

**MOTIVATING MEMORANDUM FOR THE
AMENDMENT OF THE CITY OF
JOHANNESBURG LAND USE SCHEME,
2018 BY REZONING OF ERF 192
PARKWOOD FROM “RESIDENTIAL 1”
TO “RESIDENTIAL 3”.**



**APPLICATION IS MADE IN TERMS OF SECTION 21 OF
THE CITY OF JOHANNESBURG MUNICIPAL BY LAW,
2016 READ TOGETHER WITH THE PROVISIONS OF
THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT, 16 of 2013.**

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1. Introduction

The purpose of this application is for the amendment of the City of Johannesburg Land Use Scheme, 2018 by rezoning erf 192 Parkwood, from “Residential 1” to “Residential 3” at a density of 80 dwelling units per hectare in order to accommodate dwelling units on the property.

The application is made in terms section 21 of the City of Johannesburg Municipal by laws, 2016, read together with Section 28 of the Spatial Planning and Land Use Management Act, (Act 16 of 2013).

This report provides relevant information in support of the application and addresses the need and desirability for the proposed use. Erf 192 Parkwood is hereafter referred to as “the site”.

2. General Information

The general information regarding the subject property is described below:

2.1 Locality

Erf 192 Parkwood, the subject property is located at No. 27 Glamorgan Rd, Parkwood, Randburg, 2193

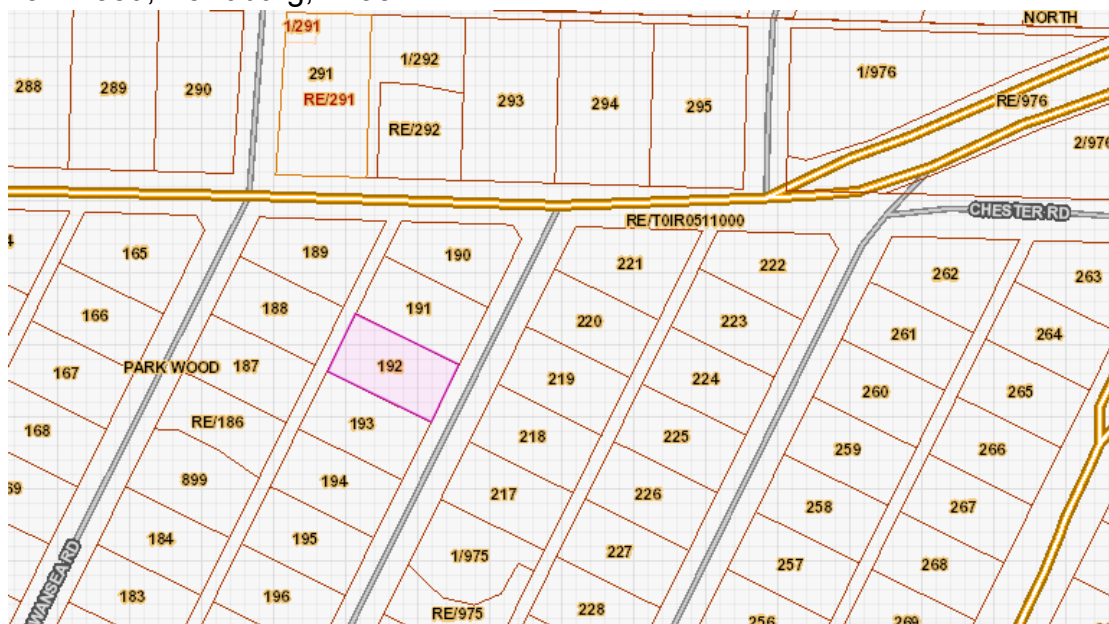


Figure 1: Locality Map.

The following map provides a closer look at the location of the subject site with the City of Johannesburg aerial photograph.

