

MOTIVATIONAL MEMORANDUM:**Rezoning application****for****Erf 448 Auckland Park****on behalf of****Simanite (Pty) Ltd**

Date	17 February 2021
Prepared by	Raesa Soomar Cassim (Pr Pl. A/1852/2014) raesa@kipd.co.za 084 440 5957 Saskia Cole (Pr Pl..A/1554/2012) saskia@kipd.co.za 082 574 9318
File number	A/20/A/1004

TABLE OF CONTENTS

INTRODUCTION.....	4
1. GENERAL INFORMATION.....	4
1.1. THE APPLICATION.....	4
1.2. AGENT AND CLIENT.....	4
1.2.1. Agent.....	4
1.2.2. Client.....	5
1.3. LAND DEVELOPMENT AREA.....	5
1.3.1. Site Locality.....	5
1.4. LEGAL ASPECTS.....	5
1.4.1. Ownership.....	5
1.4.2. Company Resolution.....	5
1.4.3. Power of Attorney.....	5
1.4.4. Restrictive Title Conditions.....	5
1.4.5. Registered Mortgage Bonds.....	6
1.5. EXISTING LAND USE.....	6
1.6. SURROUNDING LAND USE.....	7
1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS.....	7
1.8. SURROUNDING ZONING.....	8
1.9. PROPOSED SUBDIVISION.....	9
2. THE APPLICATION.....	10
2.1. PROPOSED ZONING.....	10
2.2. PROPOSED LAND USE.....	10
3. SPATIAL PLANNING ENVIRONMENT.....	11
3.1. SPATIAL DEVELOPMENT FRAMEWORK 2040.....	12
3.2. EMPIRE PERTH DEVELOPMENT CORRIDOR.....	12
3.3. NODAL REVIEW POLICY 2019/2020.....	13
4. MOTIVATION.....	13
4.1. NEED AND DESIRABILITY.....	13

5. SPLUMA DEVELOPMENT PRINCIPLES	14
6. RECOMMENDATION	14

INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for rezoning in respect of Erf 448 Auckland Park.

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 Simanite (Pty) Ltd, the registered owner of the property, to lodge an application for the rezoning of Erf 448 Auckland Park to allow for the development of a medical clinic, whilst retaining the residential and hotel rights. The property will be referred to as “the site”, “the subject properties” and/or “the proposed development” in this memorandum. A separate application for the subdivision of the erf has also been submitted to the City.

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 erf.

1.2. AGENT AND CLIENT

1.2.1. 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

1.2.2. Client

The client's details are as follows:

Name	Dr Neil Freed
Contact Number	083 654 9986
Address	19 Molesey Avenue, Auckland Park, 2092
Email	neilfreed79@gmail.com

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

(Annexure A: Plan 1 and 2)

The property is located at no 19 Molesey Avenue, Auckland Park and is located approximately 0,5km east of the University of Johannesburg Auckland Park Kingsway campus and west of the SABC offices and within 1km walking distance from Kingsway (Perth) Street. Auckland Park is located north of Brixton, and south of Melville.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T8238/2010, the property is registered in the name of Simanite (Pty) Ltd and measures 6 126 m².

1.4.2. Company Resolution

The Directors of Simanite (Pty) Ltd have provided a resolution authorising the nominated individual to provide a power of attorney to enable KiPD to submit a formal application as per the requirements of the CoJ Municipal Planning By-Law, 2016.

1.4.3. Power of Attorney

The authorised individual has in turn provided a signed power of attorneys to enable KiPD to submit a formal application as per the requirements of the CoJ Municipal Planning By-Law, 2016.

1.4.4. Restrictive Title Conditions

Deed of Transfer T8238/2010 contains the following restrictive conditions:

Number	Condition	Comment
1.	The lot shall not be subdivided unless the consent of the Township Owner be first had and obtained in writing.	This condition relates to the subdivision application. The Township Owner is the municipality and application is being made for consent from the township owner, which adheres to this condition.

3.	Only one residence with the necessary outhouses and accessories shall be built or erected on the said lot. The plans of such residence, out houses and accessories shall be submitted to the Township Owner for his approval and such approval shall be obtained before the buildings be proceeded with.	This condition has been formally removed from the title deed in terms Gauteng Removal of Restrictions Act, 1996 (Proclamation notice 706/2009 dated 21 October 2009), as submitted with this application.
5.	No trade shall be carried on the said Lot, provided however, that the Township Owner reserves to himself the rights at any time hereafter to sell not more than 15 lots free of this condition.	This condition has been formally removed from the title deed in terms Gauteng Removal of Restrictions Act, 1996 (Proclamation notice 677/2014 dated 3 December 2014), as submitted with this application.

