

**MEMORANDUM IN SUPPORT OF AN APPLICATION  
FOR REZONING OF REMAINDER OF ERF 381, ERF  
436, ERF 442, ERF 441 AND PORTION 1 OF ERF 440,  
MUCKLENEUK**

**November 2022  
PROJECT A1439**



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**MOTIVATING MEMORANDUM IN TERMS OF SECTION 16(1) OF THE CITY OF TSHWANE LAND USE MANAGEMENT BY-LAW, 2016 FOR THE REZONING OF REMAINDER OF ERF 381, ERF 436, ERF 442, ERF 441 AND PORTION 1 OF ERF 440, MUCKLENEUK**

## **1. INTRODUCTION**

Application is hereby made for the amendment of the Tshwane Town Planning Scheme 2008 (Revised 2014) in terms of **Section 16(1)** of the City of Tshwane Land Use Management By-law, 2016 for the rezoning of **Remainder of Erf 381, Erf 436, Erf 442, Erf 441 and portion 1 of erf 440, Muckleneuk** from “**Residential 1**” to “**Special**” for a **Clinic (no overnight accommodation), Medical Consulting Rooms** with a height of 2 storeys and a F.A.R of 0.35 of the said By-Law. The total sizes of the properties above are: 4 528m<sup>2</sup>

It is the purpose of this application to obtain the necessary property rights on **Remainder of Erf 381, Erf 436, Erf 442, Erf 441 and portion 1 of erf 440, Muckleneuk** in order to allow for a clinic, medical consulting rooms on the property. The property is to be consolidated simultaneously with the rezoning application.

## **2. GENERAL INFORMATION**

### **2.1 Property Description**

The properties are known as **Remainder of Erf 381, Erf 436, Erf 442, Erf 441 and portion 1 of erf 440, Muckleneuk**.

### **2.2 Property Size**

The remainder of erf 381 and portion 1 of erf 440 measures 566m respectively and Erven 436, 442 and 441 measures 1132m<sup>2</sup> respectively.

### **2.3 Ownership and Title Deeds**

- 2.3.1** The remainder of Erf 381, Muckleneuk is registered in the name of “**Zuid-Afrikaans Hospitaal**” in terms of Deed of Transfer No **T 73414/2019**
- 2.3.2** Erf 436, Muckleneuk is registered in the name of “**Zuid-Afrikaans Hospitaal**”, in terms of Deed of Transfer no **T 73414/2019**
- 2.3.3** Erf 442, Muckleneuk is registered in the name of “**Zuid-Afrikaans Hospitaal**”, in terms of Deed of Transfer no **T 85462/2021**
- 2.3.4** Erf 441, Muckleneuk is registered in the name of “**Zuid-Afrikaans Hospitaal**”, in terms of Deed of Transfer no **T 17567/2020**
- 2.3.5** Portion 1 of Erf 440, Muckleneuk is registered in the name of “**Zuid-Afrikaans Hospitaal**”, in terms of Deed of Transfer no **T 76601/2022**

*Refer to – Title Deeds*

### **2.4 Bond holders consent**

There are no bonds registered over any of the application properties.

### **2.5 Restrictive Title Conditions**

There are restrictive title conditions in all five title deeds of the properties, a removal of restrictive title conditions application has been lodged to remove these conditions.

### **2.6 Locality**

Remainder of erf 381, Muckleneuk is situated at 325 Mentz Street  
Erf 436, Muckleneuk is situated at 333 Mentz Street  
Erf 442, Muckleneuk is situated at 346 Berea Street  
Erf 441, Muckleneuk is situated at 344 Berea Street  
Portion 1 of Erf 440 is situated at 320 Berea Street

*Refer to – Locality Plan*

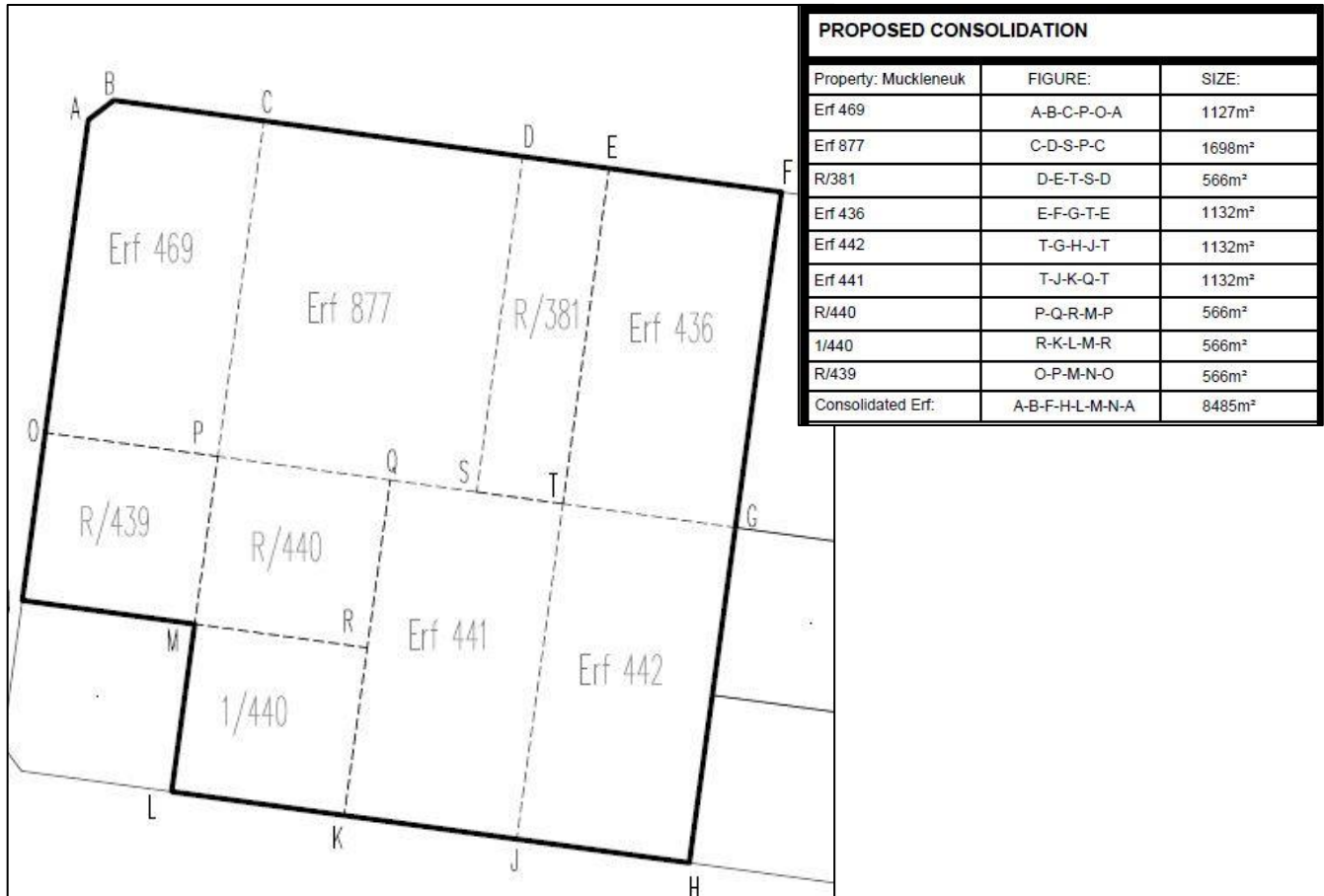
### **2.7 Zoning**

The zoning of all five erven mentioned above is “**Residential 1**”. The zoning of the surrounding properties are indicated on the attached Zoning Plan.

