



## Environment and Agriculture Management Department

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### **CITY OF TSHWANE ENVIRONMENT AND AGRICULTURE MANAGEMENT (E&AM) DEPARTMENT DEVELOPMENT APPLICATIONS REQUIREMENTS**

#### **1. Introduction**

The Environment and Agriculture Management Department hereafter referred to as "the Department", reviews land development applications within the City. The Department also provide comments on Environmental Impact Assessment (EIA) applications on behalf of the City to the Gauteng Department of Agriculture and Rural Development (GDARD).

The Department's requirements for land development applications are presented herein categorized in terms of:

- Environmental Impact Management;
- Open Space Management Applications; and
- Landscape and Urban Design.

#### **Aim**

The requirements presented in this document are summarized environmental and open space provisioning policy statements and prescripts mainly from the City of Tshwane Land Use By-Laws, Tshwane Town-Planning Scheme 2008 (Revised 2014), Spatial Land Use Management Act and the Tshwane Open Space Frame (TOSF). These requirements seek to:

- Inform the suitability of developments in terms of the above categories; and
- Ensure that all environmental management and open space aspects associated with proposed activities are fully understood as well as catered for in the implementation of developments.

There are additional requirements, albeit minimal, that are not in the TOSF that are introduced in this document. This is done bearing in mind that the TOSF is currently in the process of being reviewed. Furthermore, such additional requirements are deemed to be in line with the principles of the TOSF and extremely crucial.

#### **2. Legislative and policy context**

The Department's requirements for land development applications are informed mainly by national, provincial as well as City's legislation and policies that include, but not limited to, the following:

- Tshwane Open Space Framework (TOSF) (2005);
- National Environmental Management Act (NEMA) (Act No. 107 of 1998);
- NEMA: Air Quality Act (Act No. 39 of 2004);
- City of Tshwane Bioregional Plan (Draft) (2011);
- Gauteng Conservation Plan Version 3.3 (C-Plan 3.3) (2004);
- Gauteng Environmental Management Framework (GPEMF) (2014);
- Green Building By-Laws;
- City of Tshwane Land Use By-Laws;
- Tshwane Town-Planning Scheme 2008 (Revised 2014);
- Spatial Land Use Management Act (SPLUMA) Act (Act No. 16 of 2013);
- GDARD Ridges policy (2006);
- Streetscape Design Guidelines for Different Types of Hard Urban Spaces (2007).

### **3: Administrative requirements**

The general administrative requirements for all applications are outlined below:

- 3.1. Applications should be submitted at the following address:  
*320 Madiba St, Tshwane House,  
Ground Floor (West Wing), Block A.*
- 3.2. EIA Applications must be addressed to Ms. Martha Nembudani at the below contact details:  
*Tel: (012-358 7990),  
E-mail: marthaN@tshwane.gov.za).*
- 3.3. Other land development applications including Landscape Development Plans (LDPs) must be addressed to Ms. Chantelle Saunders at the below contact details:  
*Tel: (012-358 8750),  
E-mail: chantelleS@tshwane.gov.za*
- 3.4. The applications must be submitted in the following format:
  - One (1) colour hard copy and 2 CD's for EIA reports;
  - Three (3) hard copies (1x colour and 2x black & white) must be printed on a scale of 1: 250; A1 paper size, and one soft copy (pdf) for LDPs must be e-mailed; and
  - Layouts and specialist reports scanned on City's application processing system (APS) must be in colour.
- 3.5. Applications submitted to the Department must be signed off by a qualified professional for the specific land development application.

### **4. Application review timeframes**

- 4.1. The application review timeframe by the Department is 30 calendar days/ 21 working days.
- 4.2. The Department will attend to a request for inspection of completed landscape works and issue comments or a development Compliance Certificate within 10 working days.

