

MOTIVATIONAL MEMORANDUM:**Rezoning application****for****Erf 10799 Ivory Park Ext 9****on behalf of****Al Noor Islamic Centre Tembisa**

Date	12 April 2021
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for rezoning in respect of Erf 10799 Ivory Park Ext 9.

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 Al Noor Islamic Centre Tembisa NPC, the registered owner of the property, to lodge an application for the rezoning of Erf 10799 Ivory Park Ext 9 to allow for the operation of a religious institution. 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 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	Raeesa Soomar Cassim
Postal Address	47 Third Street, Linden, 2195
Contact Number	011 888 8685 / 084 440 5957
Email	raeesa@kipd.co.za

1.2.2. Client

The client's details are as follows:

Name	Al Noor Islamic Centre Tembisa Mr Abdirasaq Ahmed
Contact Number	061 090 7172
Address	60 Book Drive, Ivory Park

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

(Annexure A: Plan 1 and 2)

The property is located at no 60 Book Drive, Ivory Park Ext 9. Ivory Park is located on the north eastern suburbs of the City of Johannesburg Metropolitan Municipality , east of Glen Austin and north of Rabie Ridge.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T10393/2021, the property is registered in the name of Al Noor Islamic Centre Tembisa Non-Profit Company (NPC) and measures 233 m².

1.4.2. Company Resolution

The members Al Noor Islamic Centre Tembisa NPC 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 attorney 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

There are no conditions contained within the Deed of Transfer restricting the use of this property for religious purposes.

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 residential dwelling house.

1.6. SURROUNDING LAND USE

(Annexure C: Land use plan)

Ivory Park is predominantly a residential suburb, with home industries and home run business prevalent throughout the suburb. Other uses scattered around the subject site include day care facilities, pre-schools, house shops (spaza shops) and informal trading along the road (Leboga Street)

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

(Annexure D: Zoning Certificate)

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

Zoning	Residential 3
Primary rights	Dwelling units and Residential buildings
Secondary rights	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	1.2
Density	1 dwelling per erf
Coverage	50%- 1 and 2 storeys 40% 3 storeys
Height zone	A - 3 storeys
Building Lines	As per scheme: 1m 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 surrounding the site are zoned as "Residential 3". The land adjacent east of the property is zoned "Public Open Space" but is utilised for road purposes.

2. THE APPLICATION

2.1. PROPOSED ZONING

Application is hereby made for the following land use rights :

Zoning	Institutional
Primary rights	As per Scheme – Institutions, place of instruction, social halls, religious purposes, dwelling units
Floor Area	2.4
Density	2 dwelling units on the erf
Coverage	As per scheme : 90%
Height zone	As per Scheme : 3 storeys (excluding the minaret)
Building Lines	As per scheme: 0 m street boundary
Parking	No parking required

2.2. PROPOSED LAND USE

The proposed development is a religious institution including the following uses:

- a. Mosque
- b. Madressa (religious educational facility)
- c. Ablution facilities
- d. Dwelling units for caretakers and imams (religious leader) – ancillary to the primary use

The proposed development aims at providing a community facility with a religious focus to serve the surrounding populous. Muslims congregate at mosques 5 times a day to pray and is thus a fundamental component to the day to day life of a Muslim. It is also a facility where religious education takes place for children and adults, referred to as a madressa. The madressa is an educational facility made up of classrooms. The prayer area of a mosque is open space where people stand together in congregation to pray. Additional ablution facilities are provided for in addition to bathrooms. Often the caretakers and Imam (religious leader) live on the premises as well.

A religious facility of this nature must be seen as an inclusive development which welcomes people of all religions and creeds, a safe haven for whoever needs it, a community facility which can become multi-faceted. The aim of the facility is to include a variety of uses, including an educational facility so as to maximise the development potential of the site. The space must be seen as an infrastructural investment to the community where a wide array of activities may take place.

The facility is suitably located within the residential suburb and is thus walking distance from most households. It is also located just off the main through road, George Nyanga Drive.

2.3. PARKING

Application is made for no parking to be required on the property. This is due to the following:

1. The property is located in close proximity to a major public transport route, Umnotho Drive;
2. Private car ownership in Ivory Park is significantly lower than the average statistics of the city; and
3. It is common practice to walk to the mosque for prayer and classes.

Umnotho Drive is a busy through road that is also seen as an activity street. It is a major public transport route and offers a vibrant informal trading boulevard. The reason behind why the traders exist along this road is purely due to the large volume of foot traffic. Majority of the population within Ivory Park make use of public transport or walk to get to places of education, recreation, religious purposes and work.

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
- Nodal Review Policy 2020.

3.1. SPATIAL DEVELOPMENT FRAMEWORK 2040 AND NODAL REVIEW, 2020

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 a “Deprivation Area”. According to the SDF, Ivory park, Ebony Park and Rabie Ridge display high potential for integration and functional interconnectedness with economic centres and adjoining urban areas over time. Improvement of public transport links to employment centres of Olifantsfontein industrial node, Midrand and Modderfontein as a future principle metropolitan sub-centre will provide a local public transport backbone around which incremental development, densification and future expansion can take place.

Creating supporting community infrastructure is key to realising a sustainable and functional development within the areas of deprivation. A religious building is seen to be a residential support use and more importantly, a community facility which can become multi-faceted.