## 2.8 Proposed Zoning

**“Special” for a Clinic (no overnight accommodation), medical consulting rooms with a height of 2 storeys and a F.A.R of 0.35**

It should be noted that a consolidation application in terms of section 16(12) will also be submitted in order to consolidate **Remainder of Erf 381, Erf 436, Erf 442, Erf 441, Erf 469, Erf 877, Remainder of Erf 439, Remainder 440 and portion 1 of erf 440, Muckleneuk.**



## 3. MOTIVATION

The aim of this memorandum is to motivate the merits of the rezoning of the properties and the desirability of the land use change in light of the land use character and urban context, built form, character of the area, need and desirability of the application, public interest, engineering services, open space, social amenities as well as the various National, Provincial and Municipal council policies and frameworks. The application site is situated in an area which has a unique character and certain special circumstances apply. These special circumstances form a crucial part in the motivation of the application and will be discussed in more detail in this memorandum.

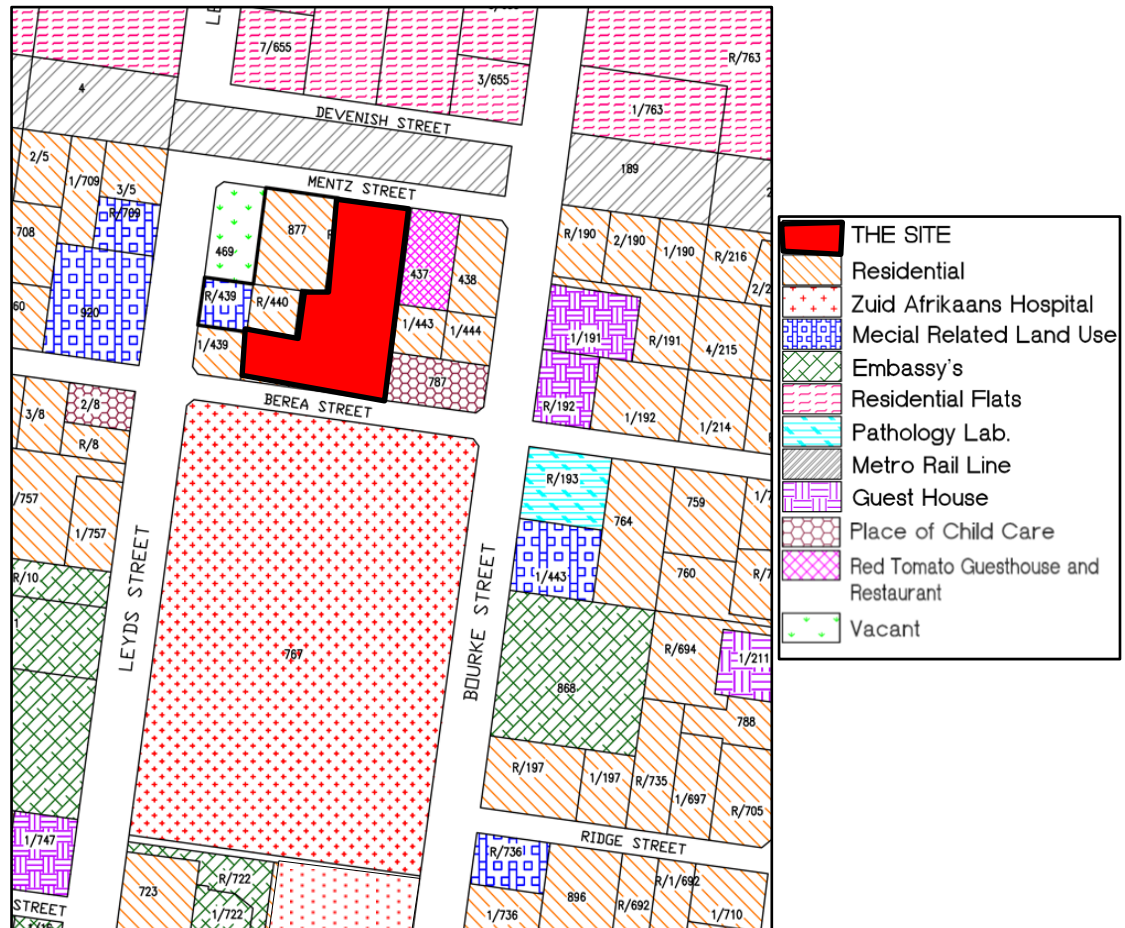
### 3.1 The urban and land-use context of the area

The township of Muckleneuk is in general terms a residential area, with other non-residential uses present and scattered in the vicinity of the Zuid-Afrikaans Hospital and application site. It is also one of the oldest neighbourhoods in Pretoria, and has undergone notable changes in the last two decades in terms of demographics and context/role within Pretoria. Being almost on the periphery of the inner city, Muckleneuk is flanked by the high density mixed use areas of Sunnyside, UNISA, Head Quarters of the South African National Parks, the Telkom Tower and the University of Pretoria's Groenkloof Campus.

The Lukasrand Ridge also runs east-west along the southern part of the entire Muckleneuk neighbourhood and is one of the major form-giving elements in the area and also results in an increased attractiveness to the area (elevation). The neighbourhood stretches along the northern slope of the ridge and provides an

impressive and desirable view of the CBD and Union Buildings for the residents of the area residing on the ridge. The neighbourhood is also separated from Sunnyside by the Metro Rail line coming from Pretoria Central Station.

The plan below illustrates the most significant land uses in the vicinity of the site. The Zuid-Afrikaans Hospital draws a large number of people to the area seeking medical services and is also the main catalyst that attracts other non-residential/medical related land uses to the area. The western part of Muckleneuk along Berea, Leyds and Bourke Streets, the three streets that surrounds the hospital, has seen an increase of **non-residential** land uses over the past few years, most notably medical-related uses.



This wide variety of land uses include a pathology laboratory, optometrists, medical consulting rooms, guest houses, boutique hotel and a number of embassies. To be more precise, there are 5 foreign diplomatic missions established as well as 4 properties (other than the hospital) which are currently being used for medical purposes. **Erf RE/193, Muckleneuk is zoned "Special" for a pathology laboratory**, the rights for the laboratory were approved in 2011 and **Erf 1/191, Muckleneuk is zoned "Special" for a home office for a physician**. The Red Tomato guesthouse and restaurant is situated on Mentz Street on Erf 437 east of the application site.

The site also enjoys great locality in terms of proximity to related land uses in the area, more notably it is located near the Zuid-Afrikaans hospital and is easily accessible from the surrounding areas. Looking at the extract from the land use plan above it is clear that a **number of other non-residential land uses have emerged around the hospital**. The application site is thus a prime candidate for the proposed use given the land use structure and character of the larger area as discussed above. This is an important consideration when assessing the context of the site within the greater urban movement network. Erf 721 and Portion 1 of Erf 720, Muckleneuk are also zoned for Medical related uses and parking which is currently used by ZAH as parking.