### **5. Requirements for Environmental Impact Management**

- 5.1. Compliance with National Environmental Management Act (NEMA) (Act No.107 of 1998). This is especially in terms of the EIA Regulations.
- 5.2. Where the proposed development site has or forms part of the following:
  - 5.2.1. River – Provide a floodline certificate indicating 1:50 and 1:100 floodlines certified by an engineer.
  - 5.2.2. Wetland – Provide a wetland delineation study and indicate a 32m buffer.
  - 5.2.3. Ridge – Indicate the buffer between the development and the ridge on a Layout Plan.
  - 5.2.4. Ecologically sensitive areas – Provide an ecological assessment specialist report.
  - 5.2.5. Dolomite – Provide a dolomite stability report and attach comments from Council for Geoscience.
- 5.3. Where the proposed development result in and or is associated with land degradation – A Rehabilitation Plan must be submitted.
- 5.4. An air pollution management study must be attached where the application is or forms part of or is adjacent to the following:
  - Landfill site;
  - Mine and mine dumps;
  - Waste water treatment plant;
  - Industrial zones; and
  - Or any other form of pollution source.
- 5.5. When the proposed development is for a new road or for a development larger than 2 Ha - Submit Streetscape Development Plan. Street tree planting must conform to the Road Reserve Tree Strategy in the TOSF which addresses tree planting within the road reserve in general, but more specifically for all new roads. Fulfilling of the above requirement is not a prerequisite for supporting EIA application but will be expected and is compulsory at LDP stage.
- 5.6. The development must show proof of on-site stormwater management plan and retention as per the approval of the City's Engineers.

- 5.7. A layout plan in color indicating the proposed development footprint superimposed on the ecological sensitive portions of the site must be submitted.
- 5.8. Proof of compliance with Open space provisioning as per the requirements of the City of Tshwane Land Use Management By-Law and Town Planning Scheme must be submitted, albeit not a prerequisite for supporting EIA applications.  
This requirement will be expected and is compulsory in evaluating land development applications at Open Space Planning & Applications as well as Landscape and Urban Design stage.

## **6. Requirements for Open Space Planning & Applications**

Open space provisioning is required for any development application that results in increased residential densities (e.g. township establishment, subdivision and rezoning to residential). The requirements for open space provisioning on residential developments are presented below:

- 6.1. Recreational open space provisioning is required for increased residential developments 10 units and of above as follows:
- a) Residential 1: 24m<sup>2</sup> per dwelling unit.
  - b) Residential 2 (density of 1 dwelling unit per erf): 24m<sup>2</sup> per dwelling unit.
  - c) Residential 2 (high density) 24 m<sup>2</sup> + 4m<sup>2</sup> children's play area per dwelling unit.
  - d) Residential 3: 18m<sup>2</sup> per dwelling unit + 4m<sup>2</sup> children's play area per dwelling unit.
  - e) Residential 4: 18m<sup>2</sup> per dwelling unit + 4m<sup>2</sup> children's play area per dwelling unit.
  - f) Residential 5: 18m<sup>2</sup> per dwelling unit.
  - g) *All other Zonings with residential components (e.g. Special for retirement center, Special for Block of tenements or communes etc.): 18m<sup>2</sup> per dwelling unit + 4m<sup>2</sup> children's play area per dwelling unit.*
- 6.2. Any shortfall in open space provisioning must be provided by means of an open space and parks contribution in terms of the CoT LUM: By-Law. The amount must be included in the conditions of establishment or conditions of approval of the Land Development Application.
- 6.3. Open Space and Parks Contributions can be utilised through Alternative Service Delivery Mechanisms, as stipulated in the TOSF, for the improvement of surrounding open space resources, by means of an Engineering Services Agreement, in terms of Section 21(3) and 21(5) of LUM By-Law, to the satisfaction of the Municipality.
- 6.4. Open spaces provided primarily for service delivery functioning (e.g. building lines less than 10 meter, servitudes, clubhouses, general parking lots, guard houses, e.t.c.) will not be accepted.
- 6.5. All open space provided must be zoned as Private Open Space or Public Open Space and be indicated as such in the Township layout plan.
- 6.6. Developments larger than 2 Ha must submit a Development Framework drafted by a qualified Landscape Architect or Landscape Architectural Technologist, after the coming into operation of land use rights. However, a Concept Landscape Development Plan can be requested prior to the coming into operation of land use rights, if deemed necessary by the Department.
- 6.7. For rezoning applications, a site plan indicating the location and extent of open space to be provided for the residential development must be submitted (i.e. ideally centrally located and functional).
- 6.8. Township layout plans and/or Draft Site Development Plans must be submitted and show the recreational open space and the ecologically sensitive spaces (e.g. floodlines, river, wetland, ridge, dolomite). The ecologically sensitive open spaces should not form part of recreational open spaces as per SPLUMA and CoT: Land-Use Bylaw requirements.
- 6.9. *Ecologically sensitive open spaces must be zoned as Public Open Space or Special for Natural Areas. Registration of a green servitude on ecologically sensitive open spaces is also an option that is considered allowable. In instances where the site is zoned POS it must be transferred to the City.*
- 6.10. No development can be supported if not compliant with the requirements of other Competent Authorities (e.g. GDARD, Council for Geoscience, South African Heritage Resources Agency and Department of Water and Sanitation (DWS). Notwithstanding the above the Department reserves the right to impose a different stand point and or more stringent conditions on an application given site specific circumstances and City's policy stance.

