SIMULTANEOUS REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS

PORTION 1 OF ERF 158 AND THE REMAINDER OF ERF 158

HURLINGHAM

KiPD

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MOTIVATIONAL MEMORANDUM:

SIMULTANEOUS REZONING AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS

PORTION 1 OF ERF 158 AND THE REMAINDER OF ERF 158 HURLINGHAM

FOR

PORTION 1 ERF 158 HURLINGHAM CC

AND

SONWABO EDWIN FUNDE

KiPD

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1. INTRODUCTION

The owners of Portion 1 of Erf 158 and the Remainder of Erf 158 Hurlingham, herein after referred to as "the site", have appointed Koplan iNtuthuko Planning and Development (KiPD) to prepare, submit and administrate an application for the removal of certain title restrictions and the rezoning of the properties on their behalf.

The two properties are currently zoned as "Residential 1" according to the Sandton Town Planning Scheme of 1980. This zoning does not allow for the proposed development and it is thus the intention of this application to amend the Sandton Town Planning Scheme of 1980 by rezoning the subject properties from "Residential 1" to "Residential 3" to allow for a density of 70 residential dwelling units per hectare. This will ultimately allow for a high density residential development within the Hurlingham residential neighbourhood supplementing the current development trend of high densities along William Nicol Drive.

It is also the intension of this memorandum to support the removal of restrictive conditions 10. and 12. from title deeds T69354/1997 and conditions 10. and 12. from title deed T74787/1997, which would conflict with the approval of the rezoning application.

Application for the amendment of the Sandton Town Planning Scheme, 1980 and the removal of restrictive conditions is hereby made in terms of the provisions of the Spatial Planning and Land Use Management Act, 2013(16 of 2013) read in conjunction with the City of Johannesburg Municipal Planning By-Law, 2016.

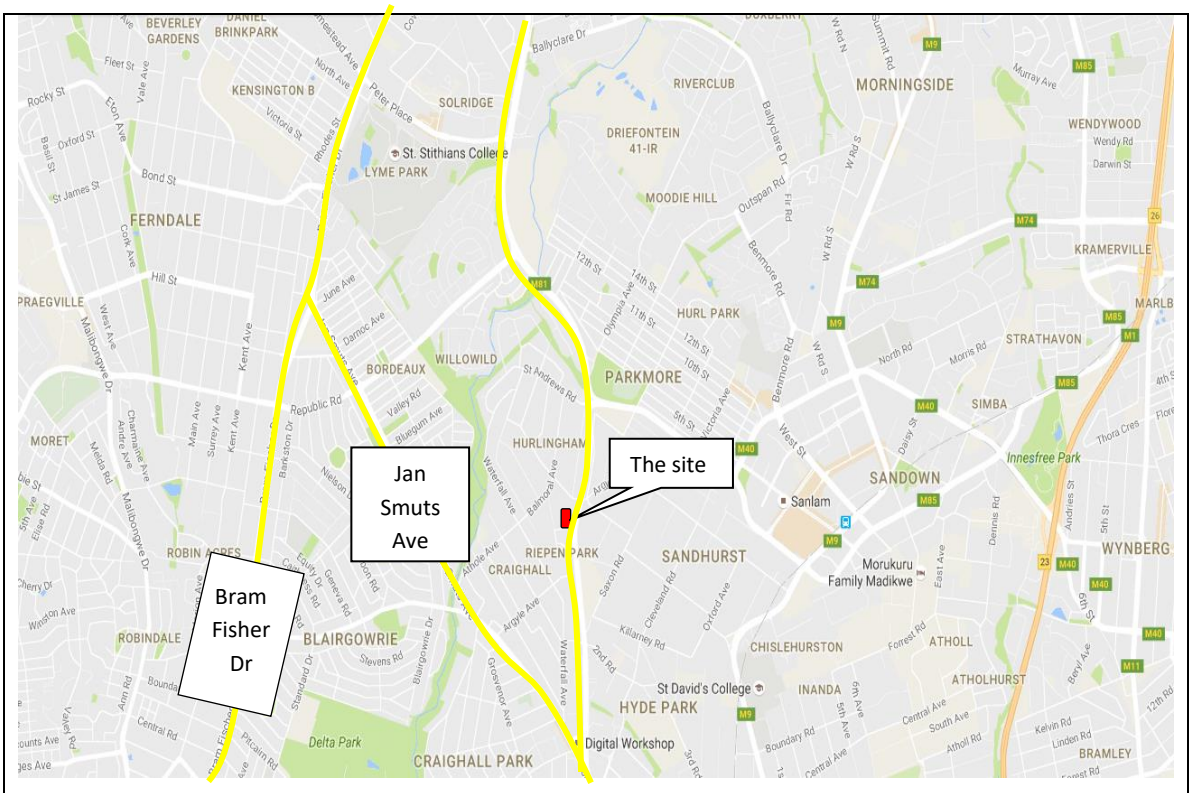
All pertinent information and motivation for the change in land use is detailed in this report.