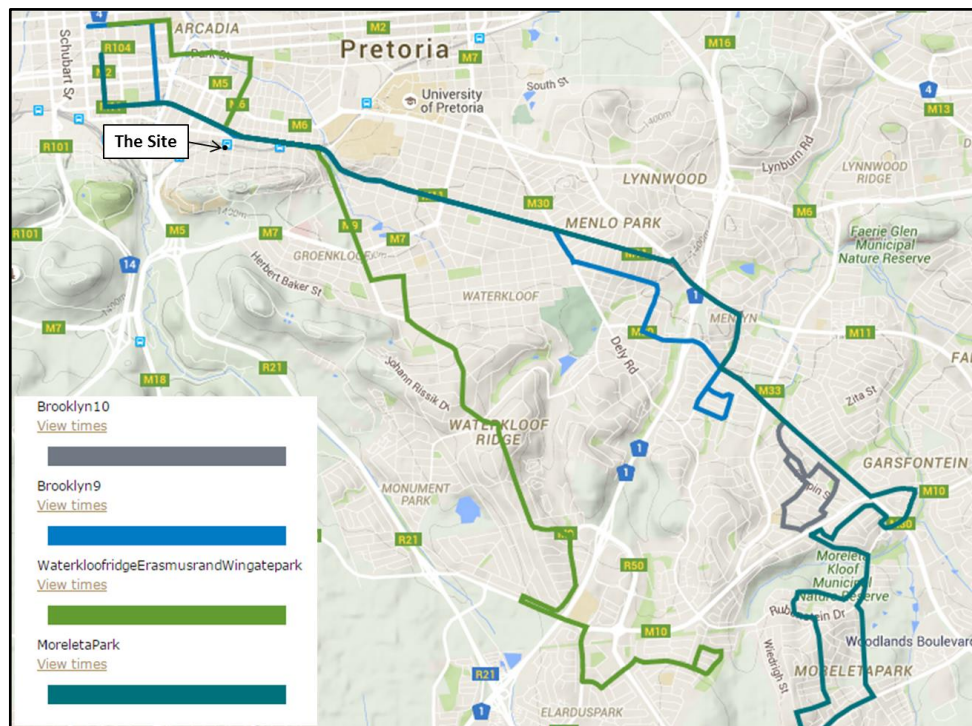
### 3.2 Movement and connectivity

The neighbourhood is surrounded by major roads such as Florence Ribeiro, George Storrar Drive, Justice Mahomed/Walker and Rissik Streets. These roads are all inter regional connectors connecting the east of Pretoria with the west. The site also has great access to Nelson Mandela Drive and Elandsport Street which connects to the R21 and N14 highways.

The area is thus very well connected with a number of roads within the neighbourhood connecting to the regional connectors. The only street that runs in a north east direction through the entirety of the neighbourhood is Berea Street; this street is also a route of the Tshwane Metro bus.

As mentioned above the site is surrounded by public transport routes. the Tshwane “**Lukasrand**” and “**Muckleneuk 7 and 8**” **Metro bus routes** as well as the Devenish Metro Rail Station is in the vicinity of the application site. The lines as indicated on the following page connect the neighbourhoods of Muckleneuk and Groenkloof with the CBD. This is of great benefit to the application site given its location in relation to the Zuid-Afrikaans Hospital. The City is investing heavily on public transport, and this also further motivates the application in terms of the SPLUMA development principles discussed later in this memorandum. (Reference: *Tshwane Bus Routes*, <http://www.tshwane-busroutes.co.za/map.php>)

The map below indicates four other Metro bus lines that run along Rissik and Justice Mahomed Streets from the CBD to the east of Pretoria passing Muckleneuk near the application site. The bus stops for these lines are situated 350m away from the site in Justice Mahomed Streets and 650m away in Rissik Street. The four lines passing the Muckleneuk area are the **Brooklyn 9 and 10 lines** which run along Justice Mahomed Street, Atterbury Road and Lois Avenue. The line runs through the following neighbourhoods, Muckleneuk, Nieuw Muckleneuk, Brooklyn, Menlo Park, Menlyn and Constantia Park.



The **Moreletapark line** runs along the same roads as the Brooklyn 9 and 10 lines, except the line turns left in Garsfontein road and crosses Solomon Mahlangu Drive turning into the Moreletapark area. The last line is the **Waterkloof Ridge, Erasmusrand, Wingatepark line** connecting to these areas via George Storrar Drive and Rigel Avenue passing through neighbourhoods of Muckleneuk, Nieuw Muckleneuk, Waterkloof, Waterkloof Ridge, Waterkloof Glen, western parts of Monument Park, Elarduspark and turning near Wingate Park Golf Club.

The metro bus lines mentioned above are not the only public transport in the vicinity of the application site, Devenish Metro Rail station is situated directly north of the application site with access to the platform via Bourke Street, and a large number of taxi's travel through the area. The **IRTPN Bus station** at the intersection of Kotze and Bourke Streets is situated approximately 650m north and the Pretoria CBD Gautrain Station is

situated 1.8km west of the application site.

The close proximity of the site to these public transport modes is an important consideration when assessing the context of the site within the greater urban movement network, especially given the fact that the application is for a clinic and would benefit greatly from good access to major arterial routes and public transportation systems.

The site also enjoys great locality in terms of proximity of related land uses in the area, more notably around the Zuid-Afrikaans Hospital. The mentioned professional practices and specialised land-uses have not emerged by chance and are the result of a favourable location and conditions for success.

The concept of creating **walkable cities** is a concept which has gained significant momentum in recent years, and with good reason. Our cities are defined by motorized transport, roads infrastructure, development trends, and the urban fabric in general have been shaped, and are informed by the vehicular modes of transport. By promoting and allowing development to take place in area where people can use non-motorised forms of transport (or at the very worst public transport) one realizes a multitude of positive spin-offs. The goal of becoming a walkable city is a monumental one, and for now we should focus on strengthening the areas where this ideal can be met along activity corridors, in mixed-use areas, and close to places of employment and **public transport**.

The application site is thus a prime candidate for the proposed use given the land use structure and character of the larger area as discussed above.

### 3.3 The Nature of a Clinic

It is important to clarify and understand what a clinic is, and provide a better understanding of the types of activities take place at such facilities, and also shed light on how such facilities typically operate. The term “day clinic” is a same day surgical facility that can cater for the healthier type of patients who need a surgical procedure performed and **do not need to stay overnight in a hospital**.

Although 65-70% of all cases internationally are performed in day hospitals and not in acute large private hospitals, in South Africa only 7% of cases are currently performed in day hospitals/clinics and there is a huge drive from medical schemes – due to the rise in healthcare costs to increase this 7% to 40%. The problem is that there are not enough day hospital facilities in South Africa.

**Procedures which are typically performed in day clinics/day hospitals include:**

- Cataract surgery and eye lid surgery;
- Gastrosopies and colonoscopies;
- Cystoscopies;
- Arthroscopies;
- Bunion procedures;
- Hernia repairs;
- Varicose veins stripping;
- Excision of skin lesions, excision of ganglion;
- Breast biopsies; and
- Manipulations under general anaesthetic;

The clinic facility will provide patients with a competent multi-disciplinary day surgery hospital team where they will be met with the warmth and comfort of family environment. The doctors are part of the solution of cutting healthcare costs.

The purpose of this small facility is to avoid the cold, typical hospital-like atmosphere and the facility is small, manageable and practical with a pleasant atmosphere.

### The key benefits of this type of facility are the following:

- No overnight stay for patients;
- Healthy patients are admitted and recover at home after the procedure;
- Quick procedures performed by capable medical team;
- Patient-friendly environment;
- Safe medico-legal practice;
- Ethical business practice;
- Doctors involvement;
- Less risk to patients of infection;
- Close proximity to Zuid-Afrikaans Hospital if need arises to transfer a patient; and
- Lesser impact on traffic generation due to the nature of the procedures and typical hours of operation.

The proposed facility is in close proximity to the Zuid-Afrikaans Hospital, Jacaranda Hospital and the Little Company of Mary (LCM) hospital. This is a key consideration and is more fully motivated below.