- 6.11. *Applications submitted in terms of Section 7(6) of the National Building Regulations and Building Standards Act must include a Draft Master LDP or Draft LDP that is in principle supported by the Department prior to approval of the 7(6) application.*
- 6.12. Compliance with requirements of the Department as outlined in the other sections of this document in terms of Environmental Impact Management and Landscape and Urban Design is mandatory.

## **7. Requirements for Landscape and Urban Design**

The development of all Open Spaces Resources in the City is subject to the Open Space Strategies as set out in Volume 3 of the TOSF. Urban landscape beautification and development of the TOSF's Brown and Red networks must be implemented in terms of the Streetscape Design Guidelines (2007). These policy documents must inform land-use management decisions, such as those relating to township establishment, rezoning, subdivision, consent for second dwelling units and the conversion of existing buildings for residential purposes as well as the evaluation of Landscape Development Plan (LDPs) submitted with Site Development Plan applications. They are relevant to all public urban spaces (i.e. any external or internal space that is accessible to the general public without control or restriction, regardless of ownership).

Well designed and maintained Open Spaces combined with high environmental quality, play an important role in ensuring an internationally competitive city and establishing a sought-after address for responsible investment. Accessible, sufficient and well-designed Open Spaces are critical to the health and well-being of residents.

In light of the above, the requirements for Landscape and Urban Design on developments are presented below:

- 7.1. Environmental Authorizations (EA) and an Environmental Management Plan must be attached for all applications where the EIA process is required.
- 7.2. The Applicant should submit an EA from GDARD if the proposed development site has or forms part of the Blue and Green networks. The Applicant should ensure that construction is implemented according to conditions of the EA and Environmental Management Programme (EMPr) which must always be made available on site. The Applicant, Developer and Contractor should all be aware of the environmental aspects, impacts and mitigation measures. The ecological landscape design interventions in relation to water systems, storm-water management systems, rehabilitation plan of sensitive areas, the planting policy and/or palette must suitably inform the development's feasibility, land-use approach, extent and layout. They should be clearly drawn and annotated on the LDP.
- 7.3. *A Water Use License or General Authorizations from the National Department of Water and Sanitation (DWS) will be required where the proposed development site has or forms part of a watercourse as defined by the National Water Act (Act No. 36 of 1998) unless such use falls within certain exceptions. N.B.: The Department will use its discretion to support or not support applications and or impose more stringent conditions even in cases where it differs with other Competent Authorities. For example, in instance where:*
- *There is canalization of rivers;*
  - *There is transformation (through artificial linings) and exotic cultivation of watercourses; and*
  - *There is amendment of the 1:50 year flood line by infilling.*
- 7.4. *Atmospheric Emission License will be required where the development is listed in terms of the NEMA: Air Quality Act No. 39 of 2004.*
- 7.5. The erection of a building or commencement of construction work before the approval of a site development plan or otherwise implemented in accordance with the approved SDP is a contravention of the Tshwane Town Planning Scheme. Occupation Certificates should not be issued until the Environment and Agriculture Management Department has certified compliance to the above guidelines and conditions. The Department will attend to a request for inspection of completed landscape works and issue comments or a development Compliance Certificate within 10 working days.
- 7.6. Detailed requirements for Site Development Plan (SDP) applications are discussed in the TOSF's Open Space Development Strategy. The Applicant/ Developer is encouraged to submit the SDP application to the Department before the SDP is circulated to other departments in order to ensure that all requirements, especially those from the environmental legislations, are met.
- 7.7. *Applications submitted in terms of Section 7(6) of the National Building Regulations and Building Standards Act must include a Landscape Development Framework or Draft Landscape Development Framework that is in principle supported by the Department prior to approval of the 7(6) application.*