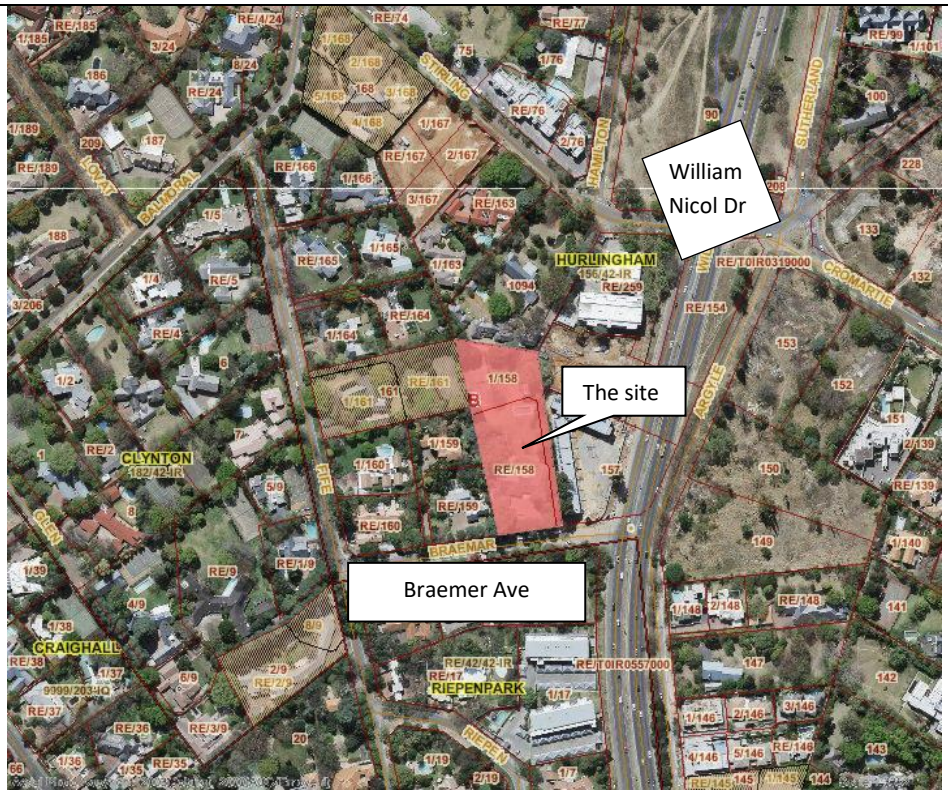
2. PROPOSED CONSOLIDATION

The application for consolidation of Portion 1 of Erf 158 and the Remainder of Erf 158 Hurlingham has been submitted simultaneously with this application. The proposed consolidation will merge the properties to form a single entity. This rezoning application is to ensure that the rights obtained will be uniform on both properties and result in the building of a single development in the most efficient manner possible.

3. LOCALITY

Hurlingham is located in the northern suburbs of Johannesburg, to the west of Sandhurst, east and north of Craighall and south of Parkmore. The subject site lies on the northern side of Braemar Avenue at No's 7 and 9 Braemar Avenue, an erf away from William Nicol Drive on the east.





4. LEGAL

All legal information which is relevant and relate to this application is detailed as follows:

4.1. OWNERSHIP PARTICULARS

Property details	Registered owner	Title deed no	Extent (m^2)
Portion 1 of Erf 158	Portion 1 Erf 158 Hurlingham CC	T 74787/1997	2513 m^2
Remainder of Erf 158	Mr. Edwin Funde Sonwabo	T 69345/1997	3718 m^2
Total			6231 m^2

4.2. MORTGAGE BOND

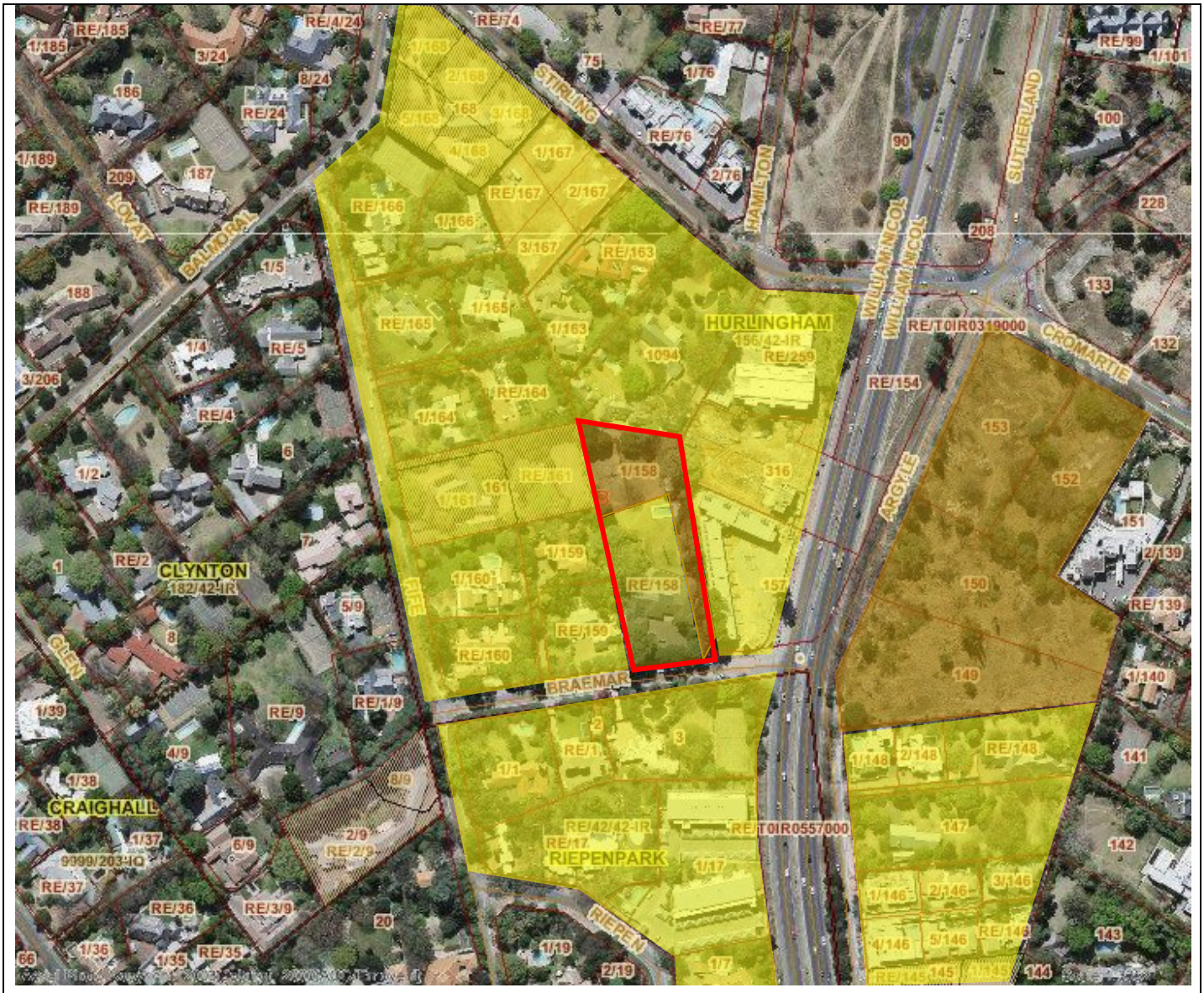
There is a mortgage bond registered against the Remainder of Erf 158 with Nedbank Ltd. The bondholders consent letter is attached in this application.

4.3. TITLE RESTRICTIONS

There are restrictive title conditions in the title deed T69345/1997 negatively affecting the rezoning of this property. The application to remove the restrictive conditions is included in this application and detailed in paragraph 8 below.

5. EXISTING AND SURROUNDING LAND USE

There is currently a residential dwelling house on the Remainder of Erf 158. Portion 1 of Erf 158 is vacant and forms part of the garden of the adjacent house. The subject properties are surrounded predominantly by residential development of various densities on the northern side and southern side.