The proposed clinic will be in close vicinity to, Zuid-Afrikaans, Jacaranda and LCM hospitals. This is suitable as the same specialists working at the proposed clinic will be operating on normal long-stay cases in acute facilities. This provides convenience to both patients and specialists to freely move between the acute facility and the day hospital. Doctors would utilize the day hospital for same-day surgical cases and then return to their rooms for consultation or proceed in theatre at the acute large hospital facility with longer-stay patients.

There is a clear distinction between same-day surgery cases and longer-stay cases. In the experience and from feedback from doctors, they are continuously in need of additional theatre time or available beds to admit patients. To move the short-stay cases to a clinic facility, the acute facility will have ample capacity for longer-stay cases.

Quite often dental and minor procedures do not receive priority time in an acute facility. These cases are performed at a clinic. The co-payments (shortfall payment) of patients which are part of their scheme rules are either waived at a clinic, or much less.

While the perception may be that the clinic competes with the acute facility, in terms of mix-case, this cannot be the norm and the cases performed in a clinic in defined, demarcated and specifiable to a great extent. The clinic can in fact assist the acute facility in optimizing theatre time for bigger, more complex and more urgent cases while the smaller cases can be allocated to the day hospital/clinic.

Clinics will not replace the need for acute bed hospitals in this case it will ensure that more beds are available for patients who have to stay overnight or longer in Zuid-Afrikaans hospital. The case-mix, especially major surgery, trauma, patients with unstable conditions or co-morbidities, as well as surgery requiring overnight stay and monitoring can only be served in an acute bed hospital. If a patient requiring admission for a day-procedure has co-morbidities and would be risk-admission in a day-facility, the case would rather be admitted to an acute hospital. It is more cost-effective (less expensive) to have procedures performed in a clinic facility than an acute hospital facility.

The detail provided above is to give a background of the difference between acute hospitals and clinics.

### 3.4 Desirability of the proposal

The purpose of this memorandum is to motivate the **desirability** of the proposed rezoning of the application properties. Any change in land use in a given area has to take into account the likely impact of the said land use change on the existing urban context, built form, character and rights of surrounding property owners – to name a few. This section seeks to prove that the proposed rezoning and subsequent development of the proposed building on the site is indeed desirable.

The need to consolidate the properties is due to practical considerations, and will enable the full development of the site and ultimately result in the optimal use of available land for the development

proposal. A development such as the one proposed herein is well-suited to the market demands at present and the development of a single erf of 2830m<sup>2</sup> (the consolidated erf) can meet the requirements of the market.

The area surrounding the application site is one of the busier areas within the Muckleneuk suburb. This is partly due to the Zuid-Afrikaans Hospital and embassies in the vicinity of the application site. Leyds Street which becomes Mentz Street is also classified in the RSDF, 2013 as a Mobility Road which serves as an important connector to George Storrar Drive and Justice Mahomed Streets and is the only road crossing over the ridge.

When evaluating the specific impact that the change in land-use of the application site will have on the immediate area surrounding the application site, one needs to take into account the rights of the other existing property owners. In this case, the owner of the site is working closely with the architect in order to ensure that the new building which will result from this application will be in sympathy with the character of the neighbourhood, and mitigate potential negativities with respect to the adjacent property owners. Careful consideration will be given to the privacy, aesthetics and overall enjoyment of the adjacent properties.

In order to protect the rights of adjacent property owners, the standard building lines in terms of the Tshwane Town planning Scheme, 2008 (revised 2014) will be adhered to, the height has been limited to 2 storey's and access to the new development has been accommodated for from Berea and Mentz Streets, and the necessary parking provisions can be provided on site in terms of the relevant parking requirements of the said scheme – see site plan.

The main concern for most existing residents living in the area will undoubtedly concern the protection of privacy, the preservation of the character of the neighbourhood, and of course the ever-important property price considerations.

Our firm is of the strong opinion that the development of a high-quality clinic, medical suites will not have a detrimental impact on the existing properties, and will not constitute an unreasonable addition to the area given the current land-use context and existing medical related uses. The privacy and protection of the existing character and visual quality of the area will furthermore be protected by means of strict development controls for the site.

### **3.5 Need for the proposed land use change:**

In the previous section, the desirability of the application was motivated. This section seeks to motivate the need for the proposed land use change in light of the following:

- Interest of the General Public (Section 42.(1)(c)(i) of SPLUMA)
- Benefit of the proposed land use change

#### **3.5.1 Interest of the General Public (Section 42.(1)(c)(i) of SPLUMA)**

The application to rezone the property to obtain rights to allow for the use of the property and buildings thereon for the land uses as per the “Special” for a clinic, medical consulting rooms needs to be evaluated against the general public best interests. The application site is owned by the Zuid-Afrikaans Hospital and the proposed zoning is to obtain land use rights to accommodate doctors on the application site. This section of the memorandum will prove that the proposed clinic, medical consulting rooms is in fact in line with the interest of the general public.

Erf Re/439, Muckleneuk (one of the application properties) is currently being used as a medical consulting room by a doctor who was situated in the Zuid-Afrikaans Hospital. The reason for the rezoning application is to establish a facility which caters for short stay medical procedures. The need for more bed space is also evident with the current extension being built on the southern part of the hospital.

As discussed above, the site enjoys good access to various areas which have or create a demand and supply of economic activities and factors. Most importantly, the site finds itself in an area where there

is a prominent occurrence of non-residential land uses surrounding the hospital, and more importantly a strong medical orientation is evidenced by the already-existing land uses.

The Tshwane RSDF, 2018 was compiled, bearing in mind the inputs and concerns of the residents of Pretoria. These concerns were raised in many cases by the so-called Residents Associations and Community watchdogs. The RSDF is thus a reflection of the public interest and should be seen as the guiding document which needs to be used in order to analyse any changes in the land use of a property.

Moreover, the substantial bulk service contributions which will be levied as a result of this change in land use will result in infrastructure upgrades in the immediate area which is undoubtedly in the public's best interest. Engineering services are increasingly under strain in the city, and in many instances the existing infrastructure is insufficient. By approving the land use rights and allowing the development of the proposed clinic, medical consulting rooms on the application site, infrastructure will be upgraded in the area (see Section 6 of this memorandum) – something which is definitely in the best interest of the residents of the area.

It is obvious that residents of the City of Tshwane need good health-care facilities which are easily accessible, and provide a sufficient variety of medical services. The erven directly adjacent the Zuid-Afrikaans hospital are ideally suited for the expansion and diversification in the medical-services field, and such diversification should be supported by Council where such applications have good merit, as is the case with the application site.

The next section discusses the various levels of planning policies and development perspectives in greater detail.

### 3.5.2 Benefit of the proposed use

One of the key advantages of the site is its location in the vicinity of Zuid-Afrikaans Hospital and to a number of inter-regional connectors as mentioned above. With the excellent public transport facilities which are being phased into the city, the residents who will work in the proposed development will have quick, easy and safe access to **both public and private transport routes/modes**. As seen on page 4 of this document, there are three Metro Bus lines in the vicinity of the site as well as **two bus stops and Devenish Metro Rail station** within **walking distance of the site**. The Pretoria **CBD Gautrain** station is also situated 1.8km west of the application site and the **IRTPN Bus station** is situated 650m north of the application site at the intersection of Kotze and Bourke Streets.

It can furthermore be accepted that there is sufficient reason to believe that the proposal would be a positive addition to the area in terms of aesthetics, function and new investment. A site such as the one under consideration is a prime candidate for quality development that will serve the needs of the market and for the surrounding Muckleneuk, Sunnyside, part of Arcadia, Groenkloof and CBD for a number of years.