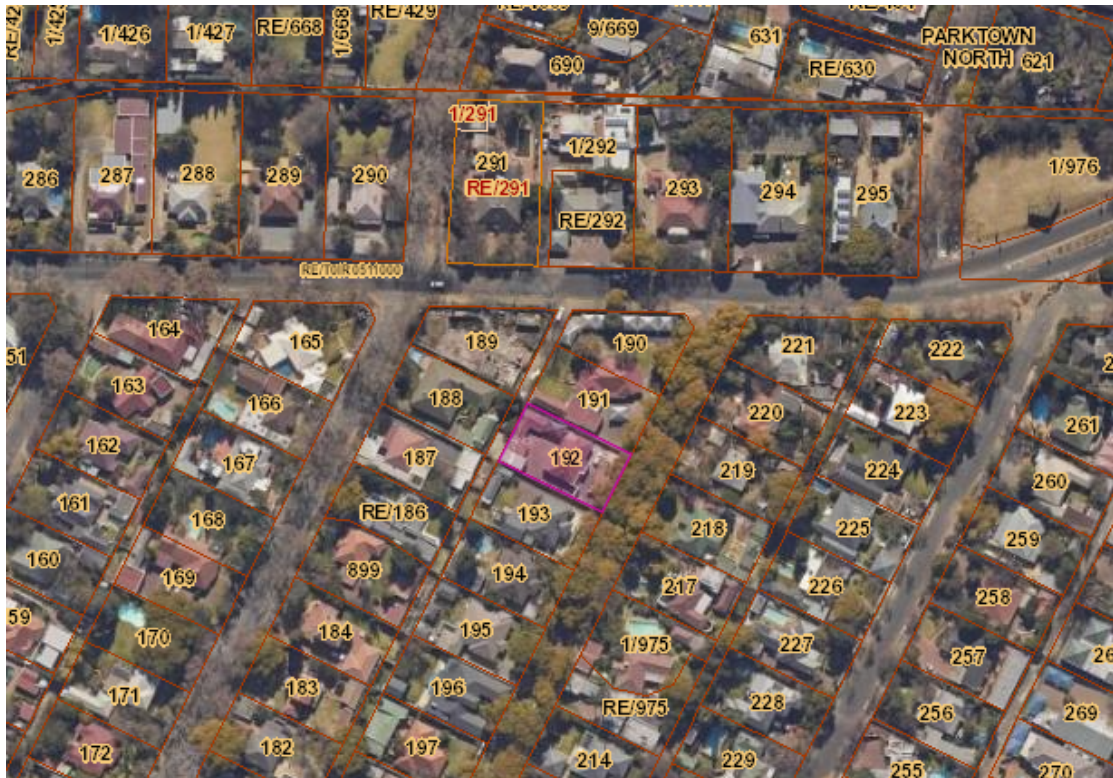


Figure 2: Aerial Map of the Site.

2.2 Existing zoning and land use

In terms of City of Johannesburg Land Use Scheme, 2018, the site is zoned “Residential 1”. The adjacent properties are zoned “Residential 1”. The subject property is currently used as a dwelling house and there are 5 units at the property.

2.3 Ownership

Property Description	Registered Owner	Extent	Title Deed
Erf 192 Parkwood	Charlotte Makhosazane De Bruin Mtetwa ID NO 9101070182081	1003 m ²	T33213/2018

2.4 Mortgage Bond

There is a mortgage bond registered against the property. The bond holder's consent is attached.

2.5 Conditions of Title

There are restrictive conditions contained in the title deed which prohibit the proposed development. A removal of restrictive conditions has also been submitted. Those conditions held by T33213/2018 that prohibit the development are as follows:

(d) That no house, buildings, additions or alterations to houses or buildings whatsoever shall be erected or made on the said Erf except such as shall have been approved by the TRANSVAAL CONSOLIDATED LAND AND EXPLORATION COMPANY LIMITED (hereinafter called “the company) and all buildings except outbuildings, shall be dwelling houses. Drawings and specifications of all houses or buildings proposed to be erected from time to time by the owner, or any tenant or occupier of the Erf, or any alterations and additions to such houses or buildings, shall be first approved by the company, outbuildings shall not be used as dwellings except for servant .

(e) That the said Erf shall not be subdivided ,and that there shall not be erected more than one dwelling house, with the necessary outbuildings and accessories on the said Erf.

(h) Outbuildings shall only be built simultaneously with and in conjunction with the dwelling house itself, and the dwelling house to be erected must be a complete house, in accordance with the approved drawings and specifications, and not a portion of such house to be completed later. No buildings shall be erected on the property of any material other than brick or stone.

(i) The house to be erected on the property shall have its main frontage on to the road on which the Erf is situated. If the Erf has more than once road frontage elevations to the satisfactory to the Company shall be provided to each roadway.

3. The Application

The purpose of this application is to apply for the amendment of City of Johannesburg Land Use Scheme, 2018, by rezoning Erf 192 Parkwood from “Residential 1” to “residential 3” for the purposes of dwelling units.