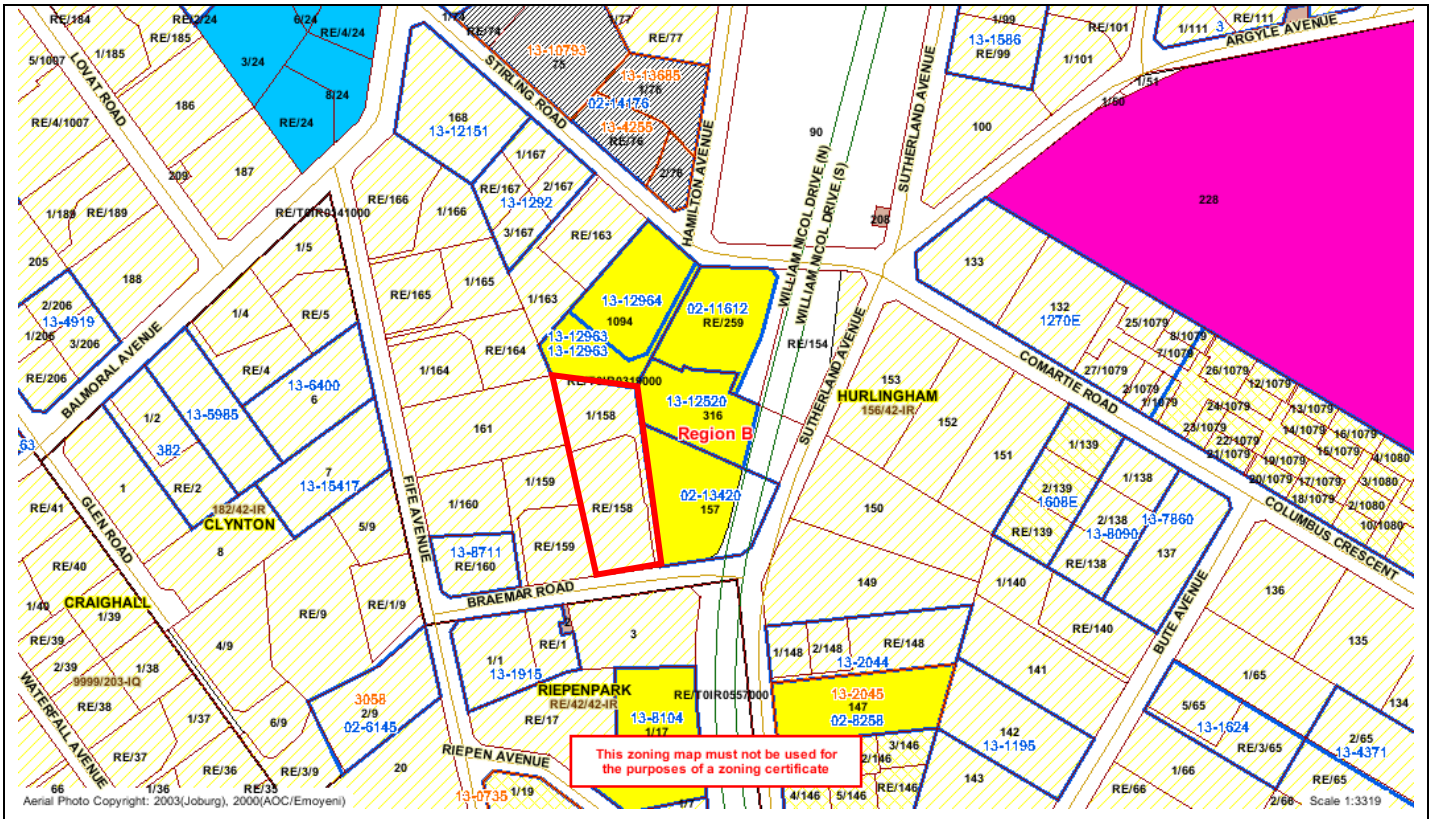
	Residential
	Vacant
	The site

6. EXISTING ZONING AND DEVELOPMENT CONTROLS

The subject properties are currently zoned as follows in terms of the Sandton Town Planning Scheme, 1980:

Development Control	Specification
Zoning	"Residential 1"
Floor Area Ratio	N/A
Coverage	50% (1 Storey), 40% (2 Storeys), 30% (3 storeys)
Height	3 storeys
Density	One dwelling per erf
Building Lines	10m street boundary 3m other boundaries
Parking	As per Scheme

The surrounding properties are zoned for various levels of residential development, as indicated below:



	Residential 1		The Site
	Residential 3		
	Institutional		
	Educational		
	Special		

7. PROPOSED REZONING

It is proposed that the property be rezoned as follows:

Development Control	Specification
Zoning	Residential 3
Floor Area Ratio	1.0
Coverage	60%
Height	3 storeys
Density	70 units per hectare (44 units on site)
Building Lines	As per Scheme : 3 m on street boundaries 0 m all other boundaries
Parking	As per Scheme

8. REMOVAL OF RESTRICTIVE CONDITIONS

Application is hereby made to remove conditions 10. and 12. from title deeds T 69354/1997 and conditions 10. and 12. from title deed T 74787/1997 as follows :

Condition Number:	Condition Wording	Reasons for removal
10.	No semi-detached house shall be erected on the erf. No more than one dwelling house with the necessary outbuildings shall be erected on the erf. Outbuildings shall be built simultaneously with the dwelling house, which shall be a complete house and not one partly built and intended for completion at a later date.	This condition restricts the redevelopment of the properties and thus does not permit the densification of the site. This is contradictory to the City of Johannesburg Developmental policy and thus should be removed. The Spatial Development Framework, Regional Spatial Development Framework, along with supplementary policies within the municipal area guide development and in this specific case, advocates for the densification of the property, thus warranting the removal of the title condition.

12.	Buildings erected on the erf shall be located not less than 6.10 metres from the boundary abutting on a street and not less than 3,05 metres from the other boundaries of the erf and in such manner as shall be agreed upon by the applicant.	The building lines for all properties are regulated by the relevant Town Planning Scheme. These specifications do not match those indicated in the Sandton Town Planning Scheme,1980, and as such should be removed. The City of Johannesburg stringently enforces the regulations as per the Town Planning Scheme, thus making this condition repetitive and superfluous.

9. PROPOSED DEVELOPMENT

The proposed development on the subject sites will result in a high quality residential complex in a well established suburb, composed of high quality and high value property and developments. The surrounding developments and existing built character of the area will dictate the high quality nature this development will have to conform to.

The prime location of the site lends itself to an ideal opportunity to maximise the development potential and provide much needed, highly accessible residential accommodation.

10. ENGINEERING SERVICES

Due to the magnitude of this development; a number of additional professional services are required and have been deployed. The Traffic Impact Assessment has been compiled and will be submitted to Johannesburg Roads Agency (JRA) for approval. The water and sewer Outline Scheme Report and an Electrical Capacity calculation have also been compiled and will be submitted to Johannesburg Water and City Power for assessment and approval. A summary of the abovementioned reports are offered as follows:

10.1. TRAFFIC AND ACCESS

A traffic impact assessment has been prepared by Moyeni Professional Engineers and will be submitted to Johannesburg Roads Agency for approval. The study indicates that the proposed development will result in the following traffic patterns:

AM peak hour	IN:	7	OUT:	21	TWO WAY:	**28**
PM peak hour	IN:	20	OUT:	8	TWO WAY:	**28**

The additional expected trip generation is less than 50 peak hour trips and the traffic impact is also expected to be minimal.

