soil with low to medium soil-heave potential anticipated.
- Zone B (S1/2C) comprises of a **Soft excavation** soil which observed to have both transported and residual soil with low to medium soil-heave potential anticipated. Transported material is classified as CL with a CBR of 6%. These materials (Transported material) should not be considered for use in construction and should be spoiled when excavated.

## 4. SPATIAL PLANNING ENVIRONMENT

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In terms of Section 5(2) of the City of Johannesburg Municipal Planning By-Law, 2016 – “any land development application in terms of said By-Law shall be guided and informed by the City’s Integrated Development Plan and Municipal Spatial Development Framework as adopted and approved in terms of Section 20 of SPLUMA and Section 10 of said By-Law.”

This section therefore reviews all relevant spatial planning documents and plans, to determine the suitability and compliance to the spatial plans of the City.

The following spatial planning documents have been reviewed :

- City of Johannesburg Spatial Development Plan, 2040 (2016);
- Kya Sands Development Framework 2020 (2008); and
- Nodal Review Policy (2020).

### 4.1. SPATIAL DEVELOPMENT FRAMEWORK 2040 AND KYA SANDS DEVELOPMENT FRAMEWORK 2020 (2008)

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The Spatial Development Framework 2040 (SDF) is a city wide spatial policy document that identifies the main challenges and opportunities for the City, sets a spatial vision for the future city and outlines a set of strategies to achieve that vision.

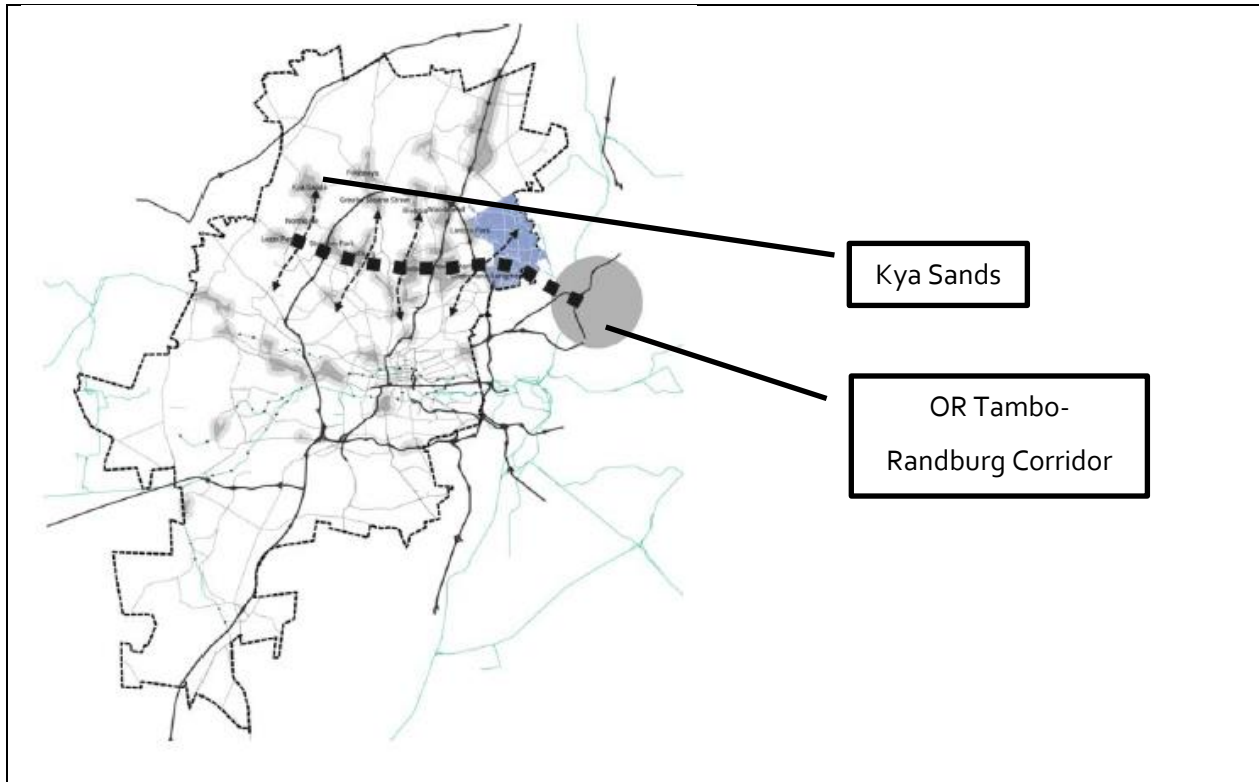
Along with providing a spatial vision, the SDF defines the strategic spatial areas to be used in the City’s capital investment prioritisation model. This will ensure that infrastructure investment is directed to areas with the highest potential to positively impact on the development trajectory of the City as defined in the SDF.

In terms of the SDF and the Kya Sand Development Framework, the subject property falls within a specialist Industrial Node. As per the Development Framework, the site is earmarked for Zone 7: Commercial and Light Industrial.

The proposed use is a transport facility which would support the industrial as well as residential uses west of Malibongwe Drive.

The City of Johannesburg has a massive focus on the creation of developmental corridors which will provide a basis for small such corridors to be created. The concept of development corridors connecting strategic nodes through an affordable and accessible mass public transport system is an integral component of the Compact Polycentric model for future development. Part of the approach is compaction of well-established nodes as well as the creation of new nodes in strategic opportunity areas that have a strong relation to the metropolitan core. This strategy will focus economic investment in well-connected centres and provide adequate space for economic growth.