A conveyancing attorney will be instructed to have the title deed formally endorsed with the removal of conditions 3. and 5. above. There are therefore no title restrictions which negatively affect this application.

Annexure B – Removal of title restrictions

1.4.5. Registered Mortgage Bonds

There is no mortgage bond registered against the property.

1.5. EXISTING LAND USE

The property is currently being used as a boutique hotel and conference centre, known as The View Boutique Hotel. The building, constructed in 1955 in the Cape Dutch style, has a floor area of ± 973m².





1.6. SURROUNDING LAND USE

(Annexure C: Land use plan)

Auckland Park is predominantly a residential suburb, which is characterised by a variety of higher and lower density residential developments. Many houses in the area have been converted to student accommodation and guest houses. The offices of the Jesuit Institute South Africa are located at no 15 Molesey Road and the Auckland Park Kingsway campus of the University of Johannesburg is located ±500m to the west of the property as the crow flies.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

(Annexure D: Zoning Certificate)

In terms of the City of Johannesburg Land Use Scheme, 2018 (Johannesburg Amendment Scheme 13-12907, as approved in 2014), the property is currently zoned as follows:

Zoning	Residential 2
Primary rights	Dwelling units and Guesthouse / Boutique Hotel
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.
Floor Area	0.8 (± 4900m ²)
Density	10 dwelling units/ha – 6 units on site including a guesthouse/ boutique hotel
Coverage	50%
Height zone	2 storeys
Building Lines	As per scheme: 5m street boundary

