

MOTIVATIONAL MEMORANDUM:

REZONING APPLICATION: PORTION 6 OF ERF 79 KELVIN



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MOTIVATIONAL MEMORANDUM:

Rezoning of

Portion 6 of Erf 79 Kelvin

On behalf of

Mateen Properties (Pty) Ltd

Compiled by:

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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for rezoning of Portion 6 of Erf 79 Kelvin. The application seeks to obtain land use rights for higher density residential development.

The full extent of the application is set out in this memorandum, which comprises of the following:

- ❖ Chapter 1: General Information
- ❖ Chapter 2: The Application
- ❖ Chapter 3: Policy Environment
- ❖ Chapter 4: Motivation
- ❖ Chapter 5: Conclusion

1. GENERAL INFORMATION

KiPD (Pty) Ltd, the authorised agent, has been appointed by Mateen Properties (Pty) Ltd, the new owner of Portion 6 of Erf 79 Kelvin, to lodge an application for rezoning to allow for the property to be used for higher density residential uses. The property will be referred to as “the site”, “the subject properties” and/or “the proposed development” in this memorandum.

1.1. THE APPLICATION

Application is hereby made in terms of Section 21 of the City of Johannesburg (CoJ) Municipal Planning By-Law, 2016, hereinafter referred to as the “By-Law”, read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA), for rezoning of the property from “Residential 2” to “Residential 3”.

1.2. LAND DEVELOPMENT AREA

1.2.1. Site Locality

(Annexure A: Plan 1 and 2)

The site is located at no 55 Eastway Street, Kelvin, in the north eastern region of Johannesburg. Kelvin is wedged between the M1 motorway to the west and the N3 motorway to the east.

1.3. AGENT AND CLIENT

1.3.1. Agent

The authorised town planning agent acting on behalf of the client is:

Name	KiPD (Pty) Ltd
Responsible Persons	Saskia Cole
Postal Address	47 Third Street, Linden, 2195
Contact Number	011 888 8685 / 082 574 9318
Email	saskia@kipd.co.za

1.3.2. Client

The client's details are as follows:

Name	Mateen Properties (Pty) Ltd
Responsible Persons	Imraan Minty
Physical Address	55 Eastway Street, Kelvin
Postal Address	P O Box 78, Kelvin, 2054
Email	abdulh@mateeninv.co.za

1.4. LEGAL ASPECTS

1.4.1. Ownership

The property is currently in the process of being transferred to Mateen Properties (Pty) Ltd. The registered title deed will be submitted as soon as it is received from the Deeds Office.

Annexure C: Title Deed T32197/2011, a letter from the conveyancing attorney confirming transfer, as well as the draft title deed.

1.4.2. Size

In terms of the mentioned title deed the property measures 1979m².

1.4.3. Power of Attorney

Mateen Properties (Pty) Ltd has provided a formal signed Special Power of Attorney to enable KiPD to submit the rezoning application on the subject property as per the requirements of the CoJ Municipal Planning By-Law, 2016.

Annexure E: Power of Attorney

1.4.4. Company Resolution

A resolution has been signed by the directors of Mateen Properties enabling KiPD to submit the rezoning application on the subject property as per the requirements of the CoJ Municipal Planning By-Law, 2016.

Annexure F: Company Resolution

1.4.5. Registered Mortgage Bonds

There are no mortgage bonds registered against the property.

1.5. EXISTING LAND USE

There is currently a single residential dwelling unit with outbuildings on the subject property.

1.6. SURROUNDING LAND USE

(Annexure G : Land use plan)

Kelvin is predominantly a residential suburb. Northway Street, the eastern boundary of the site is a busy throughway. The land adjacent east of the site is currently vacant.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

(Annexure H: Zoning Certificate)

In terms of the City of Johannesburg Land Use Scheme, 2018, the property is currently zoned as follows:

Zoning	Residential 2
Primary rights	Dwelling units
Secondary rights	Residential buildings, religious purposes, places of instruction, child care centre, social halls, institutions, special buildings, sport and recreation clubs, public or private parking areas, medical consulting rooms, guest house, tavern/shebeen.
Density	20 dwelling units per hectare (4 units)
Floor Area	As per scheme: 1,2
Coverage	As per scheme : Dwelling house - 50% (1 or 2 storeys), 40% (3 storeys) Other uses : 70%
Height zone	A : 2 storeys
Building Lines	As per scheme: 3m street boundary

The details of the zoning are specified in Amendment Scheme 02-11961 (Sandton Town Planning Scheme, 1980)

1.8. SURROUNDING ZONING

(Annexure I: Surrounding zoning)

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven surrounding the site are zoned as "Residential 1", with a few scattered "Residential 2" zonings.