All intersections are operating satisfactorily at present (2016). In the future (2018 and 2023) all intersections are expected to operate satisfactorily providing the road upgrades as tabulated in the table below are implemented.

Intersection	Year	Upgrade recommended	Responsibility
William Nicol Drive and Stirling / Argyle Ave	2018 (Background traffic)	Left-slip-lane on the eastern approach	Road authority
	2023 (Background traffic)	Additional through lane on William Nicol Drive - northbound	Road authority

With regards to public transport, the site is moderately serviced on William Nicol Drive with both buses and minibus taxis. The walking distance of some 70m from the Site to William Nicol Drive is within the recommended maximum of 500m (as set out by the Department of Transport). Lay byes at the critical intersections along William Nicol Drive are recommended to be hard surfaced with shelters. These facilities should be constructed by the City of Johannesburg as part of the ongoing public transport services in the City.

The site access is positioned on Braemar Road in the furthest position from William Nicol Drive being approximately 70m from the stop line.

10.2. WATER AND SANITATION

A concept services report has been compiled by Klunene Consulting Civil Engineers. The findings of their report are summarised as follows:

10.2.1. WATER

From information obtained from Johannesburg Water, the area falls under the Illovo reservoir zone and the Illovo reservoir is ±2.6km south east of the located site. There is an existing 110mm Ø water pipe running on the southern side on Braemar Road along the southern boundary of the site.

It is the intention of the developer to tie into the existing 110mm Ø pipe running in Braemar Road Street.

The existing 110mmØ water pipe along Braemar Road does have sufficient capacity to service the proposed development. A 110mmØ water connection will be provided to service the proposed development. The peak fire flow velocity is below the maximum of 3.5m/s specified therefore a 110mmØ (OD) has sufficient capacity to service the proposed development. The only other requirement will be to provide adequate firefighting points and apply for the connection direct from Council.

10.2.2. STORMWATER

With regards to stormwater, there is an existing 450mm Ø stormwater system that starts in the southern corner of erf 1094 and drains in a north eastern direction along the eastern boundary of erf 1094. A 450mm Ø 100D stormwater connection has been provided by the development on Erf 1094 for Hurlingham erf 158.

An internal stormwater system will be provided to drain the development and convey such runoff to the low points in the north eastern corner of the site where the attenuation dam will be situated. It will be necessary to provide stormwater management on site in order that the discharge from the site will be no greater than the 5 and 25 year pre-development conditions. This attenuation will require a total of 213$m^3$of storage in order to contain the 5 and 25 year post development conditions. This attenuation facility will be provided at the low point in the north western corner of the site.

10.2.3. SANITATION

In terms of sewer reticulation, there is an existing 160mm Ø sewer system that starts along the eastern boundary of the site and runs along the northern boundary of erf 157 in a south eastern direction and tie into the 160mm Ø sewer pipe that runs along William Nicol Drive. It is our intention to tie into the existing 160mm Ø sewer line that starts along the eastern boundary of the site.

Internal reticulation on the site will be required. The development has an existing 110Ø connection tying into the existing sewer system along the eastern boundary of the property. It is proposed to utilise the existing sewer connection that will be upgraded to a 160Ø PVC-U connection.

10.3. ELECTRICITY

According to DG Consulting Engineers, the total load required per unit, inclusive of stoves, air-conditioners, lighting, ovens and geysers would amount to 11.9 KW per unit. This, when calculated with the ADMD amounts to 3.91 KVa per dwelling unit.

An enquiry as to whether this is available will be made to Eskom. If there is insufficient capacity, a mini substation will have to be installed.

11. MOTIVATION

The motivation for this development is expressed in terms of the need and desirability as follows:

11.1. NEED

The proposed rezoning is to allow for the construction of a high density residential development composed of apartments. The object of this development is to provide high quality residential accommodation in a well located and easily accessible area. The need for this type of development in this area can be attributed to the following:

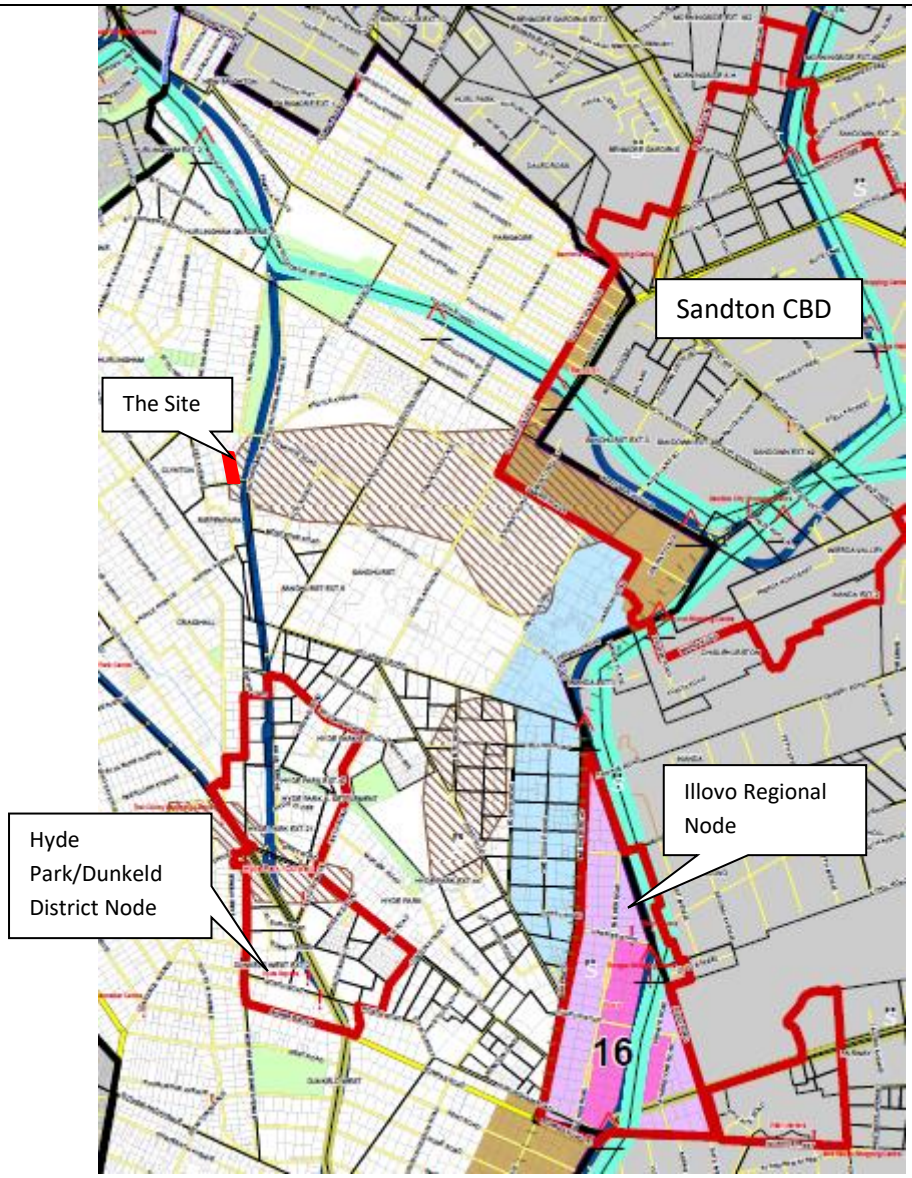
- Locality
- Preference for smaller units
- Security