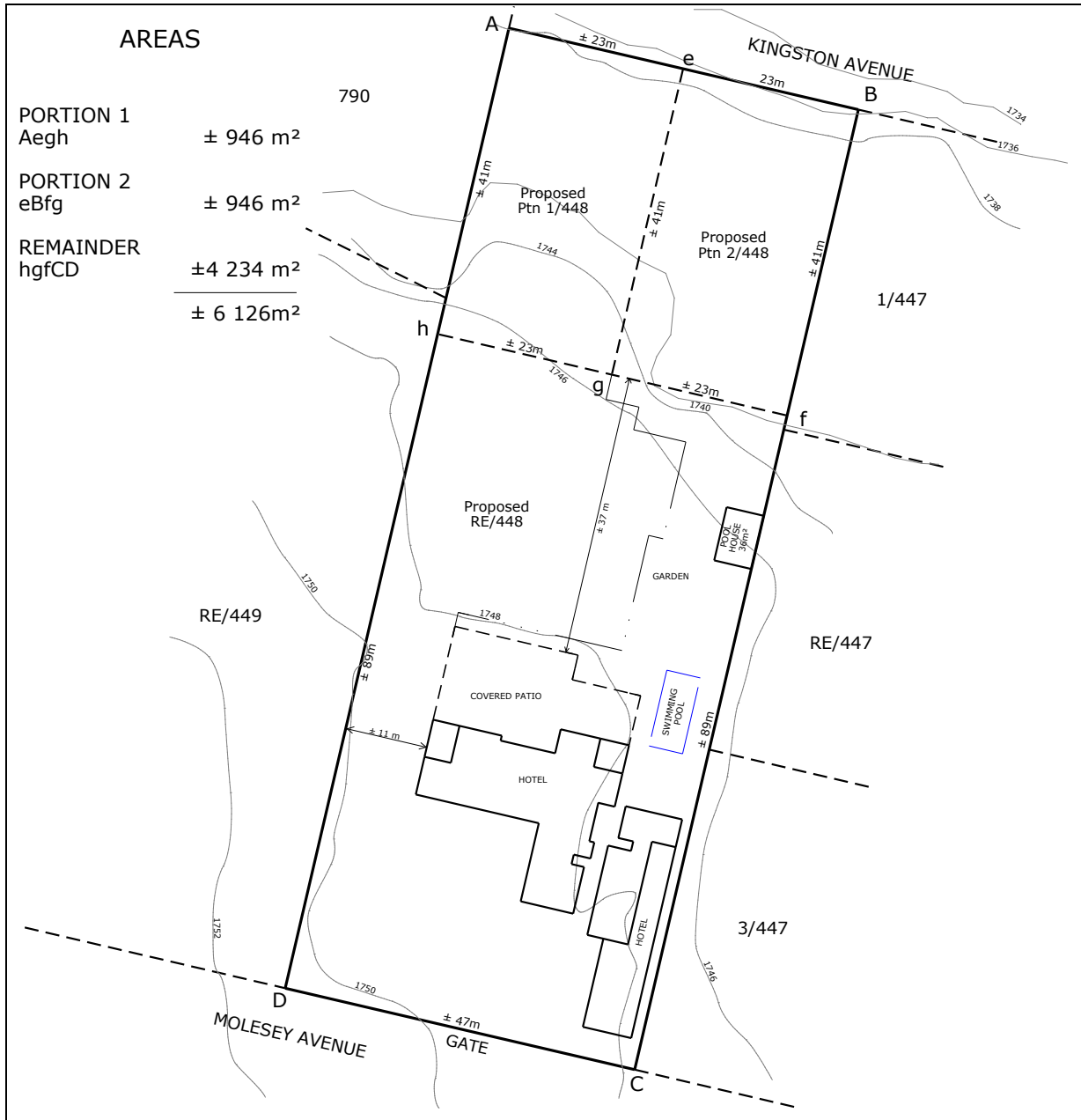
1.8. SURROUNDING ZONING

(Annexure E : Surrounding zoning plan)

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven north, east and south of the site are zoned as "Residential 1" and the properties west of the site are zoned "Educational"; "Residential 3" and "Residential 4".

1.9. PROPOSED SUBDIVISION

A separate application for subdivision has also been submitted to the City. Application is made for the property to be subdivided into three portions, as follows:



2. THE APPLICATION

2.1. PROPOSED ZONING

Application is hereby made for the following land use rights :

Portion 1 and 2 of Erf 448 Auckland Park

Zoning	Residential 1
Primary rights	As per Scheme - Dwelling house
Floor Area	As per scheme: 0.8
Density	1 dwelling unit per erf
Coverage	As per scheme : 50%
Height zone	As per Scheme : 2 storeys
Building Lines	As per scheme: 5m all boundaries

The Remainder of Erf 448 Auckland Park

Zoning	Residential 2
Primary rights	Dwelling units, Guesthouse / Boutique Hotel and medical clinic
Floor Area	As per scheme: 0.8
Density	Four (4) units on site
Coverage	As per scheme : 50%
Height zone	As per Scheme : 2 storeys
Building Lines	As per scheme: 5m all boundaries

2.2. PROPOSED LAND USE

In these uncertain economic times, application is made to keep the current land use rights in tact with the addition of a medical clinic. In doing so, various options are open to the land owner in the far future.

In the immediate future the land owner plans to convert the hotel building into a medical clinic and allow for the sale of unused land for the construction of new dwelling units. Any changes to the hotel structure will be done with the consent of the South African Heritage Resources Agency. However, the structure is large enough to accommodate the clinic with only internal alterations required.

Application is made for a rezoning to include a medical clinic as opposed to consent use application for medical consulting rooms as, in terms of the City of Johannesburg Land Use Management Scheme, 2018, operating facilities are specifically excluded from the definition of medical consulting rooms and this land use right is required.

The owners of the property are medical doctors and orthopaedic surgeon, with a specific interest in the upper limb (hand and wrist) surgeries and an ophthalmologist (eye related surgeon). The medical clinic will contain procedure rooms, which will in fact be small operating theatres. The procedures will be for ophthalmic surgery and hand surgery. The majority of these procedures will be done under a local anaesthetic.

2.3. TRAFFIC, ACCESS AND PARKING

(Annexure F – site and parking plan)

Access to the two new residential properties is proposed to be from Kingston Avenue and access to the hotel and medical clinic is proposed from Molesey Road.

Parking can be provided on site for the hotel at 1 bays per room. There are currently 6 rooms in the hotel.

Parking can also be provided for the medical clinic at 6 parking bays per 100m². The building measures ± 913m², which would require 54 parking bays. 61 parking bays can be provided.

A traffic engineer has been appointed to prepare a traffic impact assessment, which will be submitted to the Johannesburg Roads Agency for assessment.