As a practical exercise, we used data obtained from Mapable, 2015 and found that the total population in a 1 km radius of the application site is approximately 65 000. This figure was obtained by using 2011 census data and we estimate this number to be greater given densification over the past five years. It is quite clear and obvious that such a densely populated area will benefit greatly from the proposed clinic, medical consulting rooms. One can go as far as saying that the same principle applies to the establishment of the medical node as discussed in Section 5 of the report.

The benefit of the development of existing properties (as proposed herein) are numerous, and perhaps one of the most important benefits for the community is the more efficient use of land, infrastructure and existing community amenities and facilities in the area. Public transport also flourishes in areas where the population density is relatively high (also applies to places of economic opportunity) and the spatial form is more compact. The application site enjoys great access to 4 major transport routes, the Gautrain Pretoria CBD Station and the R21 Highway.

The benefits of concentrating medical related uses around hospitals are obvious; examples of this are evident around Die Wilgers Hospital, Eugene Marais Hospital and other hospitals throughout Pretoria. The same principle applies near schools where crèches and day care facilities are commonly found.

From an **aesthetic point** of view, this application will allow the developer to bring about a complete

revamp of the existing physical appearance of the properties and the street facade with access to the erf to be obtained via Leyds and Mentz Streets (see site plan attached). Sufficient development control measures are provided for in line with the town planning scheme.

In summary, the application for the rezoning of the subject properties is not only desirable, but also necessary in order to realise the optimal use of the existing infrastructure and land, and this should be seen as beneficial for not only the residents and people who work in and around the Zuid-Afrikaans Hospital, but also the residents of the City of Tshwane and the Municipality itself.

The next section discusses the various levels of planning policies and development perspectives in greater detail.

### 3.5.3 Market Retail Study

**The market retail study was done in 2021 by Demacon and had the following conclusions**

*“The properties of the proposed development are located along Leyds Street which becomes Mentz Street classified as a Mobility Road by the RSDF. Leyds Street not only acts as a connector road, but trends indicate pockets of mixed-use developments located alongside such roads also creates opportunities for mixed-use development alongside the road. Nonetheless, the RSDF earmarked the area where the properties are located within for suburban densification, which is also on the edge of a linear zone. The 2013 RSDF was revised in order to enable for the establishment of a “medical node” around the Zuid-Afrikaans Hospital which has existed for approximately a century in this area and has since attracted a number of non-residential uses into what was predominately a residential area. Since the revision, the current 2018 Council Approved Region 3 RSDF identified the area around the Zuid-Afrikaans Hospital as a node and earmarked the area for Mixed-Use Development.*

*The local area can be described as bustling despite its dated retail and business environment. The area is well-known for its retail and transportation function. The local area is characterised by notable pedestrian and commuter activity.*

*As evident from preceding sections, the Zuid Afrikaans Day Clinic is located within proximity to numerous key points of interest and will be impacted by various planning initiatives associated with the Inner City. Most notably, initiatives anticipated to positively impact the project include the development of the Government Estate, the West Capital, Northern Gateway Precinct and public transport infrastructure.*

*It is anticipated that the surrounding environment will experience notable densification over the medium term with key developments anticipated to include residential, retail, commercial and student accommodation activities.*

*The **expansion and introduction** of new healthcare are therefore in line with the **general nodal development cycle** and will contribute towards the **strengthening** of the area. This bodes well towards the proposed private day hospital development.”*

It is clear from the market study that there is sufficient evidence that the proposed development is easily accessible, feasible and will make a massive social and economic impact within Region 3 and the bigger part of Tshwane.

## 4. SPLUMA PRINCIPLES, PLANNING POLICY AND THE RSDF

### 4.1 SPLUMA Principles

The planning policy landscape has seen a big change with the coming into operation of the Spatial Planning and Land Use Act, 2013 (SPLUMA). This Act brings with it a change in the way development planning needs to be addressed, and places a greater emphasis on the engineering aspects of the urban environment. Historically the engineering and town planning aspects were separated to some degree, especially in the case of rezoning applications.

SPLUMA contains several development principles (Chapter 2), which in broad terms address aspects such as:

- **Spatial justice** (past development imbalances);
- **Spatial sustainability** (realistic land development, environmental concerns, limit urban sprawl);
- **Efficiency** (optimize existing land and infrastructure);
- **Spatial resilience** (ensure flexibility to absorb and cope with economic and environmental shocks);

- and
- **Good administration** (integrated approach to land use and development, holistic spatial frameworks, clear policy directives).

The context and legislation by which an application is brought before the Local Authority shall determine which principles are applicable and should be adhered to. Insofar as this application for the rezoning are concerned, the most pertinent development principles which apply are found under the principle of spatial sustainability, efficiency, spatial resilience and good administration.

Although this application does not directly work towards **rectifying past spatial imbalances**, it is submitted that this application for the proposed rights will **contribute in terms of bulk service contributions** which will assist the Municipality in addressing these spatial imbalances through **infrastructure investment**, not only in the vicinity of the application site, but also in areas of need. The **employment generated** by the granting of rights for a clinic, medical consulting rooms on the application site will arguably also seek to include previously excluded persons, staying in areas that was formalised as a result of apartheid spatial planning, in terms of access to employment (**being situated close to public transport**).

The bulk contributions may also be used by the City of Tshwane to rectify or mitigate these imbalances where they exist.

The application promotes the principle of **spatial sustainability** in that it promotes land development that is within the fiscal, institutional and administrative means of the Republic, promotes and stimulates the effective and equitable functioning of land markets, considers all current and future costs to all parties for the provision of infrastructure and social services in land developments, promotes land development in locations that are sustainable and limit urban sprawl, and results in communities that are viable.

The physical infrastructure which will be realised as a result of this land use change will help achieve and support the objectives above. The application site limits urban sprawl, **promotes development within a key strategic location (close proximity to a number of residential neighbourhoods as well as mobility roads and public transport systems (notably the Tshwane Metro bus and rail systems and new BRT))** and will help contribute to the viability and sustainability of the area. Viability and sustainability in this case implies that a harmonious balance be maintained between the proposed medical node and surrounding residential neighbourhood. The emerging medical node needs to be catered for (see proposed medical node plan on page 16) due to capacity requirements arising from residential densification in the greater area.

The development of capacity in the area around the Zuid-Afrikaans Hospital is a great way of promoting spatial sustainability given that such areas are generally well-supported by transport mechanisms (private or public), create economic opportunity, and serve to build economic relationships between stakeholders and individuals living in the area. The clinic, medical consulting rooms proposed herein seeks to provide space where doctors can perform small surgeries where the patient does not have to stay the night. The Zuid-Afrikaans Hospital saw the opportunity for the clinic, medical consulting rooms to be established on the application site given that the required bed space inside the hospital has become a challenge.

The application promotes the principle of efficiency as this land development **optimises the use of existing resources and infrastructure** and will contribute to the infrastructure where upgrading will have to be done. This goes together with the principle of spatial resilience given that the rights cater for non-residential medical/office rights, whilst being in sympathy with the existing urban fabric and being mindful of the likely future land use scenario in the Muckleneuk area and the emergence of the medical node as outlined in Section 5 of this memorandum.

## 4.2 National Development and Provincial Spatial Frameworks

The NSDP is a framework focussed on intervention by the State in equitable and sustainable development. The NSDP states that this perspective is: “a key instrument in the State’s drive towards ensuring greater economic growth, buoyant and **sustained job creation** and the eradication of poverty”.