11.1.1. LOCALITY

The subject properties are located one erf away from William Nicol Drive which is classified as a mobility spine. A mobility spine is defined as "an arterial (road) along which through traffic flows with minimum interruption (focus on providing mobility). More often than not it will be the main arterial road between major nodes or between nodes and the freeway and motorway system" in terms of the City of Johannesburg Spatial Development Framework, 2020 (2016). The type of development generally found along and in close proximity to mobility spines are often high density residential developments and high rise offices/places of employment. This is largely due to the fact that the level of accessibility makes investing along these routes much more inviting. Access cannot be granted directly off these routes as their primary function is ease of mobility.

The connectivity that results from these routes ensure that the travelling time between destinations are reduced and access to neighbouring nodes, places of employment, recreation, education and social facilities are easily obtainable.

The image below, extracted from the City of Johannesburg Regional Spatial Development Framework 2010/2011 clearly indicates the proximity to major nodes from the site, making it a highly sought after property. The Sandton CBD (Metropolitan Node), the Hyde Park / Dunkeld District Node and the Illovo Regional Node are all highly commercialised nodes where opportunities for employment are concentrated and are supplemented with residential, social and recreational facilities.



11.1.2. PREFERENCE FOR SMALLER UNITS

The residential character of many of the northern suburbs in Johannesburg has been undergoing a change in terms of density and housing typology. The unsustainable nature of stand-alone dwelling units on large properties has led to high maintenance costs and has therefore not been favoured by many new homeowners. The convenient and safer apartment development has become much more favoured due to the minimal maintenance and usually more secure development.

The target market for this development are young, up and coming professionals, seeking trendy accommodation to own or rent in an area with a history of consistently high quality accommodation and secure lifestyles with growth in value of homes year on year. The proposed development will be in keeping with the surrounding developments. Since the proposed development is located adjacent to a newly developed residential complex which has set the standard of developments for this area, it is clear that the development of erven 1/158 and RE/158 Hurlingham will conform to the standard set out by previous developments and result in the overall enhancement of the area and an increase in property values.

In addition to the user favouring the smaller unit, in terms of sustainability, increasing residential densities optimise existing infrastructure, prevents urban sprawl and reduces travel distances. The notion of the compact city will be materialised in this development as it will accommodate a substantial amount more residents on the property, and will be close to a number of amenities and places of work.

11.1.3. SECURITY

An unfortunate reality in South Africa today, is the prevalence of crime and as such, the need for secure housing. The development of secured residential complexes have soared in recent years in response to the increase in home invasions and violent crimes. Many new homeowners, as well as people who have lived on stand-alone dwellings have opted to move into higher density, secured premises. In addition to the clearly visible security usually present at the complexes, the controlled access and general "eyes" present deter criminals. The higher number of people living within the complexes also provide a sense of security for residents.

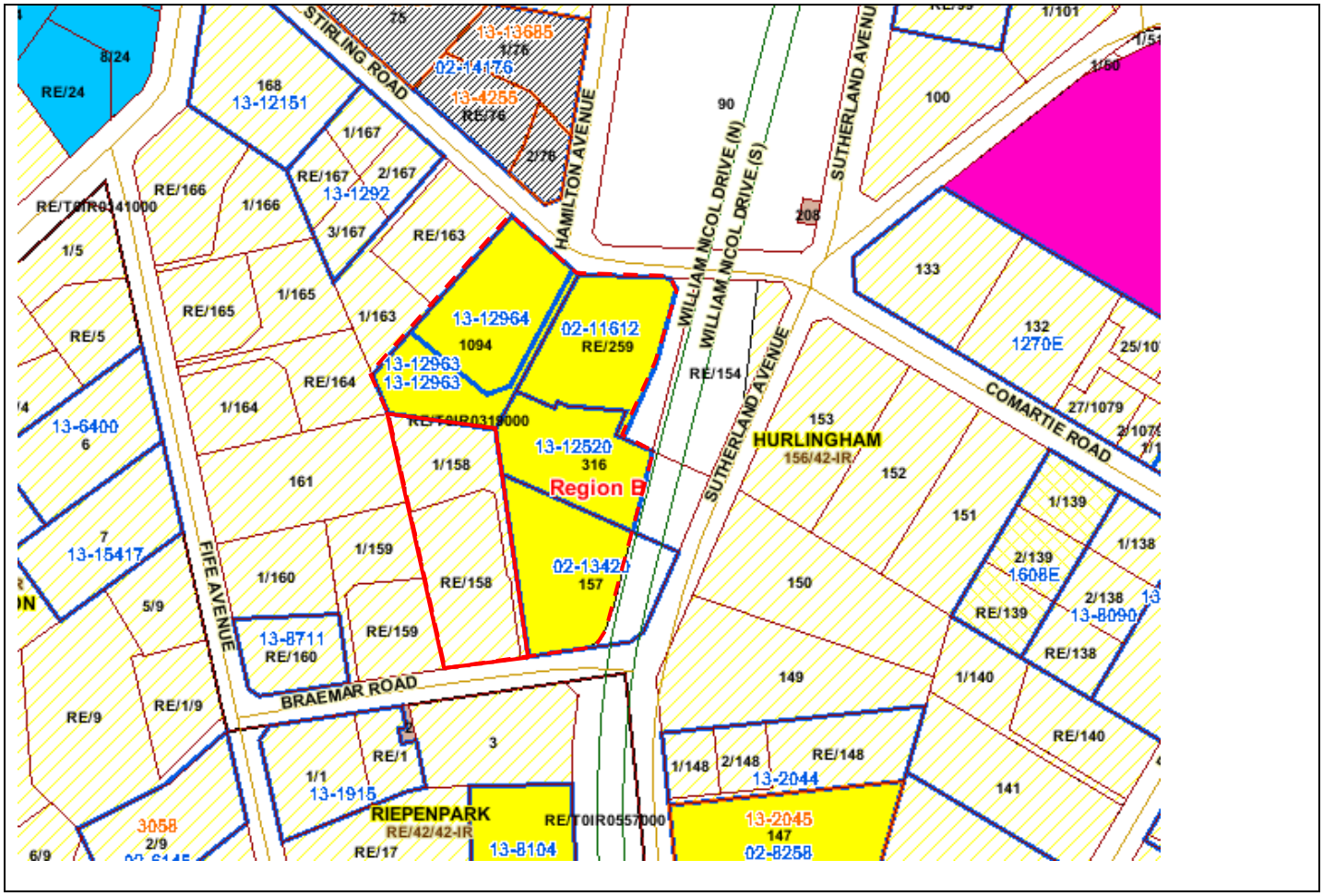
Therefore, the development of higher density residential complexes is a much needed form of housing, especially from a security perspective.