2.4. WATER, SEWERAGE AND STORMWATER

A civil engineering consultant has been appointed to prepare a services outline scheme report. It will be submitted to the Johannesburg Roads Agency and Johannesburg Water for assessment.

2.5. ELECTRICITY

An electrical engineering consultant has been appointed to prepare a demand calculation for electricity. It will be submitted to City Power for assessment.

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);
- Empire Perth Development Corridor Strategic Development Framework ; and
- Nodal Review Policy 2019/2020.

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 infra-structure.

The creation of two new properties for housing on land that has been severely underutilised is in line with the Framework. The medical clinic is an institutional use which supports the surrounding residential land use, a use which should be easily accessible to residents. Being located within the residential fabric and within 1km walking distance from a Reya-Vaya bus route, the rezoning is in support of the Framework.

3.2. EMPIRE PERTH DEVELOPMENT CORRIDOR

The Empire Perth Development Corridor Strategic Development Framework is part of the City's Corridors of Freedom initiative, this being one of the ways in which the City aims to transform entrenched settlement patterns. The aim is to have access to opportunities and a choice for residents to work, stay and plan within the same space. Higher density infill development on underutilised land is one of the recommended methods of attaining this vision.

The subject property is located within the Knowledge Precinct in terms of the Framework, which forms part of the City wide institutional spine. The highest residential densities are focused on Kingsway Avenue/Perth Street and deeper with the suburb, low to medium densities are recommended.

The creation of two new properties for housing on land that has been severely underutilised is in line with the Framework. The medical clinic is an institutional use which supports the surrounding residential land use, a use which should be easily accessible to residents. Being located within the residential fabric and within 1km walking distance from a Reya-Vaya bus route, the rezoning is in support of the Framework.

3.3. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls partly within the "General Urban Zone" and partly (the minority) within the "Metropolitan Node".

In terms of the Policy, a mix of land uses within a metropolitan node is encouraged at quite a high intensity. Due to the size and nature of the surrounding properties and land uses, this property is seen as being more suited to the "General Urban Zone" principles for less intensive land uses.

In the "General Urban Zone", a medium intensity of uses is desired with a scattering of land use mixed though out the area but concentrated along high streets. The creation of land for the development of new dwelling units is seen to be in lines with this policy. The medical facility will create less traffic and is far less intrusive than general business and retail uses, and thus is suitable for development within the residential fabric and not on a high street. The rezoning is in line with this policy.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

The proposed development is to retain the existing guesthouse/boutique hotel and add a medical consulting practice on the subdivided portion.

The medical practice will include two procedure rooms. The facility will only be operational during office hours, Monday to Friday, and will employ 5 to 10 staff (including doctors). There will be two procedure rooms. Each room will be equipped with operating lights, an anesthetic machine, will be ventilated and will require air-conditioning. Specialised equipment will include a diathermy machine and a compressed air supply will be required to run certain of the tools that are used. Medical facilities are a residential support use and these type of facilities are encouraged within residential areas. The proposed centre will provide a specialised service that will benefit the community at large. It is proposed that the ophthalmic and minor orthopaedic procedures to be performed on site will be minimally invasive and not require the equipment or generate the waste of a clinic or hospital. It is common practice for Ophthalmologists and Orthopaedic surgeons (specialising in hands and wrists) do minor procedures under local anaesthetic in the consulting rooms, as it is allowed in terms of the regulations of the Health Professions Council of South Africa (HPCSA), and meets the correct requirements as set out by the World Health Organisation (WHO).

There are limited such facilities in the immediate vicinity in Auckland Park and thus a needed social amenity. The addition of such facilities enhances the character and liveability of residential areas as it reduces the need to travel far distances for medical treatment.

As detailed in section 3 above, the policy of the area encourages mixed uses. The site its also partially located within a metropolitan node, making this type of facility ideally located. The existing ambiance of the area has been fully heeded, as the proposed facility is not intended on a being a major attractor of foot and vehicular traffic. The unused portions of land will remain for low density residential use and the existing building will be respected due to its heritage value.

As indicated above, the proposed use will not hamper on the rights of neighbouring properties and will adds value to the area by introducing uses that do not exist and are needed within the area.

5. SPLUMA DEVELOPMENT PRINCIPLES

In terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) (SPLUMA), the following principles 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 medical facilities.
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 medical facilities, 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 policy; 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.