7.8. The landscape development drawings and documents, designed and drafted by a qualified Professional Landscape Architect or Landscape Architectural Technologist showing their contact details must adhere to the following requirements as discussed in the CoT policies and guidelines.

7.8.1. SDPs must be submitted to the Department for the following applications, except Residential 1 and Residential 2 (low density i.e. 1 dwelling unit per erf), that are sent to the Economic Development and Spatial Planning Department:

- Township establishment applications;
- Township amendments or proposals;
- Consent use/ permission; and
- Subdivision and rezoning to residential with conditions of approvals.

7.8.2. A Landscape Development Plan must be submitted for developments of less than 2 Ha.

7.8.3. A Development Framework must be submitted for developments of more than 2 Ha.

A Development Framework must consist as a minimum the following components:

- a) Masterplan with Development Guidelines (including generic development guidelines, infrastructure provisioning guidelines, urban design guidelines such as setbacks, built-to lines, interface treatment, accessibility to spaces, sense of place elements, e.t.c, as well as architectural guidelines for spaces, e.t.c.).
- b) Streetscape Development Plan (including street furniture palette, outdoor advertisement philosophy, walkway, sidewalk and pedestrian crossing approach, boundary fencing details, etc.).
- c) Landscape Development Plan (including existing tree and future tree structure, treatment of natural and manicured Open Space system, water systems, storm water management system, planting policy and palette, rehabilitation plan of ecological sensitive areas, etc.). This plan must be drafted by a qualified professional Landscape Architect.

7.8.4. A Site Plan indicating the location and extent of open space must be provided. This excludes applications on single dwelling unit per erf. Comments are only required from the Department if the development is located adjacent to other Open Space resources.

7.8.5. Proof of Payment of an Open Space and Parks Contribution, as contained in the Conditions of Establishment and/or Engineering Services Agreement.

7.8.6. Three copies of the Framework or Plans, 2x (at-least 1 in color) and electronic copies must be submitted to the Department as part of the SDP application for evaluation. The latest architectural Site Plan should form the basis for the landscape development drawings.

7.8.7. Existing contours, trees, site features etc. and proposed site information (amended levels, surface treatment, site furniture, landscaping elements, quantities, types, sizes etc.) must be indicated on a LDP to an appropriate and legible scale of no smaller than 1: 250.

7.8.8. Existing trees must be retained as far as possible towards the creation of an immediate "sense of place". All established trees have to be assessed and information recorded showing species, size and location, along with a statement of the potential impact of proposals on trees.

7.8.9. At least 80% indigenous tree, shrub and groundcover plant species must be incorporated within the proposed development. It is important to note that Kikuyu Lawn (*Penisetum clandestinum*) is regarded as exotic species. Careful consideration should therefore be given to prevent large areas of exotic grass instead of indigenous groundcover alternatives.

7.8.10. Indigenous trees should be used in landscaping for urban greening, screening developments with potential visual impacts, as pollution buffers and natural carbon sink.