The ultimate purpose of the NSDP is to reconfigure apartheid spatial relations and to implement spatial priorities that will provide basic services to all and alleviating poverty and inequality. The proposed facility

will in effect create between 20 and 30 job opportunities. This application does its part to promote the concept of reversing these spatial inequities by making use of the available built form and human capital within the City of Tshwane. To this end, the application can be submitted as being compliant with the goals and objectives of the NSDP.

It is mentioned in the **Gauteng Planning and Development Act, 2003**, that there are a number of principles that will promote spatial restructuring and development. One of the key factors to encourage development and land use is to promote more **compact development** and to **limit urban sprawl**. It also stipulates that development that optimises the existing resources such as engineering services and social and community facilities should be encouraged.

The application under consideration **limits urban sprawl** by making use of **existing infrastructure, adjacent to existing transport routes**, in an already developed urban area/economic node. In this instance the proposed development is located around an existing hospital and as mentioned previously is surrounded by public transport routes and major arterials.

The **Gauteng Spatial Development Framework** identified five (5) critical factors for development in the province (and by implication in Tshwane), namely:

- Contained urban growth;
- Resource based economic development (resulting in the identification of the economic core);
- Re-direction of urban growth (stabilise/limit growth in economically non-viable areas, achieve growth on the land within the economic growth sphere);
- Protection of rural areas and enhancement of tourism and agricultural related activities;
- Increased access and mobility.

The application finds support in these factors except with regards to the protection of rural areas and agriculture related activities as it falls outside the context of rural development. The proposed clinic promotes the enhancement of medical tourism as there are a growing number of foreign nationals who travel to South Africa to have medical operations/procedures done. The reason being that South African doctors are highly skilled and the cost incurred is substantially less than in their home countries.

The application does however **contain urban growth** as it is situated in an area earmarked for residential development in an **existing urban area with supporting land uses**; it will support the **economic core** and is an **injection into an area which will provide sustainable growth and future economic stability** and seeks to establish a medical node in a key locality in Tshwane.

#### 4.3 Tshwane Vision 2055

The purpose of Tshwane Vision 2055 is to provide the City of Tshwane with broad development logic to guide the City's intervention and program decision-making process over the next four decades of game changing.

The City of Tshwane is a polycentric City that is made up of Regions and nodes that possess a number of opportunities. Drawing from experiences of other cities, the combination of these opportunities and the principles of spatial transformation dictate that we, through our Regions:

- Drive spatial transformation through densification and **compact development**;
- Address many of the **ills currently caused by urban sprawl**;
- **Achieve a balanced sustainable growth to optimise the potential and infrastructure capacity**;
- Revitalise and develop new economic nodes that **support transit-oriented development and public transport systems**;
- Strategically invest in infrastructure targeting various nodes, corridors, activity spines, and strategic land parcels that support higher intensity of mixed use development;
- Achieve a balanced sustainable urban growth by implementing a certain density typology based on the characteristics of the locality;
- Conserve and protect natural resources through the intentional ordering of urban development

- within the boundaries of specific delineations; and
- **Give equal access to the City's social and economic infrastructure.**

#### 4.4 Integrated Development Plan 2011- 2016 (IDP)

The aim of the IDP for Tshwane is to present a coherent plan to improve the quality of life for people living in the City of Tshwane (CoT) area – also reflecting on issues of national and provincial importance. One of the key imperatives was to seek alignment with national and provincial priorities, policies and strategies.

According to Section 26 of the Municipal Systems Act, 2000 the Municipal Spatial Development Framework (MSDF) must be aligned to the IDP. All other spatial plans must be aligned with the MSDF. Therefore no spatial plan of the CoT may contradict the MSDF or the IDP.

According to the MSDF: “The purpose of a spatial framework for the city is to provide a spatial representation of the City Vision and to be a tool to integrate all aspects of spatial (physical) planning such as land use planning, planning of a pedestrian, vehicular and other movement patterns, planning regarding buildings and built-up areas, planning of open space systems, planning of roads and other service infrastructure, as well as to guide all decision-making processes regarding spatial (physical) development.”

The MSDF for Tshwane set out seven Strategic Objectives to respond to the vision of the City of Tshwane becoming The African Capital City of Excellence and to restructure the city's fragmented, inequitable and inefficient urban form. The MSDF also focus on creating more equitable, efficient and environmentally and financially sustainable urban dispensation in line with current legislation and policy. The Strategic Objective 3 set out in the MSDF, sustainable communities with clean healthy and safe environment and integrated social services, focusses on the following:

- “Restructure the spatially inefficient City through **compaction, densification and transport orientated development (TOD)**;
- Promote sustainable use of land resources;
- Growth management;”

The compaction and **functional integration** of the city are normative directives from national level, and implies:

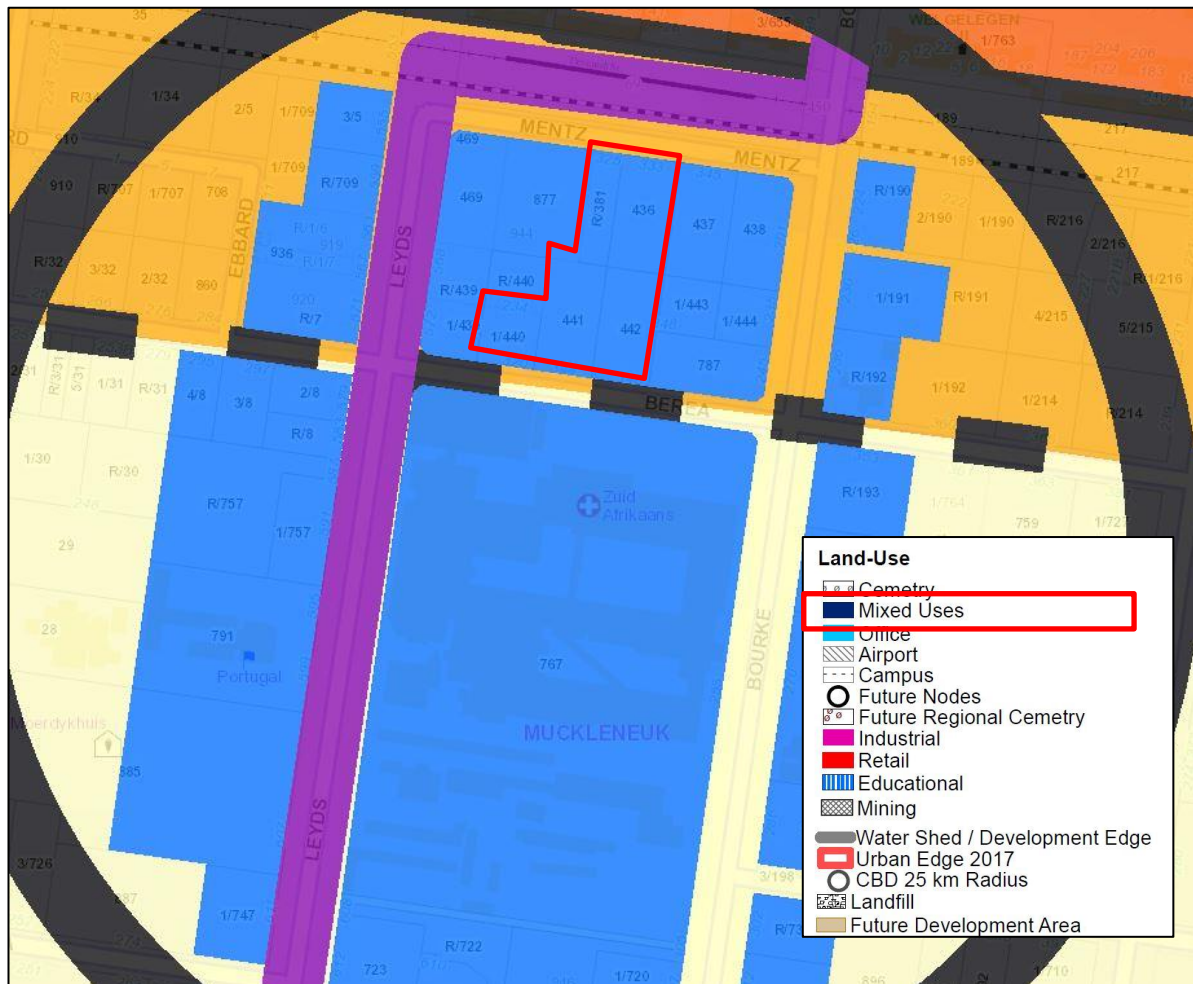
- Higher density urban development;
- **Greater mixing of compatible land uses**; and
- Focussed concentration of high-density residential land uses and intensification of non- residential land uses in nodes, around transit stations (such as the Gautrain, BRT, Rail and other formalised intermodal transport facilities (See chapter 5 discussion of the Spatial Economy of Transport planning) and along **activity corridors**.

