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27 February 2019

The Executive Mayor of Joburg  
Councillor Herman Mashaba  
[executivemayor@joburg.org.za](mailto:executivemayor@joburg.org.za)

Dear Executive Mayor

### **NODAL REVIEW POLICY**

I refer to the email received by members of the Parkview Residents' Association (PRA) on 7 December 2018 from Dylan Weakley of City Transformation informing it that "The Nodal Review Policy and the Inclusionary Housing Incentives, Regulations and Mechanisms have been completed after the call for public comments on 28 Feb 2018" and that "both documents served before Mayoral Committee yesterday, 6 December 2018, where approval was given for them to proceed to Council for consideration at the end of January 2019." The PRA understands that the latter has been delayed.

The PRA strongly supports the proposition that "development should be directed in a way that addresses the inequality and inefficiency in the City, transforming it into a more equitable, liveable, resilient, efficient and productive urban form."

However, it is evident that the style of planning proposed in the Nodal Review, rather than achieving the desired liveable urban environment envisaged in the proposition through the integrated planning of the multiplicity of factors that influence land use and development, is a reversion to regulatory planning based on the upholding of the approved spatial and density policy, in this instance the Nodal Review.

The current planning is to be given effect through the endeavours/applications of individual applicants, and little consideration is given to the cumulative impact of many individual decisions in different localities and communities in the City: the kind of longer term outlook for planning and approval of plans which would be necessary, seems lacking. The purpose and intent of the

new municipal spatial development framework provisions in both The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) and the Municipal Planning By-law (The By-law) is clearly more proactive, integrative of infrastructure and social facilities, and sensitive to differing localities and communities.

Against this background, we wish to express our concerns regarding the Nodal Review for at least the following reasons –

## **1. Inadequate public participation**

The receipt of the above email was preceded by 3 submissions on the Nodal Review from the PRA to City Transformation, dated 09/12/2016, 23/08/2017 & 28/02/2018. The PRA never received a response to these submissions beyond acknowledgements of receipt. It is also unacceptable to submit the Nodal Review for approval by the Mayoral Committee before publishing the final version for public comment, particularly to those communities who provided input.

The population of metropolitan Johannesburg is at least 10 million people. ‘The Summary of Public Comments: Nodal Review’ which is part of the version that was approved by the Mayoral Committee on 6 December 2018, states that 152 submissions were made to the version published in February 2018. On page 36 of the latest version of the Nodal Review, it states that the City acknowledges that ‘the key to successful cities, public spaces are engaged citizens who can relate to their environment and have an increased sense of ownership’. The huge differential between the size of the population and the number of submissions does not speak of engaged citizens – but rather of ignorant citizens that will have a policy and all of its yet-to-be-defined implications of the policy imposed on them.

It is quite clear that very few citizens have appreciated the extent of the change that is proposed in the Nodal Review. Few would also be aware that the Nodal Review amounts to a reactive policy that is largely driven by City responses to individual land development applications, rather than one integrated with local infrastructure planning and delivery, with a holistic, broader outlook.

Submitting a summary of the comments received does not amount to acceptable public participation.

## **2. Absence of detailed information and integrated planning in the Nodal Review**

As stated in previous comments on the draft Nodal Review, the Nodal Review policy has also avoided the detail which we submit is critical for meaningful planning and development of local areas. We had suggested that the initial urban potential analysis was too simplified and needed to be linked to the legal requirements for municipal spatial development frameworks as set out in SPLUMA and the relevant By-law(s). For instance, this requires that the SDF must take account of “the state and impact of engineering services, social infrastructure, and open space requirements”, which is currently not the case.

By way of illustration, in Parkview and Greenside East - the areas that the PRA represents - there are approximately one thousand 1000 m<sup>2</sup> stands (a current density of approximately 10 dwellings per hectare). This is approximately 100 hectares. The Review proposes that part of this established and stable neighbourhood should become a Sub-urban Zone at a density of 40 – 50 dwellings per hectare, and the rest a General Urban Zone at a minimum density of 60 dwellings per hectare. Taking an average of 50 dwellings per hectare, that would result in 5 000 households.

The By-law requires that new public green space must be provided either in kind or in contributions levied by the City and that the space must be in the target area. In this limited example, the new public green space based on 5 000 households, at 24 m<sup>2</sup> per household, would be 12 hectares. There is no site identified in the Review for this purpose in our area, or anywhere else in the City for that matter.

Regarding schooling, the planning standard for the provision of sufficient primary schools is 1 primary school per 1000 households. Parkview and Greenside East would require 5 primary schools and at a rate of 3 primary schools per high school, at least 1.6 high schools. The area in question currently has 1 public high school, and 2 public primary schools which service an area much wider than Parkview and Greenside East. There is no indication that the relevant Provincial Authority has been approached to align its school programmes to deal with this huge demand and it is unlikely to be in any position to do so if Parkview Senior Primary School is anything to go by as it has been waiting for a number of years to have its leaking roof repaired.

On public facilities, there are no public clinics in the area, no meaningful public transport, and the public realm is ill-maintained.

The current capacity of the infrastructure is stretched and failing. Besides load-shedding, there are often electricity outages due to aging and fragile infrastructure. There are regular sewage leaks, and the roads and pavements are in dire need of upgrading. We are aware of the R170 billion backlog in infrastructure maintenance that the City of Joburg is currently dealing with.