7.8.11. Indigenous shade trees must be incorporated within the development to a ratio of 1 endemic 50L tree for every 2 open parking bays. The LDP must indicate the proposed trees.

7.8.12. A Protected Tree Species License or an exemption in terms of the National Forests Act, 1998 (Act No 84 of 1998) is required before any person may cut, disturb, damage, destroy or in any other manner acquire or dispose of any protected tree.

- 7.8.13. No trees on the road reserve may be removed by the Applicant/ Developer. This is except with the permission of the Municipality.
- 7.8.14. No tree on the road reserve may be removed to accommodate entrances to the development. The illegal removal of such trees will carry a penalty and/or refusal of the Compliance Certificate.
- 7.8.15. There is a potential for conflict between trees, above ground infrastructure (such as power lines, street lighting, signage, paving, kerbing and road surfaces) and underground infrastructure (such as water pipes, sewerage pipes, telecommunication cables). The design and location of such services must be coordinated on an equal basis during the earliest possible stages of the design process in accordance with the Way-Leave policy. The illegal removal of street trees will carry a strict fine.
- 7.8.16. Street tree planting must conform to the Road Reserve Tree Strategy in the TOSF (2005). Big trees are planted approximately 20m or 40m apart, depending on the situation and the number of houses in a street. Small trees are planted approximately 10m or 20m apart, depending on the situation and the number of houses in a street.
- 7.8.17. Trees to be planted must be carefully selected to prevent damage to foundations, walls and hard surface landscaping such as paving. Should trees be planted in paving, tree rings must be indicated on the plan. As an absolute minimum, 50 litre containerized trees, at least 2.5-meter-high and with a stem diameter of 30 – 45mm, must be planted within new developments. No large tree with a potentially aggressive root system may be planted within the servitude area or within 2m thereof except with the permission of the Municipality.
- 7.8.18. The designs must aim to prevent hard landscape surfaces ending in hard walls. Soft landscaping must be introduced to soften the development. Sufficient space, at a minimum of approximately 1.5m, should be provided between driveways, parking and garden/ perimeter walls to allow for growth of trees.
- 7.8.19. Walkways to accommodate the disabled should be clearly indicated along streets and connecting open spaces.
- 7.8.20. The development of Red and Brown Ways must be implemented in terms of the Policy on the Design Quality of Hard Urban Spaces and Streetscape Elements in Tshwane (2005) as well as the Road Reserve Tree Strategy. All roads/streets must have a 1,3m wide (minimum) walkway on each side. All walkways must be free of any obstacles to the movement of pedestrians and cyclist. Development adjacent to Brown and Red Ways will be required to upgrade and maintain such Open Spaces, in terms of landscaping, road reserve trees and pedestrian walk ways, as an integral component to the development.
- 7.8.21. Developments adjacent to any of the TOSF Open Space typologies will be subject to the policy statement requirements specific to the open space (e.g. Areas of the CTMM owned Open Space, disturbed on account of the development, must be rehabilitated with endemic vegetation).
- 7.8.22. The development's interface must respond to the Open Space (i.e. the development may not turn its back or storage areas onto the Open Space).
- 7.8.23. No solid fencing will be allowed on the communal boundary with Open Spaces. At least 50% of the fencing should be transparent allowing for the screening of backyards, where approved, and the movement of species.
- 7.8.24. The development may not fill or extent the development site's levels higher than 1 (one) meter on the communal boundary and only Gabions/endemic vegetation may be used to retain such level differences.
- 7.8.25. The development must show proof of on-site storm-water management plan and retention as per the approval of the City's Engineers.
- 7.8.26. The development must fence the construction site on the communal erf boundary, before any activity relating to the development (i.e. the delivery of building material, establishment of site buildings, building works e.t.c, commences). No contractor on the site will be allowed to extend his/ her operations beyond the fenced area, onto the Open Space.