The rationale behind the Randburg-OR Tambo corridor is to create a strong east-west development corridor in the north of the city with a broader city region focus, while capitalising on the opportunities for infill development in the vacant tracts of land along this corridor. This corridor would also intersect with the north-south Corridor of Freedom along the Louis Botha Corridor, which links from Soweto past the Inner City into Sandton; thus strengthening connectivity to the metropolitan core and other principal metropolitan sub-centres.

Therefore, the development of a taxi holding area within an industrial node is directly in line with the rationale of the SDF. The provision of public transport infrastructure is an investment into the City as it enables further economic growth and as a result, job creation and poverty alleviation.

The application supports the SDF in that it assists the City in subscribing to the Corridor Development theory and bringing social amenities closer to the residential areas and economic hubs.

#### 4.2. NODAL REVIEW, 2020

In terms of the Nodal Review, the site has been placed in the Kya Sands Industrial Node, in accordance with the SDF, 2040. It is intended for this node to contain light industrial and commercial uses. The proposed facility is a support use which encourages the growth of the industrial activity within the node.

The proposed facility will reduce transit times getting to and from places of employment, provide a much-needed social facility and encourage small business growth within the facility.

The application wholly supports the policy and should therefore be approved.

Annexure P - Nodal and density plan

## 5. MOTIVATION

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### 5.1. NEED AND DESIRABILITY

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The South African Constitution states that municipalities have the responsibility to make sure that all citizens are provided with services to satisfy their basic needs.

The objectives of a municipality are :

- to provide democratic and accountable government for local communities;
- to ensure the provision of services to communities in a sustainable manner;
- to promote social and economic development;
- to promote a safe and healthy environment; and
- to encourage the involvement of communities and community organisations in the matters of local government.

The municipality is the sphere of government closest to the people, they are elected by citizens to represent them and are responsible to ensure that services are delivered to the community. These services include among others technical services such as planning, maintenance of streets and other public areas, construction of buildings and infrastructure, traffic, and water supply and sewerage systems. In addition, municipalities have official duties such as building control, environmental protection, rescue services and public waste management.

Taxis are the most popular mode of transport in urban areas for the majority of South Africa's population. The South African taxi industry plays an important role in the economy considering that the majority of South Africans dependent on public transport. The taxi industry consists of minibuses, dominating 90% of the market, and metered taxis active in the remaining 10% of the market. Public transport by taxis account for 65% of the transport total, 20% by bus and 15% by rail.

In South Africa, many areas continue to be hampered by a legacy of racial segregation, poverty, and exclusion from social and economic opportunities. The spatial legacy is one of sprawl, low densities, functional segregation between home and work, and overlapping racial and class separations. The spatial mismatch between place of residence and centres of employment, and social and economic opportunities prevents the poor from breaking the cycle of poverty and restricts access to not only job or education destinations, but also to networking about potential opportunities. Despite the successful transition to a democratic system, many public transport users in the country continue to experience long travel times and high travel costs in terms of accessing employment, education and other facilities; factors which are essential for sustainable economic and social development, despite various transport interventions undertaken by government. The results of urban sprawl, of poorly integrated public transport systems, and of infrastructure and planning that has historically privileged private cars are to be seen daily on many of the congested South African roads.

The need for more access to taxis and taxi infrastructure is growing daily, despite interventions with other modes of public transport such as the Rea Vaya Bus system, the Metro Rail and the Gautrain. The land area of Johannesburg is so vast and the polycentric nodal city model makes it such that a

single public transport system is not possible. Multi modal public transport is a necessity to the City. Distances to economic opportunities from residential areas are also still relatively high, thus the need for more taxi infrastructure to support the passengers and reduce travel times and distances.

A taxi holding area is a by-product necessity for the operation of taxis. It is a place to park and wash taxis, provides a space for drivers to have some down time when not on duty, with ablutions, traders and designated space for the drivers. The taxi industry is not similar to other places of employment where employees arrive at a destination/office. The taxi holding area will provide the drivers a space for them specifically to safely break when needed, store the vehicles etc.

The City owning land which is farm land and only has land use rights for agriculture and a dwelling house does not enable the City to provide such facilities and it is therefore necessary to acquire the land use rights for municipal purposes.

It is there for a necessity to ensure underutilised land is developed to accommodate uses which would serve the community, support economic growth, encourage job creation and reduce transit distances and times. The proposed facility is a support use which will be welcomed within the node.

The City of Johannesburg have indicated their support for this use in writing, attached to this application as Annexure Q.

## 6. SPLUMA DEVELOPMENT PRINCIPLES

In terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA), the following principals apply to spatial planning, land development and land use management and are hereby applied to this application:

SPLUMA Referral		Proposed Development Compliance
7(a)	Spatial Justice	The development addresses the principle of spatial justice as it answers to the rectification of previous injustices by improving access to social amenities.
7(b)	Spatial Sustainability	The principle of spatial sustainability is addressed in respect to the fact that the land portion being developed belongs to the municipality and is therefore within the fiscal, institutional and administrative means of the municipality. It further answers to spatial sustainability in the aspect that the development is being implemented in an area that may be considered viable for the development to occur within, and addresses the immediate need to the amenity.
7(c)	Efficiency	The land development optimises the use of government resources, as the development is instituted by the JDA.
7(d)	Spatial Resilience	By implementing the fire station in Alex, the principle of spatial resilience applies in the aspect that the Spatial Development framework supports the type of development that's been instituted in the area, therefore adhering to the vision of the City.

7(e)	Good Administration	The development answers to the broader scope and the microscope of all spheres of government, in that it answers the need of the intention to increase accessibility to necessary social needs in previously disadvantaged townships within South Africa.
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## 7. RECOMMENDATION

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The proposed use is needed in the area and supports the developmental policy of the City of Johannesburg. The proposed taxi holding facility will align with the surrounding area. We therefore recommend that the application be approved.