3.2. NODAL REVIEW 2020

In terms of the Nodal Policy 2020, the property is located within the General Urban Zone which advocates for a land use mix which includes but is not limited to residential, public open space, recreation, **community services**, childcare and health care.

The proposed use complies with the Nodal Review, 2020 in terms of land use diversification, as it is a community service use in support of the residential development.

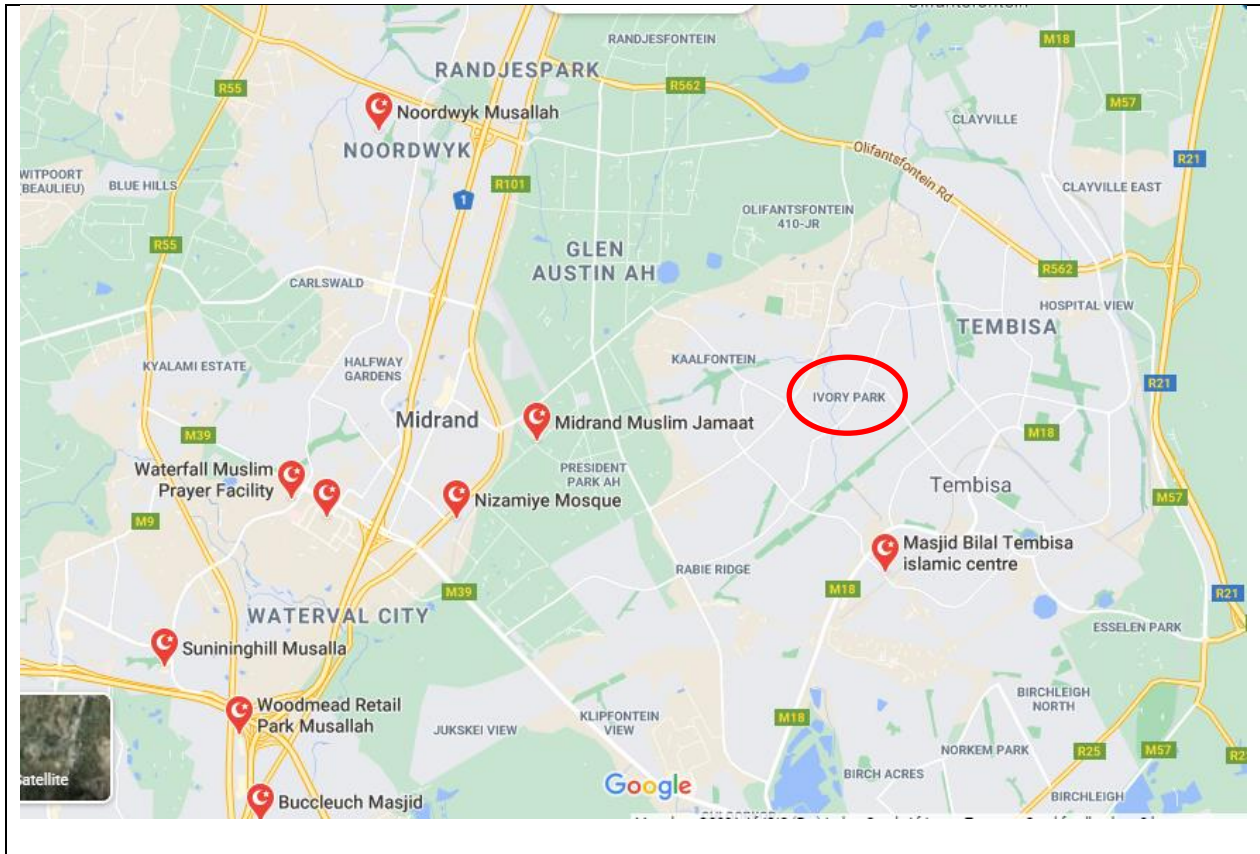
Based on the above, the proposed use of an institution, is ideally located within the Ivory Park area.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

Application is made for "Institutional" rights which include "Institutions, place of instruction, social halls and religious purposes". The owner of the property would like to develop a Mosque, Madressa (religious school), as well as dwelling units ancillary to the institution.

The need for a religious facility stems from the increase in population and lack of facilities to cater for that increase in population. Many of the religious facilities in Ivory park exist in existing residential structures or makeshift structures. Formalised mosques, with all the facilities for learning and ablution do not exist in Ivory Park, the closest similar facility located in Midrand or Tembisa, as can be seen from the map below.



Considering the fact that Muslims pray 5 times a day, and thus need to access the mosque often, accessing the surrounding facilities is extremely inconvenient. The mosques in Midrand and Tembisa are not within walking distance from Ivory Park and thus not practical for Ivory Park residents to use.

The proposed facility will benefit the community at large, as this facility will provide an educational safe space for youth, regardless of creed or religion. The Mosque in general is a community facility which is open to all.

The proposed use should not hamper on the rights of neighbouring properties and may add value to the area by introducing uses (and social infrastructure) 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 high quality community support services.
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. the proposed use will not use more than a residential house would in this area.
7(d)	Spatial Resilience	By providing more community support 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, being that the proposed development is a residential support use, encourages inclusivity and provides a community facility / social infrastructure to the area. . The proposed development would align with the surrounding area. 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.