11.2. DESIRABILITY

The desirability of this proposed development is expressed in terms of the applicable developmental policy, namely the City of Johannesburg Spatial Development Framework (SDF) 2020 (2016) and the Regional Spatial Development Framework (RSDF) 2010/11 as well as other factors.

11.2.1. OTHER ZONINGS

In terms of creating a developmentally sound landscape, the configuration of development should flow logically. The proposed rezoning will complete the block of development which also poses as a good buffer zone between the mobility spine of William Nicol Drive and the low density residential suburb west of it. The plan below indicates the rezoning's previously approved and clearly indicates the "block" of development. Furthermore, the proximity of the property rezoning directly north of the subject property is exactly the same as the proximity of the subject properties from William Nicol Drive.



11.2.2. JOHANNESBURG SPATIAL DEVELOPMENT FRAMEWORK 2020 (2016)

The City of Johannesburg Spatial Development Framework 2020, implemented in July 2016 largely advocates for higher density housing developments. Such developments should consider and implement the following principles, specifically with regard to residential development:

a. Increase the viability of existing and proposed public transport infrastructure and services.
b. Public transport and non-motorised transport infrastructure to be aligned and invested into key priority areas.
c. Alignment of public infrastructure and social amenities with high density areas.
d. To optimise the use of land and provide accommodation in close proximity to urban opportunities.
e. To improve residents' quality of life by bringing them closer to urban opportunities and reduce travel times.
f. To reduce pressure for the development of open spaces and environmentally sensitive areas.
g. To reduce air, water and land pollution.
h. To optimise the use of existing infrastructure, and realising that increasing existing infrastructure capacity is more efficient than building new infrastructure systems.
i. Channel market supply into strategic densification areas.

The proposed development wholly aligns to the notions of efficiency and sustainability as advocated for in the SDF. The entire development is aimed at achieving a more compact and sustainable city by providing quality housing in close proximity to employment opportunities, transport infrastructure, social amenities and recreational facilities. Its location, as detailed in paragraph 11.1.1 provides an ideal opportunity for residential development.

With regards to the density guidelines, as outlined in the City of Johannesburg SDF 2020 (2016), high density residential development along mobility spines will be supported if the location of the site is in close proximity to employment opportunities, public transport infrastructure, social amenities and recreational facilities. That has been demonstrated in paragraph 11.1.1 above and reiterated throughout this application.

In order to achieve a sustainable and compact city, one must employ higher rise development strategies to reduce the building footprints and simultaneously increase density. This in turn, will ensure optimal use of service infrastructure as well as transport infrastructure, while reducing the negative impacts on the environment.

11.2.3. REGIONAL SPATIAL DEVELOPMENT FRAMEWORK (RSDF) 2010/11

The property is located in Region B, sub area 15 in terms of the City of Johannesburg RSDF 2010/11.

The development objectives of the RSDF, sub area 15 aims to promote higher densities along Oxford Road, William Nicol Drive and Jan Smuts Avenue. The sub area tables indicate that the City will support densities of between 50 and 70 dwelling units per hectare along William Nicol Drive and Jan Smuts Avenue, as they have been classified as mobility spines.

The subject site is one erf away from William Nicol Drive and adjoins the property which already has 70 units per hectare approved. Therefore, the proposed development will not be out of place, nor will it deter from the developmental vision for this area.

Therefore, as demonstrated above, the proposed development is coherent with the vision of the City of Johannesburg as illustrated in their development policy affecting the area.

12. PUBLIC INTEREST

The proposed development is for the provision of quality residential accommodation in a well located and central area. It is in the public interest to promote the provision of housing, especially when located in areas with ease of access to public transportation, places of employment, economic activity, social amenities and recreation facilities. The proposed development will only result in positive growth, integration and inclusion within the city, through its address appeal and access to amenities, infrastructure and opportunity.

13. SPLUMA DEVELOPMENT PRINCIPLES

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

SPLUMA Referral		**Proposed Development Compliance**
7 (a)	Spatial Justice	The principles of spatial justice are completely adhered to in this application as the proposed development is to provide residential accommodation in well located land that will address the historic development imbalances by being non-discriminatory and available to any person who wishes to reside in it.
7 (b)	Spatial Sustainability	This rezoning will ensure spatial sustainability is achieved as it is a highly equitable development. The location of the development addresses urban sprawl, as it is located along a mobility spine, promotes sustainable living and the use of public transport and aids in realising the notion of a "compact city".
7 (c)	Efficiency	The principles of efficiency are completely applied and adhered to in this development as the rezoning will ensure that the best possible use of existing infrastructure and optimally use this infrastructure.
7 (d)	Spatial Resilience	Not applicable to this development
7 (e)	Good Administration	This proposed development is not in contravention with the development policy of the City of Johannesburg. Therefore, this application is in line with the governmental policy affecting the spatial development of the area and does not deviate from it.