This application **conforms to these directives of the IDP**. Following on from the MSDF are the following supporting spatial plans that are applicable at smaller scales, i.e. Regional Spatial Development Frameworks (RSDFs), Local Spatial Development Frameworks (LSDFs) and Precinct and/or Site Plans (in descending order of scale). The application finds support in the broad context of these development concepts given it's very location, benefit to the community and the fact that the development of the site will create a number of positive spin-offs which are in favour of the goals and objectives of these overarching development policies.

The next section takes a closer look at the site in the context of the Tshwane RSDF, which provides a more detailed reference point/guideline in the evaluation of land uses.

#### 4.5 The Tshwane RSDF, 2018

The RSDF, 2018 for Region 3 is the implementation mechanism for the City's strategic intentions as set out in the MSDF as well as other strategic policies. The purpose of the RSDF is to furthermore deal with the following: “Densification, Public transport and Movement, Urban Growth Management, Rural Management, Open space and conservation, Nodal development and job opportunities”.



According to the RSDF, 2018, the application site is located within a Medical Node which is earmarked for “Mixed Use”. In terms of the RSDF, 2018, **Mixed Use** is as: “...land uses such as **offices/ commercial/ residential/ industrial/ retail/ entertainment/ institutional** etc. It also refers to a mix of uses within a specific area (node or corridor). The advantage of mixed uses is that access and convenience are increased as transportation distances are decreased. The combination depends on the specific area. A mixed-use could refer to retail at street level, institutional on the floor above and residential on the upper floors, or only use per erf. Principles regarding retail, commercial and industrial uses/ rights are still applicable as indicated in this document. Mixed land use in an industrial area could include industry, commercial and retail uses.” (page v).

According to Page 50 of the region 3 RSDF, 2018 medically related uses are supported in the areas adjacent to hospitals. “Various specialised medical nodes are also encountered in Region 3, particularly at some of the larger hospitals such as Eugene Marais in Les Marais and **Zuid-Afrikaans** in Muckleneuk. **At these nodes medically related uses are supported in the areas immediately adjacent to the hospitals**”

Considering the above, it is evident that the proposed “Special”-zoning is directly in-line with the earmarked land-uses for the area.

The land use as described in this motivating memorandum will be to the benefit of the greater community given the fact that it is an opportunity to improve the amenity, aesthetic and use of the site while contributing to the good order of development and sustainable use of existing infrastructure.

The proposed development is in close vicinity to other non-residential land uses and facilities which complements the proposed medical consulting rooms, medical related services and/or parking, and is aimed at optimising and maximising the function and feasibility of the area on a day-to-day basis. The use of the site will not differ substantially from the other non-residential land uses surrounding the hospital whether

these other land uses are legal or not.

As mentioned earlier, there is a definite trend/pattern of non-residential land uses in the area, and it will not stop any time soon due to the locality to the hospital and the desired location for embassies residing in the Muckleneuk area. Other Erven on the intersection are not being used for residential purposes (Erf 767 – Hospital, Erf Re/193 – Pathology Laboratory, Erf 437 – Red Tomato Guesthouse and Restaurant and Erf Re/192 and Erf 1/191 – Waterkloof Guesthouse). Erf 1/191 is zoned “Special” for a home office for a physician.

There are a number of medical-related land-uses in the vicinity of the hospital. These land uses, medical consulting rooms, are situated mostly to the west of the hospital along Leyds Street (Erf 919, Erf Re/709 and Erf Re/439) and the other land uses, a psychiatrist (Erf Re/736) and optometrist (Erf 1/184), are situated in close proximity to the application site along Bourke Street. The need for these land uses around a hospital is clearly evident as set out above and this trend is also clear around other hospitals in the Pretoria region.

The residential quality of the surrounding area will not be influenced as the majority of the non-residential land uses surrounding the hospital has been approved years ago.

Moreover, the application aims to promote employment generation, affords Council and the public the opportunity to have a say in the built-form, health and safety aspects of the development/land use, and seeks to promote the concept of a sustainable community by providing a much needed land use which is in demand in the area. The site meets this requirement.

The application site is well-equipped for the proposed facility and is in line with most of the principles set out in the national, provincial and local Spatial Development Frameworks. The intended land use will not be a burden on its surrounding land uses and therefore our firm is of the strong opinion that this application can be considered for approval by Council.

## 5 THE PROPOSED RIGHTS IN CONTEXT OF THE AREA AND RSDF

The development pressure for non-residential land uses around the Zuid-Afrikaans Hospital is increasing and is evidenced by the number of non-residential land uses (legal or otherwise), within the vicinity of the hospital. The hospital was established in 1904 after the Anglo-Boer War and is still functioning today with a total number of 134 beds. The hospital has been operating for **more than 100 years in Muckleneuk** and is not identified in the RSDF, 2018 as an important amenity/service within the area of Muckleneuk. The RSDF, 2013 is only an implementation mechanism and does not specify site specific detail but it is a common notion that community features such as hospitals, churches, schools etc. be established within the community it serves.

The proposed facility is situated within a residential neighbourhood serviced by public transport and has access to major transport routes. The proposed clinic, medical consulting rooms are situated within walking distance of Sunnyside, a neighbourhood that is characterised by high density development and the proposed facility will be a benefit for the residents of Muckleneuk, Sunnyside and the larger area.

The hospital is currently expanding to the south of the existing hospital to accommodate the increased demand for beds in the hospital. Ampath which is currently situated on Erf Re/193 was also located in the hospital, but due to the high demand of bed space in the Zuid-Afrikaans Hospital had to move out of the hospital. This is an ever increasing problem for the Zuid-Afrikaans Hospital (and many others) as the demand for a higher number of hospital beds and patient throughput is increasing. The proposed clinic, medical consulting rooms will complement the hospital by freeing up valuable bed space in the Zuid-Afrikaans Hospital for patients that has to stay in an acute facility. According to the Day Hospital Association of South Africa (DHASA) more than **60% of all surgical procedures** can be performed in day clinics.

The Zuid-Afrikaans Hospital management saw an opportunity to establish a clinic, medical consulting rooms on the three said erven due to its locality to the hospital and the abovementioned pressure on the current facility. The intension is to create a facility where minor surgeries are done and patients do not have to stay overnight. This will in effect release the pressure of ensuring enough bed space within the hospital for patients that have to stay overnight or longer. The clinic will also open up some of the surgeries/operating rooms within the hospital that was used for the minor surgeries.