2. THE APPLICATION

2.1. PROPOSED REZONING

Application is hereby made for the following land use rights :

Proposed Zoning	Residential 3
Primary rights	Dwelling units, residential buildings
Coverage	60%
Height	3 storeys
Density	60 units per hectare (allowing for 12 dwelling units on site)
Floor Area Ratio	1.2
Building Lines	2m street boundary
Parking	As per scheme – 1 bay per unit + 1 bay per 3 units for visitors

3. SPATIAL PLANNING ENVIRONMENT

In terms of Section 5(2) of the City of Johannesburg Municipal Planning By-Law, 2016 – “any land development application in terms of said By-Law shall be guided and informed by the City’s Integrated Development Plan and Municipal Spatial Development Framework as adopted and approved in terms of Section 20 of SPLUMA and Section 10 of said By-Law.”

This section therefore reviews all relevant spatial planning documents and plans, to determine the suitability and compliance to the spatial plans of the City.

The following spatial planning documents have been reviewed:

- City of Johannesburg Spatial Development Plan, 2040 (2016); and
- The Nodal Review, 2020.

3.1. SPATIAL DEVELOPMENT FRAMEWORK 2040

The Spatial Development Framework 2040 (SDF) is a city wide spatial policy document that identifies the main challenges and opportunities for the City, sets a spatial vision for the future city and outlines a set of strategies to achieve that vision.

Along with providing a spatial vision, the SDF defines the strategic spatial areas to be used in the City’s capital investment prioritisation model. This will ensure that infrastructure investment is directed to areas with the highest potential to positively impact on the development trajectory of the City as defined in the SDF.

In terms of the SDF, the subject property falls within the “Consolidation Zone”, This area (neither within the Transformation Zone, nor outside the urban development boundary) is viewed as a focus of urban consolidation, infrastructure maintenance, controlled growth, urban management,

addressing backlogs (in social and hard infrastructure) and structural positioning for medium to longer term growth.

The focus of the strategy is to create liveable lower to medium density suburban areas that are well-connected to areas of higher intensity through transit infrastructure, without the need for additional investment in service infrastructure.

Kelvin is a well-established residential suburb with relatively large property sizes. It has historically been developed with lower density residential development, however the City of Johannesburg has identified the suburb as a strategic area for increased residential densities. This is due to its prime location (wedged between the M1 and N3), as well as the large property sizes which have been severely underutilised.

The application conforms to the vision of the SDF. It is important for the SDF to be read in conjunction with the Nodal review, 2020.

3.2. NODAL REVIEW, 2020

In terms of the Nodal Review, 2020, Kelvin has been earmarked for a density of a minimum of 60 units per hectare. The proposed use is a medium density residential development with smaller units which will more effectively use infrastructure and space.

in terms of the Nodal Review, 2020 the development controls which will be supported are as follows:

Density	Minimum 60 dwelling units per hectare (No maximum)
Height	3-5 storeys . As a guide, not more than 1 storeys higher than highest neighbouring erf's rights or use (whichever is higher).
Coverage	Coverage up to 60% for three floors, 50% for 4, and 40% for 5.
Building Lines	2 to 4 m building lines

The application wholly supports this policy and does not initiate any contradictions to the vision for the City.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

The proposed development is a medium density residential development. The property is located within an established residential suburb which has been developed as low density residential on large properties.

The property, being 1979 m² in size, is ideal for redevelopment. With the density recommended by the Nodal Review, a total of 12 units can be built on the property. There is a demand for smaller, more affordable residential units in well located and maintained suburbs in Johannesburg. Kelvin is home to various income groups and a diverse community. There is thus a need for diverse residential units in the area as the suburb consists mostly of houses as opposed to flats/apartments. The lack of variety in the residential stock can exclude people from the property market.

A smaller residential unit will be more affordable and accessible for a wider variety of patrons (singles, families, students, professionals etc). The increased densities allow for more people to live in close proximity to their places or work and public transport infrastructure, thus reducing the need to travel lengthy distances to and from work. This is in keeping with the concept of the "Compact City". It also opens the property market to people who previously would not be able to own property.

In addition, higher density residential development aids in the provision of indirect security in the sense that there are more "eyes on the street", making crime around it less inviting. More and more people are favouring "complex/apartment" living due to the increased sense of security that is obtained through communal living.

5. 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 development addresses the principle of spatial justice as it answers to the rectification of previous injustices by improving access to residential spaces.
7 (b)	Spatial Sustainability	The principle of spatial sustainability is addressed in the fact that the development is being implemented in an area that is considered viable for the development to occur within and addresses the immediate need to the amenity.
7 (c)	Efficiency	The land development optimises the use of existing engineering infrastructure .

7 (d)	Spatial Resilience	By providing more residential opportunities, the principle of spatial resilience applies in that the Spatial Development framework supports the type of development that’s been instituted in the area, therefore adhering to the vision of the City.
7 (e)	Good Administration	The development answers to the broader scope and the microscope of all spheres of government, in that it answers the need of the intention to increase accessibility to necessary social needs within South Africa.

6. RECOMMENDATION

The application is in line with the City of Johannesburg’s vision for this area and supports the vision of the City for the future of Kelvin and the proposed development would align with the surrounding area. The City is in dire need of affordable and well located residential opportunities. This application aims at addressing this need and more efficiently utilising well located space in the City.

We therefore recommend that the application be approved.