14. CONCLUSION

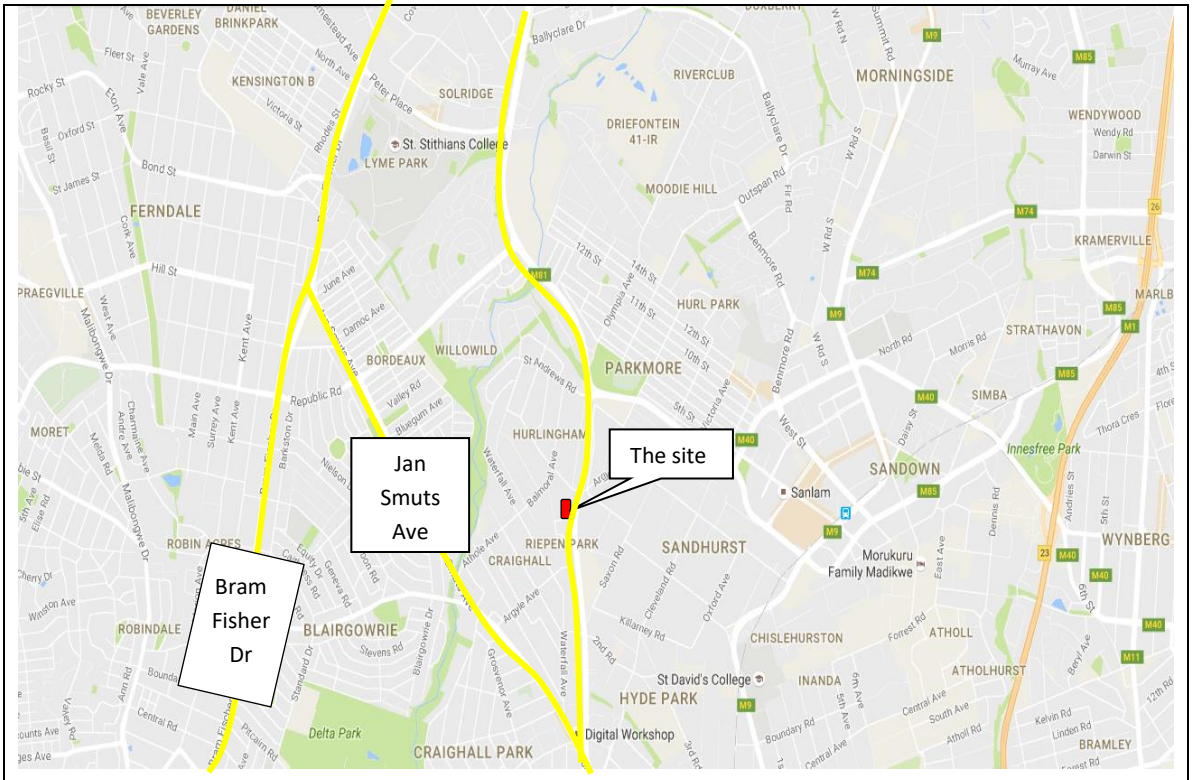
It is clear, based on the above application that the rezoning of Portion 1 of Erf 158 and the Remainder of Erf 158 Hurlingham will result in the provision of highly sought after, well located and high quality residential units. The proposed development completely adheres to the developmental policy and as a result aids in creating a sustainable and compact city. This development does not impede on the rights of the neighbours and is suitably located for its function.

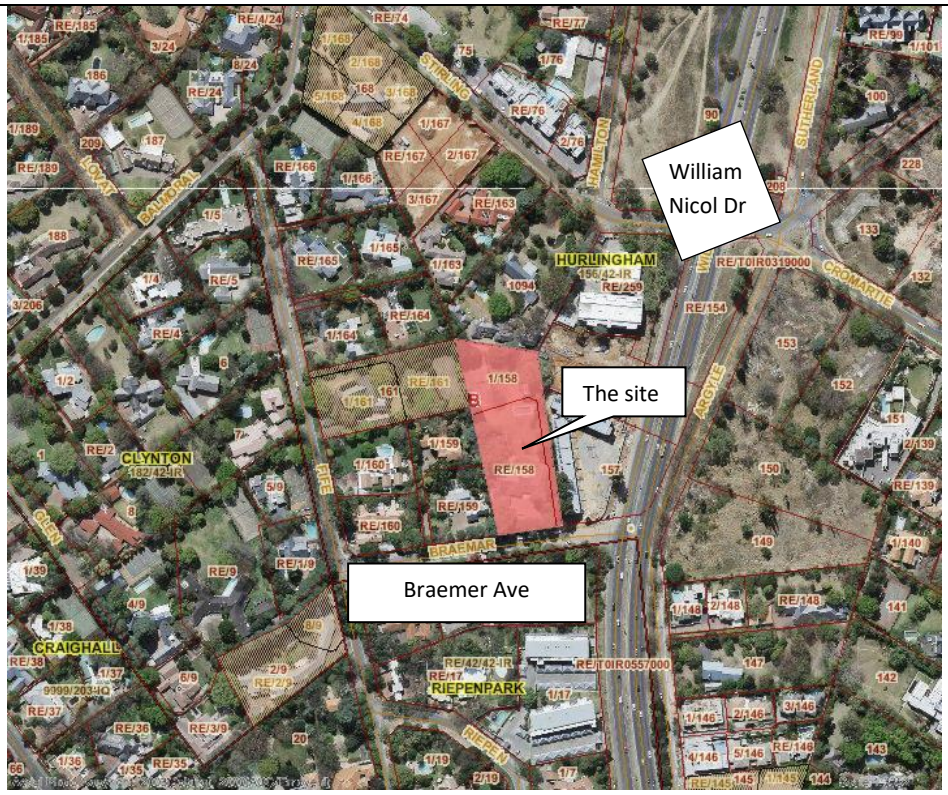
We therefore recommend that the application be approved.