## 6 ENGINEERING SERVICES, OPEN SPACE AND SOCIAL AMENITIES

In order to more fully align the application with the requirements of the SPLUMA Act, it has been deemed necessary to place greater emphasis on the engineering services applicable to the area. The importance of this is quite clear and this section of the memorandum will touch on the most important aspects of the engineering services in the vicinity of the application site.

Having said the above, the application site finds itself within an approved township which was established more than 80 years ago. The application site is thus located in a serviced township and the site itself is serviced by piped water (provided by the scheme), electricity, piped sewer infrastructure and telecommunications infrastructure (Telkom etc.).

The application site is well-serviced in terms of social amenities and recreational open space. The site is surrounded by social facilities such as Zuid-Afrikaans Hospital, Little Company of Mary Hospital, Jacaranda Hospital, numerous guest houses, embassies, UNISA Main Campus, Tuks Groenkloof Campus, South African National Parks Head office, Groenkloof Shopping Complex, Barclay Square Shopping Centre, Harlequins and Pretoria Rugby Clubs, Walker Creek Office Park, Crawford High School, Devenish Street Metro Rail Station and Lukasrand Metro Bus Stop.

Given that the application is for medical consulting rooms, medical related services and/or parking, there are no requirements for open space, although the existing open space should be considered and treated sensitively.

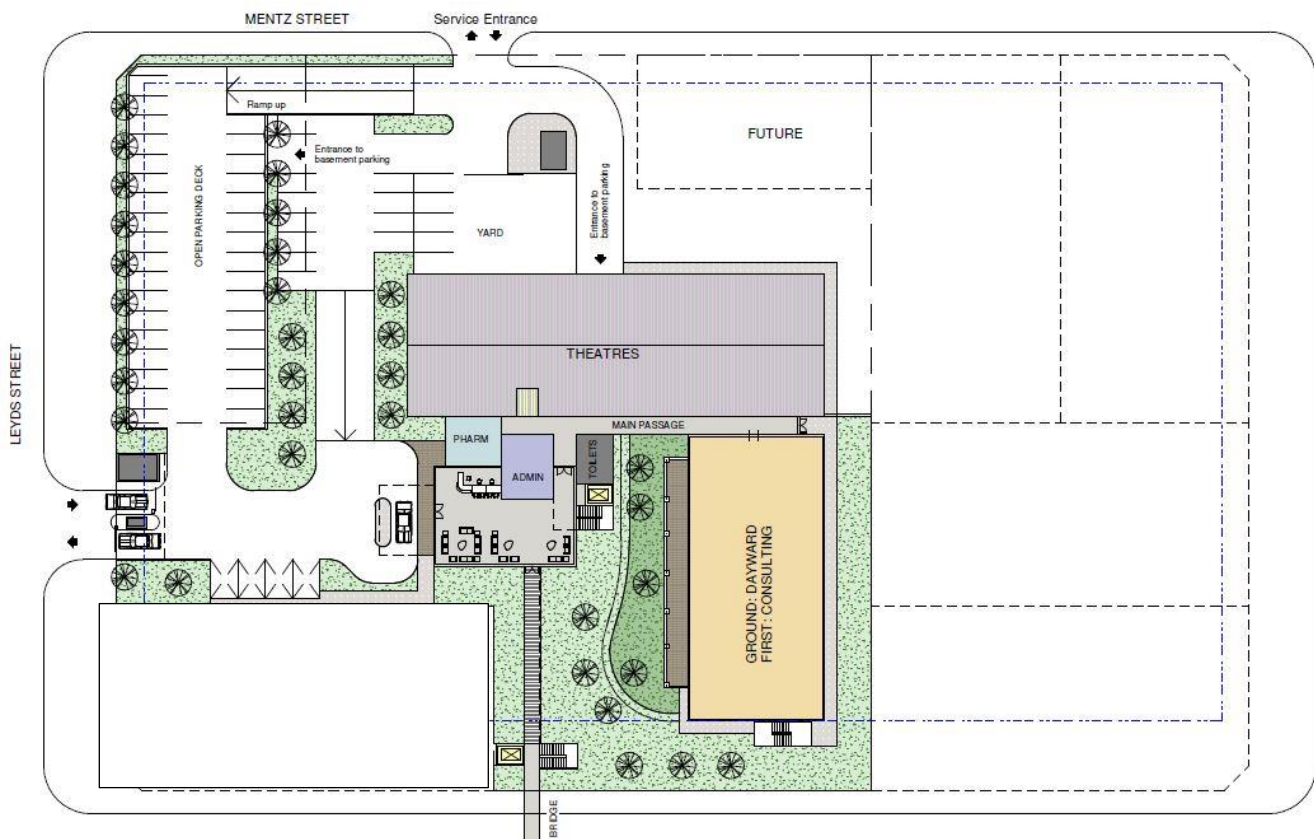
In summary, the site is currently sufficiently serviced for the current use, and should any upgrades be deemed necessary by Council engineering departments, it will be catered for in the bulk service contributions etc.

## 7 DEVELOPMENT CONTROLS AND DEVELOPMENT GUIDELINES

The development of the site must adhere to the Development Guidelines as contained in the 2013 Tshwane RSDF wherever applicable. The following criteria shall determine if a particular erf is suitable to accommodate a permitted land use change:

- Acceptable safe access possible – *Safe access is possible via Berea and Mentz Street (see site plan Annexure 14);*
- Adequate on-site parking is available
- The clinic will only operate during normal office hours and will be closed on weekends and public holidays;
- Adequate space available for landscaping purposes – Yes;

The Development Guidelines which apply include the FAR, Height, Building Lines, Parking, Physical Barriers, Landscaping, Advertising and various Health Measures



The site plan above merely serves to present realistic intentions by the developer and serves to illustrate that the land uses applied for can practically be accommodated on the application properties.

Having considered the above development guidelines, in order to ensure the harmonious and balanced development of the application site, and in order to provide council with sufficient control over the development of the site, the following **development controls** are proposed for the site:

- **Zoning:** “Special” for a Clinic (no overnight accommodation), medical consulting rooms;
- **F.A.R:** 0.35
- **Height:** 2 storey’s;
- **Coverage:** 40%
- **A Maximum of 2 Operating theatres**

In addition to the above development controls, further conditions are contained in the draft Annexure T document attached herewith. Also see below an extract from the Site Plan that was submitted with the application.

## 8 CONCLUSION

In conclusion it is submitted that the application for the rezoning of **Remainder of Erf 381, Erf 436, Erf 442, Erf 441 and portion 1 of erf 440, Muckleneuk** from “Residential 1” to “**Special**” for a Clinic (no overnight accommodation), Medical Consulting Rooms , with a height of 2 storeys and a F.A.R of 0.35 supports the principles of coordinated harmonious development, the rights and interests of the general public, and complies with the principles set out in the various National, Provincial and Municipal policies and frameworks.

It is the purpose of this application to obtain the necessary property rights on **Remainder of Erf 381, Erf 436, Erf 442, Erf 441 and portion 1 of erf 440, Muckleneuk** in order to allow for a clinic and medical consulting rooms on the property. The property is to be consolidated simultaneously with the rezoning application.

The application satisfies the relevant development principles as they are contained in the SPLUMA Act. It is

put forward that the proposed land use and facility is both necessary and desirable as it will increase the function and potential of the existing medical and other related land uses in the area that is surrounding the Zuid-Afrikaans Hospital. From this perspective Council's support and approval of this application is sought.