

MOTIVATIONAL MEMORANDUM:
Consent Use Application
for
Portions 4 and 5 of Erf 352
Radiokop Ext 10
on behalf of
Freed & Buchner Inc

Date	21 February 2022
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for consent use to allow for medical consulting rooms in respect of Portions 4 and 5 of Erf 352 Radiokop Ext 10.

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 Freed & Buchner Inc, the registered owner Portions 4 and 5 of Erf 352 Radiokop Ext 10, to apply for consent to allow for the property to be used for medical consulting rooms. 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 19 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 consent use to allow for medical consulting rooms.

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
Email	neilfreed79@gmail.com

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

(Annexure A: Plan 1 and 2)

The properties are located at no 4 and 5 Frekwensie Turn, Radiokop Ext 10, and adjacent south of the Wilgeheuwel Hospital. Radiokop Ext 10 is located east of Randpark Ridge, south of Honeydew, north of Weltevreden Park and west of Radiokop extensions.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T33923/2018, Portion 5 of Erf 352 Radiokop Ext 10 is registered in the name of Freed & Buchner Inc and measures 441 m².

Attorneys Smit Sewgoolam Inc have confirmed that Portion 4 of Erf 352 Radiokop Extension 10 was registered in the name of Freed & Buchner Inc on 3 March 2022. The registered title deed is not available as yet, a copy of the draft title deed has been submitted.

1.4.2. Company Resolution

The Director of Freed & Buchner Inc has provided a resolution authorising 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 Director has also 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

There are no restrictive conditions affecting the use of the property for medical consulting rooms.

1.4.5. Registered Mortgage Bonds

There is no mortgage bond registered against the property.

1.5. EXISTING LAND USE

The properties are currently being used as a residential dwelling house and medical consulting rooms.

1.6. SURROUNDING LAND USE

(Annexure B: Land use plan)

The Wilgeheuwel Life Hospital is located adjacent north of the site.

At no 7 Frekwensie Turn, there are medical consulting rooms with a chiropractor and a dentist.

At no. Frekwensie Turn, there is a nursery school and swimming school.

The remainder of the surrounding area has dwelling units, town houses and higher density apartments.

1.7. EXISTING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018 (Roodepoort Amendment Scheme 667), the property is currently zoned "Residential 2" with a density of 16 dwelling units per hectare.

1.8. SURROUNDING ZONING

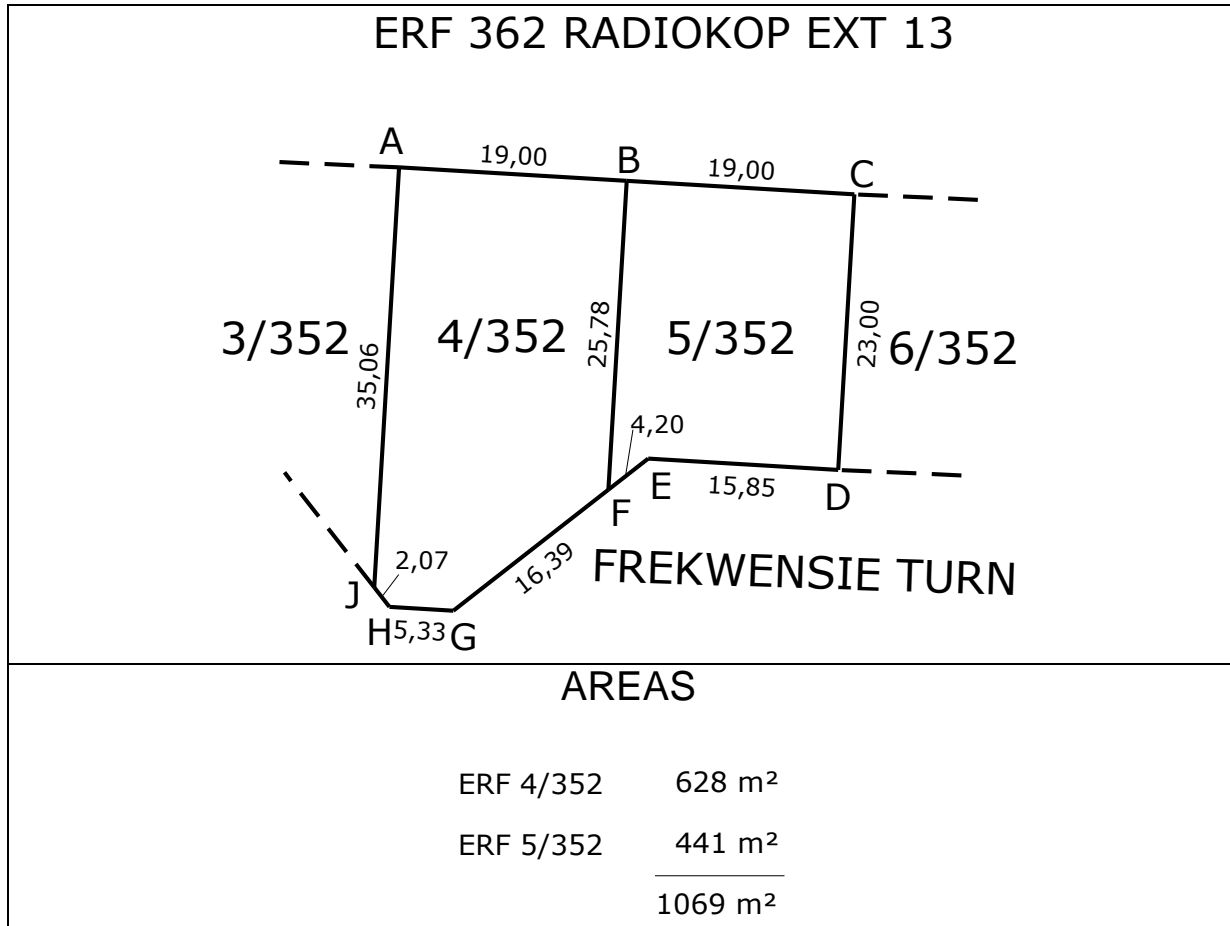
(Annexure C : Surrounding zoning plan)