3.1 Proposed development

It is the intention of the owner to utilize the property for the purposes of dwelling units, the owner intends to develop 8 dwelling units on the site at the density of 80 dwelling units per hectare.

3.2 Current Development Controls

Table 1: Existing Development Controls.

Development Control	Limitation
Zoning	Residential 1
Primary Use	Dwelling House
Coverage	50%
Height	As per scheme
Density	As per scheme
Building Lines	As per scheme

3.3 Proposed Development Controls

Table 2: Proposed Development Controls.

Development Control	
Zoning	residential 3
Primary Use	DwellingUnitRB
Coverage	80%
Height	3 Storeys
Density	80 du/ha
Building Lines	3 m along street boundaries 1m side boundaries 2m Rear boundry
FAR	1.2

3.4 General Conditions

- A site development plan shall be submitted to the council for approval before submitting any building plans. No building may be erected on the site prior to the approval of the site development plan by the council and the entire development on the erf shall be in accordance with this plan with consent from the council for amendment when needed.
- Signage shall be to the satisfaction of the Council.
- All structures shall be in accordance with plans submitted to and approved by the Council. Any major alterations or additions shall be erected or made in accordance with plans submitted to and approved by the Council before the work is begun.
- Access to and from the site shall be to the satisfaction of the Local Authority.
- The site shall be landscaped preferably by the planting of indigenous trees and shrubs and will be maintained to the satisfaction of the Council.

3.5 Engineering services

The subject property is fully serviced with water, drainage services and a tarred road. All these services are provided by the City of Johannesburg Metropolitan Municipality.

4. Motivation in support of the application

4.1 Need and Desirability

South Africa's settlement problems are a legacy of the colonial, apartheid and modernist systems, which used housing as an instrument of separation, segregation and economic deprivation. Our urban landscape is characterized by a lack of social and class integration, inequality of urban opportunities and a limited range of types of housing. Moreover, housing instruments are not able to cope effectively with growing demand.

South African cities have some of the lowest urban densities in the world and the low-density, sprawling nature of the contemporary city stands in the way of attaining good urban quality, integration, sustainability and equity. The housing rights of the poor are compromised by sprawling, low-density settlements and a lack of affordable housing opportunities in well-located areas has thus relegated them to the urban periphery. People living in peripheral dormitory suburbs have to commute to their places of employment in well-located areas at great costs to themselves, government, the environment and South African society.

According to Section 5(4) of the Johannesburg Municipal Planning By-law (2016), all land development applications must be done with the purpose of coordinating and harmonizing developments in a way that will promote the safety, health, good order, convenience, amenity, and welfare of the area. Section 7(1) of the By-law states that the Land Use Scheme must be in line with the City's Municipal Spatial Development Framework.

The Land Use Scheme must also decide the use and development of land within its City's jurisdiction in order to promote social inclusion, economic growth, efficient land development and have a minimal impact on the environment, natural resources and people's health. Section 2(3) of the Johannesburg Municipal Planning By-law further states that no person may utilize or develop land in any other way except that which is permitted in the City's Land Use Scheme or the Municipal Planning By-law.

Section 8(1)(a) of the Johannesburg Municipal Planning By-law emphasizes the Land Use Scheme's importance by mentioning that it is enforceable by law. All land users and owners, including the State, are bound by the provisions found in a Land Use Scheme. As a result, the City of Johannesburg Land Use Scheme (2018) was considered to ensure that the planned development is in line with the plans that the Municipality has for Johannesburg as a whole.

An increasing awareness of the ecological impacts of our cities requires that the ecological footprints of urban areas are reduced by limiting the amount of land required to support each individual's consumption. Increasing urban densities can mitigate sprawl and lead to lower land use requirements.

Studies have found that when residential density was doubled, private transportation could be reduced by as much as 20-30%. The subject site is in close proximity to numerous former Residential 1 properties that have been rezoned to higher densities.

A functional in that sufficient space is made available for developments and integrated urban settlement is that which promotes the integration of socio-economic opportunities in that convenience is brought to all in the form of urban services and facilities. The subject site is located in close proximity to major business and other facilities and therefore the proposed development on the site will lead to efficient utilization of the existing infrastructure.

Low-density development increases the cost of infrastructure provision. This is due to the servicing of large residential properties and the underutilization of existing infrastructure, including the ad hoc development of areas and continued green field development. The large portion of the property is vacant with many trees; this can be a hiding place for criminals.