We submit that most residents would be more amenable to orderly densification if the City could provide its local development plans for Parkview and Greenside East to deal with the provision of the above public spaces, schools, clinics and infrastructure as will be required once the Nodal Review is implemented. This is particularly urgent in light of the fact that all local precinct plans (including the Parkview Precinct Plan) and the Regional Spatial Development Frameworks will be withdrawn once the Nodal Review Policy is adopted. Although provision is made for the local precinct plans to be reinstated, or be re-worked, within 180 days of the adoption of the Nodal Review policy (which reinstatement or approval will depend on the precinct plans aligning with new development guidelines in the Nodal Review), we submit that this proposed course of action will lead to greater uncertainty. It would be far better to have the explicit provisions settled upfront, before the precinct plans and regional spatial development frameworks are withdrawn.

### **3. Evaluation by external specialists**

As stated above the number of people that will be impacted by this policy will be at least 10 million. The area of the city is at least 1650 square kms. The impact of the transition from the current position to the future envisaged one is massive – but the Nodal Review has not quantified this transition, nor provided steps to its attainment.

As stated earlier, the primary vehicle for this transition is via land use applications from private developers and individuals, and investment by the City in new infrastructure (which requires more detailed local spatial development frameworks to be prepared, the infrastructure needs and capacities evaluated, designs prepared and funding sought from the State through its grant system).

Our experience of the Municipal and Appeal Tribunals is that compliance with the generic development guidelines is all that is required for a positive land use application, with the other By-law criteria largely ignored. This is effectively blue print planning, but without the supporting

interventions described earlier. Without considering local factors (such as existing development, infrastructure, heritage, topography, etc), and clarity on what the cumulative effects may be, one can only surmise that the developments will be haphazard resulting in disruption issues around community well-being, infrastructure and lack of facilities to the detriment of the City as a whole. It is quite possible that the recent gains of Operation Buya Mthetho will be lost as this community disruption results in increasing non-compliance.

It is imperative that the Nodal Review should, prior to adoption, be evaluated by a suitable independent committee of external specialists. This will clarify the implications for the City in terms of its obligations to sustain this new urban form.

#### **4. Opportunistic developers**

Even though the Nodal Review policy has not been approved by Council as yet, City officials are encouraging developers to submit land use applications in line with this policy. An application for 61 dwelling units was submitted in late 2018 for a portion of land – at a confluence of 2 watercourses - that was previously annexed from the Parkview Golf Course and previously given approval for 4 dwelling units.

Responding to these types of opportunistic applications requires a massive investment of time and money from the local residents especially in the light of the uncertainty of what approach City officials in the Department of Planning and Land Use have been instructed to abide by.

The lack of a single coherent document, as opposed to one comprising the SDF 2040, and an Annexure in the form of the Nodal Review, is already giving rise to mixed interpretations of what is intended and how the objectives are to be achieved. This is further exacerbated by the lack of clarity about the status of previously approved precinct plans, such as the Parkview Precinct Plan, and how the provision for their reinstatement or renewal is to be addressed.

There is also an underlying impression that there are adequate local development frameworks for various areas, primarily the Nodes, whereas these are not in place and nor are the related infrastructure master plans. The question arising is how the City intends addressing this vacuum between the vision and the reality of existing development that is to be transformed.

Our understanding is that grant funding motivated through Built Environment Performance Plans requires “[d]etailed precinct plans [that] are the basis for project identification, project pipelining or programming and project preparation.” This does not seem possible at the current high level of planning.

## **5. Heritage and environment**

It is noted that the Nodal Review will ‘not override any heritage or environmental policy or legislation, and all applications are subject to infrastructure availability’. However it is not clear how these policies have been incorporated as the densities in the hexagons are uniform over all and any terrain and areas of heritage significance. For example, on the Parkview Ridge – an extension of the Westcliff Ridge, the densities per hectare are given as a minimum of 60 dwelling units. Until now, the Council’s own policies have recommended sensitive development of the ridges which are a prominent feature of the City.

The failure to address the impact on existing topography, watercourses, heritage resources, and built development, including infrastructure, is causing great uncertainty in determining the future urban form and could have the unintended consequence of eroding the rates base of the City – which is what the City partly relies on to fund the needed infrastructure upgrades.

## **6. Conclusion**

The City has the responsibility to its citizens to promote a sustainable and integrated development plan that aligns with the SPLUMA development principles. It is not evident that these principles have been adequately applied and that the proposals are within the financial, institutional and administrative means of the City.

In particular the City has failed in its citizen engagement, and its responsibility to take an integrated approach to infrastructural planning and provision as required in SPLUMA and its own Municipal Planning By-law. The reliance on a regulatory approach to implementation is inadequate and destructive, rather than proactive and sensitive to local communities in the City.

The PRA calls on the Mayor to appoint an independent body to evaluate the Nodal Review and its implications for the City’s administration and future budgets.

Once this evaluation has been done, we then propose that the City “cuts the coat according to the cloth” and ensures that previous SDF nodes and strategic densification areas are adequately resourced and functional, before venturing further.

The citizens of Joburg were seriously let down by the previous administration – as is witnessed by the infrastructure backlog. We urge the current administration not to allow this generalising, short-term and over ambitious vision to be their downfall.

We look forward to hearing from you.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'MH' with a large loop at the bottom.

**Marian Hester**

Chairman – Parkview Residents’ Association

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