

**MOTIVATIONAL MEMORANDUM:****Consent Application  
to increase coverage****for****Erf 449 Crosby****on behalf of****Riyaz Gangat**

<b>Date</b>	28 February 2022
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## INTRODUCTION

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The purpose of this memorandum is to introduce, elaborate upon and motivate the application for consent to increase the coverage allowed on the property in respect of Erf 449 Crosby.

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

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KiPD (Pty) Ltd, the authorised agent, has been appointed by Mr Riyaz Gangat, the registered owner of the property, to lodge an application for consent on Erf 449 Crosby to allow for increased coverage. The property will be referred to as “the site”, “the subject properties” and/or “the proposed development” in this memorandum.

### 1.1. THE APPLICATION

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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” and clause 31(4)(b) of the City of Johannesburg Land Use Scheme, 2018, read together with the provisions of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) (SPLUMA).

### 1.2. AGENT AND CLIENT

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#### 1.2.1. Agent

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

Name	KiPD (Pty) Ltd
Responsible Persons	Raeesa Soomar
Postal Address	47 Third Street, Linden, 2195
Contact Number	011 888 8685 / 084 440 5957
Email	raeesa@kipd.co.za

### 1.2.2. Client

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The client's details are as follows:

Name	Riyaz Gangat
Contact Number	084 240 0838
Address	121 Inver Ave, Crosby
Email	Riyazg786@gmail.com

## 1.3. LAND DEVELOPMENT AREA

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### 1.3.1. Site Locality

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The property is located at 121 Inver Avenue, Crosby. Crosby is located north of Homestead Park, East of Coronationville, west of Mayfair West and south of Brixton.

## 1.4. LEGAL ASPECTS

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### 1.4.1. Ownership

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In terms of Deed of Transfer T61504/1999, the property is registered in the name of Riyaz Gangat and measures 524 m<sup>2</sup>.

### 1.4.2. Power of Attorney

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The owner of the property 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.

### 1.4.3. Restrictive Title Conditions

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There are no title restrictions affecting the proposed consent for increased coverage.

## 1.5. EXISTING LAND USE

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The property is currently being used as a residential dwelling unit.

## 1.6. SURROUNDING LAND USE

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Crosby is predominantly a low density residential area.

### 1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

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

Zoning	Residential 1
Primary rights	Dwelling units
Secondary rights	As per scheme
Floor Area	1.2
Coverage	50% for 1 and 2 storeys, 40% for 3 storeys
Height zone	3 storeys
Density	1 unit per erf
Building Lines	3m street boundary

### 1.8. SURROUNDING ZONING

The properties immediately surrounding the subject erven are zoned the "Residential 1"

## 2. THE APPLICATION

### 2.1. PROPOSED CONSENT

Application is hereby made to increase the coverage allowable on the property by 10%. The house on the property is a one (1) storey structure and will remain so. Application is made to increase the coverage from 50% to 60%. All other development controls to remain as prescribed.

The proposed increase in coverage is allow for the extension and addition of a garage on the residential property.

The site plan is attached to illustrate the proposed amendments.

## 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

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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 "Metropolitan Node". this area is the highest mix of land uses (up to 100% coverage is encouraged, subject to conditions).

The proposal to increase the coverage allowed on the subject properties remains in line with the SDF as the existing use will remain the same.

### 3.2. NODAL REVIEW POLICY 2019/2020

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In terms of the Nodal Review Policy, 2019/2020, the subject property falls within the "Metropolitan Node".

In terms of the Nodal Policy 2020, the land use mix within a Metropolitan Node includes but not limited to commercial, residential, offices, retail, urban agriculture, public open space, recreation, community services, childcare, health care, and small scale non-polluting (including noise) urban manufacturing uses. Coverage should be high, up to 100%. Where parking is placed along a street frontage, it may not exceed 30% of the total street front. Direct pedestrian access to building from the street.

The proposal to increase the coverage allowed on the property 50% coverage to 60% coverage is wholly in line with the developmental policy of the City. It reiterates the need to intensify the land use within the node whilst keeping with the envisioned land use i.e residential.

## 4. MOTIVATION

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### 4.1. NEED AND DESIRABILITY

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The application for consent to increase the coverage allowed on the property from 50% coverage to 60% coverage is made to allow for the addition of a double garage on the property.

The proposal is a minute adjustment to the existing rights and will add value to the property. No further rights are being sought, as the primary use remains a residential dwelling unit.

## 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 a service previously not easily accessible.
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	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. This application aims at more efficiently utilising well located space in the City.

We therefore recommend that the application be approved.