The proposed dwelling units will add to the aesthetic value of the area and therefore maintaining the same property value of other surrounding uses. The subject property is in close proximity to Malibongwe Drive, and this is a mobility spine with a lot of high density and mixed use development. The occupants will be closer to amenities and places of work.

Housing demand has tended to shift to more compact dwelling units and stands which reduce maintenance costs. The compact nature of higher-density development requires less extensive infrastructure to support it, making delivery of basic services more efficient. The proposed development will help stimulate the economic growth in the area. Moreover, the proposed development is residential and does not deviate from the surrounding land use of the area.

The impact on the surrounding neighbourhood will be minimal if any because the application does not set any un-precedence in the area but rather conforming to the development of the neighbourhood. The submission of a Site Development Plan will also be necessary as this will allow the Council to further reduce any negative impact. Full on-site parking will also be provided to the satisfaction of the Council and the residential character of the area will be maintained.

4.2 Town Planning Policy

4.2.1 RSDF

According to the RSDF Region B (sub area 19) the site is located in the area where there is a variety of densities and building typologies, so the subject property will not be the first to set the trend in the area. The subject property is located along the Dover street and there is already existing number of similar uses as the subject property.

The Subject property is also in close proximity of rosebank mall and the gautrain station, and both mobility roads has a mixed use development and a residential development of 50-70du/ha and 70-80du/ha respectively. This means there is an easy access to amenities which then reduce the need for traveling, therefore less traffic. Distance to the Rosebank mall and the gautrain station is a walking distance.

4.2.2 City of Johannesburg Nodal Review Policy 2019/20

According to the City of Johannesburg Nodal Review Policy, 2019/20, the site falls under Metropolitan Node. It is desired that within the nodal core and

around transit stations a density of 150+ du/ha be supported with a minimum of 80du/ha. Coverage is also encouraged to be high and/or up to 100%. However, it is important to consider the availability and accessibility of functional recreational spaces and areas (on & offsite, outdoor & in-door). The proposed development is therefore in line with the Nodal Review policy.

4.2.3 Spatial Planning and Land Use Management Act, 2013

The Spatial Planning and Land Use Management Act (Act No. 16 of 2013) intends to provide a uniform framework for spatial and land use management in the Republic. It seeks to promote consistency and uniformity in procedures and decision-making in spatial planning. The objectives of the Act are:

- Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- Ensure that the system of spatial planning and land use management promotes social and economic inclusion
- Provide for development principles, norms and standards;
- Provide for the sustainable and efficient use of land;
- Provide for cooperative government and intergovernmental relations amongst the national, provincial and local spheres of government; and
- Redress the imbalances of the past, to ensure that there is equity.

The application of the SPLUMA principles applies to all organs of state and other authorities responsible for implementation of legislation regulating the use and development of land. The following principles apply to spatial planning, land development and land use management. These principles are discussed below:

SPLUMA PRINCIPLES	COMPLIANCE OF THIS APPLICATION
Spatial Justice	The dwelling units will be open to people from different racial, social and income groups without prejudice, discrimination or exclusion.
Spatial Sustainability	The site is located in a development settlement. This encourages the optimal use of available land.
Efficiency	The dwelling units will make use existing resources and infrastructure. This will encourage the efficient use of resources and the optimal use of existing infrastructure.



Good Administration	This application is in harmony with City of Johannesburg legislations such as the City of Johannesburg Land Use Scheme (2018) and the Johannesburg Municipal Planning By-Law (2016).
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This development seeks to optimize/capitalise on the infrastructure already provided in the area.

5. Conclusion and Recommendations

The City of Johannesburg is moving towards creating compact cities/towns, and the purpose of this is to minimize urban sprawl and to enhance accessibility to resources with convenience. We believe the nature of the development proposed on the subject site works hand in hand with achieving this vision, as it provides an incremental step towards a compact city.

Based on the feasibility studies and research done during the compilation of this rezoning application, it can therefore be concluded that the proposed addition of dwelling units will have a positive impact on its surrounding properties and on Parkwood as a whole. No negative impacts can be expected. The planned dwelling units will contribute to the efficient and optimal use of existing infrastructure, municipal services, public transport and land.

It is therefore requested that the City of Johannesburg Metropolitan Municipality give this application favorable consideration.