- 7.8.27. The development may not gain access to its site via the Open Space.
- 7.8.28. The development may not extend its activities onto the Open Space (parking, storage, dumping, earthworks, cooking ablution, accommodation, littering).
- 7.8.29. Any conditions of approval relating to Open Space provisioning and landscaping should be attached to the SDP (e.g. conditions of establishment or land-use change). Indicate how Open Space provisioning has been addressed in the layout of the township. Reference should be made to proposed rationale and location of Open Space, ratio applicable, surface area to be provided and proposed zoning. Green Ways and Blue Ways must be highlighted as a separate erf, assigned Public Open Space status and transferred to the CTMM as such.
- 7.8.30. No invasive alien plants are to be planted or retained on site. All Classified Invader Species, in terms of the Conservation of Agricultural Resources Act, 1983 (Act No. 43 of 1983) must be eradicated and controlled on the development site (e.g. Blue Gum, Pine, Seringa, Black Wattle, Bugg Weed, Lantana, Privet, e.t.c).
- 7.8.31. The drawing Legend must be indicated on each LDP. It must include all tree, shrub and groundcover plant species proposed for the development. All proposed plant sizes, quantities and planting densities must be indicated.
- 7.8.32. The Legend must also give detailed architectural specifications of all hard landscaping and streetscape elements proposed and/or designed by the Professional Landscape Architect or Landscape Architectural Technologist and approved by the Developer for the development.
- 7.8.33. *All play area equipment should comply with the SANS 51176:2010 for play equipment and surfaces.*
- 7.8.34. *Guardrails and protective barriers must be placed firmly on the edge of elevated areas, such as terraces, platforms and ramps; Play structures which are more than 750 mm high should be placed at least 2.5 meters apart; Where reasonably practical, swings, seesaws and other equipment with moving parts should be placed in areas separated from the rest of the playground.*
- 7.8.35. *All applications for preschools should be approved by the Environmental Health Department of the City before submission to the Department.*
- 7.8.36. The environmental planning and design should be clearly communicated on the LDP in such a manner that it shows the proposed management and interventions in all the ecologically sensitive areas, more specifically within the TOSF's Blue and Green networks.

## **8. Appeals, request for amendments of comments and queries**

Requests for considerations of amendment of comments on land development applications by the Department may be submitted to the Office the Head of Division: Environmental Management and Parks.

Mr. Aluoneswi Mafunzwaini

Email: [Aluoneswim@Tshwane.gov.za](mailto:Aluoneswim@Tshwane.gov.za) | Tel: 012 358 3725

For more inform and queries related to land development applications submitted to the Department please contact the officials listed below:

Mr Leloko Puling, Director: Environmental Planning and Open Space Management

Email: [lelokop@tshwane.gov.za](mailto:lelokop@tshwane.gov.za) | Tel: 012 358 8846

Ms Rudzani Mukheli, Deputy Director: Environmental Impact Management

Email: [Rudzanim@tshwane.gov.za](mailto:Rudzanim@tshwane.gov.za) | Tel: 012 358 8731

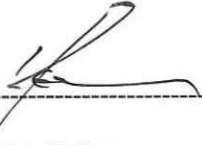
Ms Boniswa Masinyana, Deputy Director: Open Space Planning & Applications

Email: [Boniswam@tshwane.gov.za](mailto:Boniswam@tshwane.gov.za) | Tel: 012 358 8845

Mr Willie Mothowamodimo, Deputy Director: Landscape & Urban Design

Email: [WillieOM@TSHWANE.GOV.ZA](mailto:WillieOM@TSHWANE.GOV.ZA) | Tel: 012 358 31

9. Approval of the City of Tshwane Environment and Agriculture Management (E&AM) Department development applications requirements



28/02/08

DATE

Mr. Leloko Puling  
Director: Environmental Planning and Open Space Management



11/02/2019

DATE

Mr. Aluoneswi Mafunzwaini  
Executive Director: Environmental Management & Parks

Recommended/ Not Recommended/ Recommended As Amended



11/02/2019

DATE

Mr. Mthobeli Kolisa  
Group Head: Environment and Agriculture Management

Approved/ Not Approved / Approved As Amended