

**MOTIVATIONAL
MEMORANDUM:
REZONING APPLICATION:
ERF 17730 KAGISO EXTENSION 13**



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MOTIVATIONAL MEMORANDUM:
Rezoning Application
on
Erf 17730 Kagiso Extension 13

On behalf of
Mogale City Local Municipality

Compiled by:

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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for rezoning of Erf 17730 Kagiso Ext 13. The application seeks to obtain land use rights for residential and municipal uses.

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 the Mogale City Local Municipality, the registered owner of the property, to lodge an application for rezoning to allow for the property to be used for 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 45 of the Mogale City Spatial Planning and Land Use Management By-Law, 2018, 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 from "Municipal" to "Residential 1 and Municipal".

1.2. LAND DEVELOPMENT AREA

1.2.1. Site Locality

(Annexure A: Plan 1 and 2)

The site is located in Kagiso Extension 13, south of Randfontein Road and west of Adcock Street. Kagiso I located south of Krugersdorp and east of Azaadeville, within Mogale City Local Municipality.

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	P O Box 52287, Saxonwold, 2132
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	Aseda Consulting Engineers
Responsible Persons	Kwaku Koranteng
Physical Address	Head Office, Building No. 7 & 8, Constantia Park 546 on 16th Road, Midrand, Johannesburg
Contact Number	083 684 9332
Email	kwaku@aseda.co.za

1.4. LEGAL ASPECTS

1.4.1. Ownership

The property is owned by the Mogale City Local Municipality and is held under the parent farms title deed, T6545/2008

1.4.2. Size

According to SG diagram 8284/1999 the property measures 14123m².

1.4.3. Power of Attorney

The local authority, Municipal Manager of the Mogale City Local Municipality has provided a formal signed Special Power of Attorney to enable KIPD to submit a formal subdivision and rezoning application on the subject property as per the requirements of the Mogale City SPLUMA By-Law, 2018.

1.4.4. Registered Mortgage Bonds

There are no mortgage bonds registered against the property.

1.5. EXISTING LAND USE

The property currently has some residential dwelling units building on it, as well as a water reservoir.

1.6. SURROUNDING LAND USE

(Annexure B: Land Use Plan)

Kagiso is predominantly a residential suburb. The land use on and surrounding the site is residential in nature, with a municipal service (water reservoir) included.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

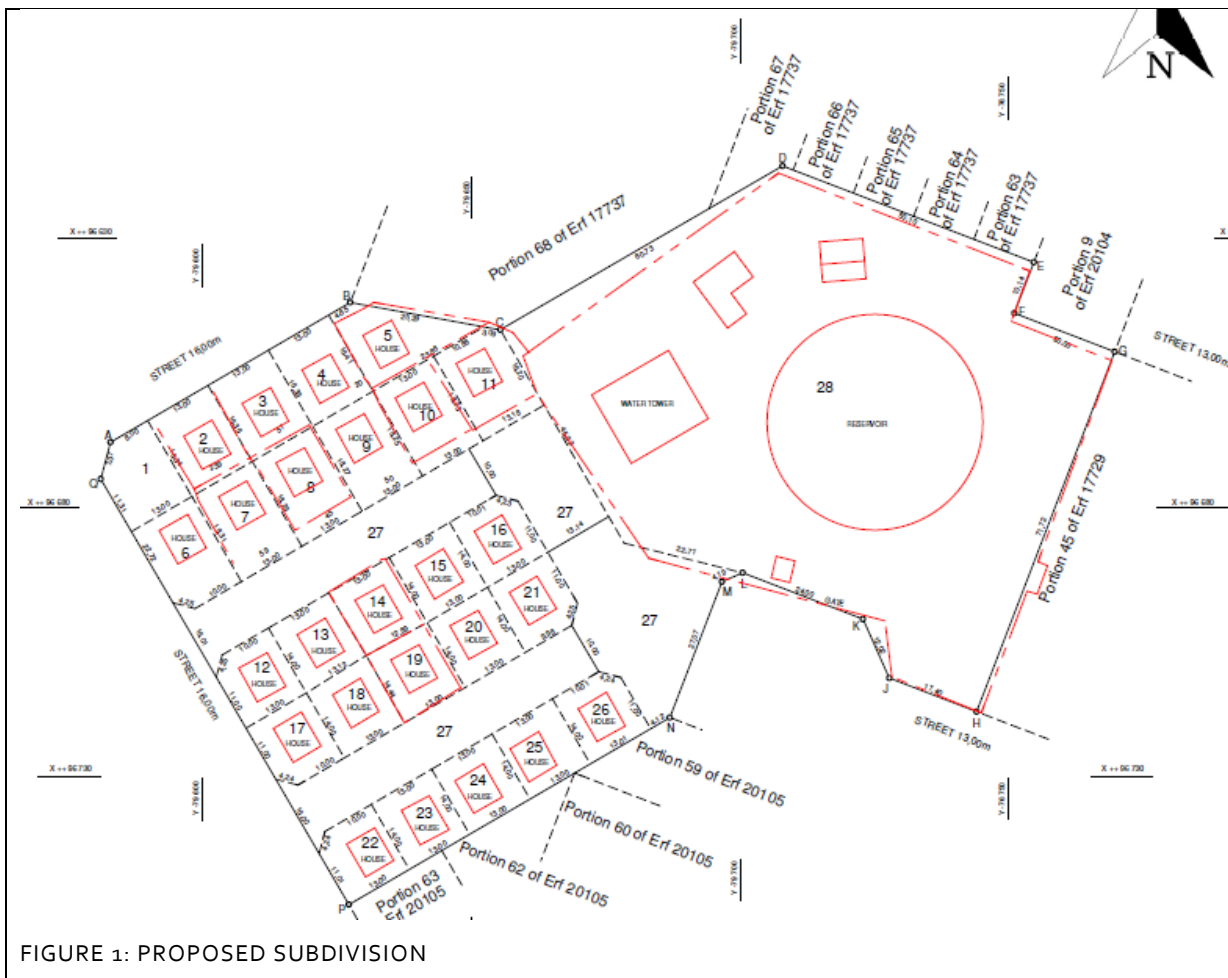
In terms of the Peri Urban Scheme (Annexure F), the property is currently zoned as follows:

Zoning	Municipal
Floor Area	N/A
Coverage	N/A
Height zone	N/A
Building Lines	N/A

2. THE APPLICATION

2.1. PROPOSED SUBDIVISION

A separate application has been submitted for the subdivision of Erf 17730 Kagiso Ext 13 into 28 portions, as per the diagram below:



2.2. PROPOSED REZONING

Application is hereby made for the following land use rights :

Portions 1 – 26 of Erf 17730

Proposed Zoning	Residential 1
Primary rights	Dwelling units
Coverage	As per scheme - 60%
Height	As per scheme - 2 storeys
Density	As per scheme - 60 units per hectare
Floor Area Ratio	As per scheme - 1.2
Building Lines	As per scheme -
Parking	As per scheme – 1 bay per unit + 1 bay per 3 units for visitors

Portion 27 of Erf 17730

Proposed Zoning	Road
Primary rights	As per scheme

Portion 28 of Erf 17730

Proposed Zoning	Municipal
Primary rights	As per scheme
Coverage	As per scheme
Height	As per scheme
Density	As per scheme
Floor Area Ratio	As per scheme
Building Lines	As per scheme
Parking	As per scheme

3. SPATIAL PLANNING ENVIRONMENT

In terms of Section 5(2) of the Mogale City SPLUMA By-Law, 2018 – “Any land development application in terms of this By-law shall be guided and informed by the municipal integrated development plan and municipal spatial development framework as adopted and approved in terms of section 20 of the Act”

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

The following spatial planning documents have been reviewed:

- Mogale City Spatial Development Plan, 2011

3.1. SPATIAL DEVELOPMENT FRAMEWORK 2011

The Mogale City Spatial Development Framework, 2011 (SDF) is a municipal wide spatial policy document that identifies the main challenges and opportunities for the municipal area, 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, Kagiso, along with Krugersdorp has the highest concentration of urban development in the Mogale City local municipality. In terms of the Gauteng Spatial Development Perspective, Kagiso has been identified as one of the top 11 concentrations of poverty in Gauteng.

It is therefore imperative for additional housing opportunities to be made available in order to reduce the level of poverty in the area and aid in improving the quality of life for the residents of the area.

Formalised housing will result in formalised services which will dramatically improve informal housing conditions.

The application for subdivision and rezoning conforms to the vision of the SDF, as it aims at creating formalised residential stands which will aid in reducing the housing backlog as well as house families who would otherwise be living in informal structures.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

It is required for the property to be subdivided and rezoned as there are a number of houses which have already been built on the property. the existing zoning of the property does not allow for multiple residential dwelling units to be built on the property, as well as a water reservoir. It is therefore required for the property to be subdivided in order for each house to be situated on a separate erf.

Kagiso is a previously disadvantaged community that experiences high levels of poverty. There is a massive demand for formalised housing to be provided in order to reduce the housing backlog, reduce the level of poverty, reduce the need for informal housing and improve the quality of life for the community.

Erf 17730 Kagiso Ext 13 was vacant prior to the development of the houses currently built on the property. the need for housing in the area is extremely high, thus the development of these houses on a large vacant piece of land.

The subdivision has been drawn in accordance with the built structures. The proposed rezoning and subdivision does not deviate from the vision of the Mogale City SDF, and in fact promotes the ideals stipulated in the policy.

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 within previously disadvantaged areas.
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 Mogale City’s vision for this area and supports the policy. Kagiso is in dire need of formalised subsidised housing to reduce the level of poverty currently experienced in the area. This application aims at addressing this need and more efficiently utilising well located space in the municipality. We therefore recommend that the application be approved.