In terms of the City of Johannesburg Land Use Scheme, 2018, the hospital, adjacent north of the subject property is zoned "Institutional".

The remainder of the surrounding areas is mainly zoned "Residential 2" or "Residential 3".

1.9. PROPOSED CONSOLIDATION

Simultaneous to this application, an application has been made for the consolidation of the subject properties into a single entity as follows:



2. THE APPLICATION

2.1. PROPOSED CONSENT

Application is hereby made for a consent for medical consulting rooms. The zoning of the properties will remain "Residential 2".

2.2. PROPOSED LAND USE

The properties are located adjacent south of the Wilgeheuwel hospital and ideally situated for complimentary medical consulting rooms.

It is proposed that the dwelling house on Portion 5 remain as medical consulting rooms which the dwelling house on Portion 5 be demolished to enable the provision of parking.

The proposed site plan is attached to this application.

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);
- 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.

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.

Medical consulting rooms is a complimentary use which supports the surrounding residential land use, and a use which should be easily accessible to residents. Being located within the residential fabric, the consent use application is in support of the Framework.

3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls partly within the “Sub Urban Zone”

In terms of the policy, the “Sub Urban Zone” are medium to low density residential areas (predominantly Residential 1) with mixing of land uses to accommodate local needs as per scheme (home based shops, home enterprises, local services - hair salons, estate agencies, etc), the addition of medical consulting rooms is clearly a residential and institutional support use. The medical consulting rooms will exist as a complimentary facility to the Wilgeheuwel Hospital.

The consent use application is in line with this policy.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

Medical facilities are a residential support use and these types of facilities are encouraged within residential areas. The proposed consulting rooms will provide a specialised service that will benefit the community at large. The existing Wigeheuwel Hospital is part of the Life Healthcare group and has 213 beds. Hospital features include 10 theatres with laminar flow technology and a 24-hour accident and emergency unit manned by trauma doctors and staff and supported by resident specialists. The hospital specialises in maternity services, and also offers other services. The hospital is a landmark in the area and services a large catchment area.

The property owner, being a doctor and surgeon, utilises the theatres and facilities at the hospital. Having medical consulting rooms adjacent to the hospital is extremely convenient to the owner as well as his patients.

As detailed in section 3 above, the policy of the area encourages uses complimentary and supportive of the residential 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

Medical consulting rooms are a residential support use and this property is extremely well located adjacent to an existing hospital. The application is in line with the City of Johannesburg's vision for this area and supports the policy.

We therefore recommend that the application be approved.