SASKIA COLE
PR.PLN A1554/2012

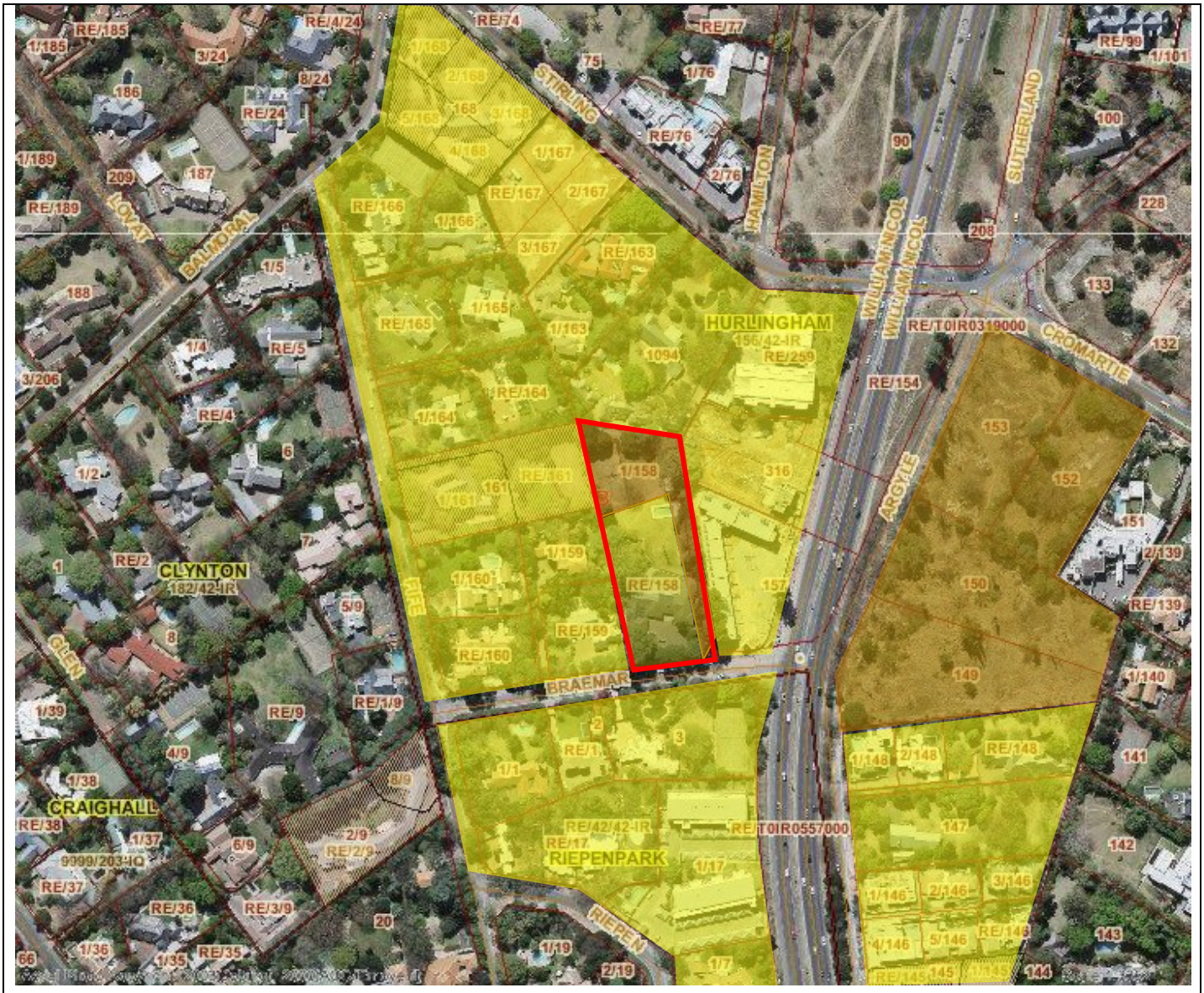
LOCALITY PLAN

Hurlingham is located in the northern suburbs of Johannesburg, to the west of Sandhurst, east and north of Craighall and south of Parkmore. The subject site lies on the northern side of Braemar Avenue at No's 7 and 9 Braemar Avenue, an erf away from William Nicol Drive on the east.





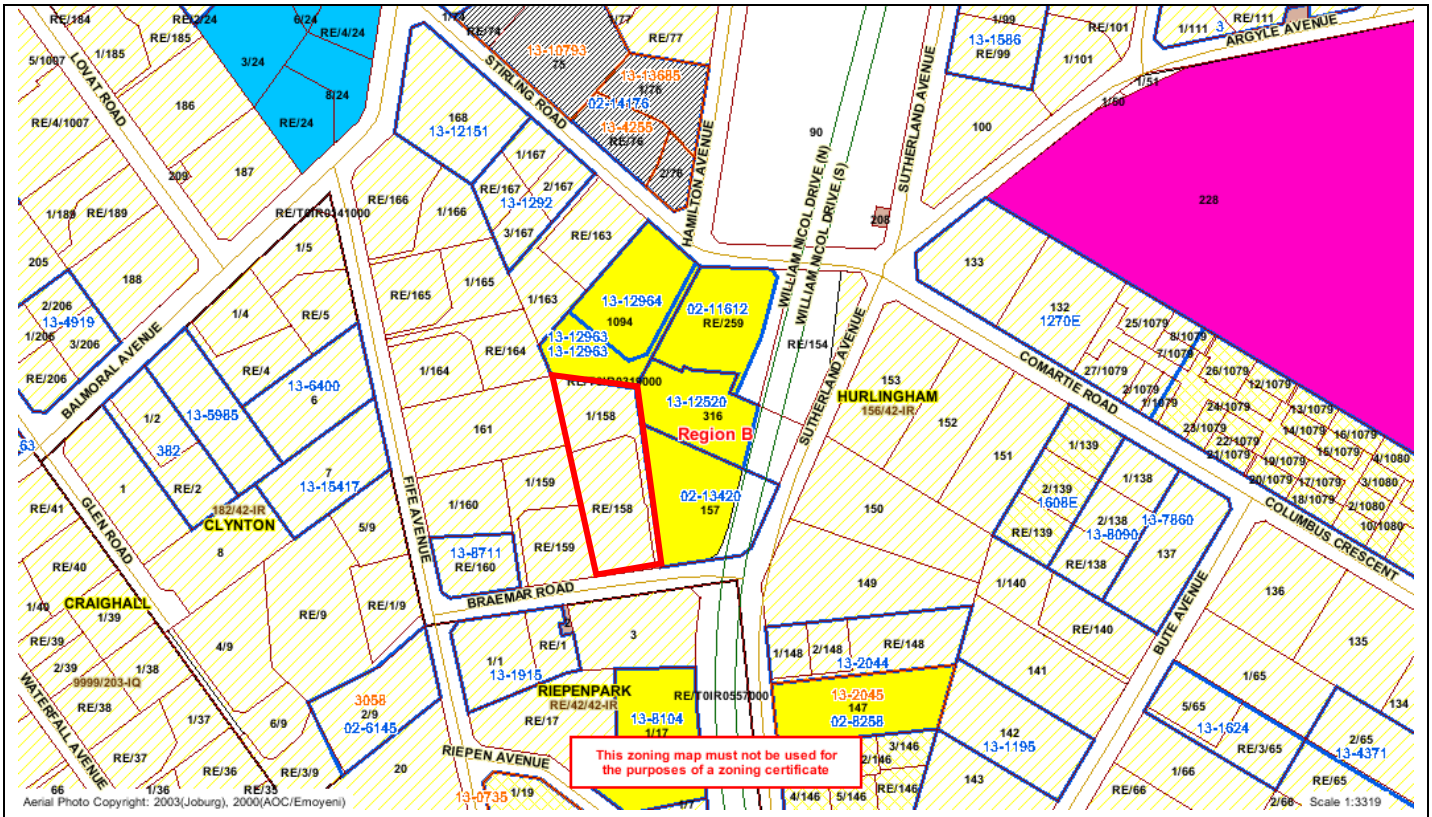
LAND USE PLAN



	Residential
	Vacant
	The site

ZONING PLAN

The surrounding properties are zoned for various levels of residential development, as indicated below:



	Residential 1
	Residential 3
	Institutional
	Educational
	Special
	The Site