

MOTIVATIONAL MEMORANDUM:
Rezoning Application
for
Erf 1258 Mayfair

on behalf of

21 on 11 (Pty) Ltd

Date	26 May 2022	
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for the rezoning in respect of Erf 1258 Mayfair.

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 21 on 11 (Pty) Ltd, the registered owner of the property, to lodge an application for the rezoning of Erf 1258 Mayfair to allow for increased floor area, coverage and density to enable a medium density development. 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 the rezoning of Erf 1258 Mayfair.

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
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	Yusuf Gardee
Contact Number	073 032 8847
Address	117 Barry Hertzog Avenue, Emmarentia
Email	fordsburg@gmail.com

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

The property is located at no 21 11th Avenue, Mayfair. Mayfair is located east of Homestead Park, north of Amalgam, west of Fordsburg and south of Vrededorp.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T37796/2020, the property is registered in the name of 21 on 11 (Pty) Ltd and measures 495 m².

1.4.2. Company Resolution

The Directors of 21 on 11 (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

There are no title conditions restricting the rezoning of this property to increase the FAR and coverage.

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 for residential purposes.

1.6. SURROUNDING LAND USE

Mayfair is a cosmopolitan suburb, with mixed uses (business, social, institutional, educational) mostly concentrated along the main roads, but can be found deeper within the suburb as well. The residential densities vary within the entirety of the suburb.

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 4
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 unit per 200m ²
Coverage	50%- 1 storey 40% 2 and 3 storeys
Height	3 storeys
Parking	As per Scheme
Building Lines	As per scheme: 3m street boundary

1.8. SURROUNDING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven surrounding the property are zoned "Residential 4" with some "Business 1" and an educational facility south east of the site.

2. THE APPLICATION

2.1. PROPOSED ZONING

Application is hereby made for the following land use rights :

Zoning	Residential 4
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	1.5
Coverage	50% for all heights
Height	3 storeys
Density	120 dwelling units per hectare, 6 units for this property

Building Lines	As per scheme: 3m street boundary
Parking	As per scheme - 0.5 bays per unit+1 bay per 3 units for visitors

2.2. PROPOSED LAND USE

It is intended for the property to be developed into a medium density residential complex. The proposed development will satisfy the growing demand for smaller and safer residential units in the ever growing metropolitan node of Mayfair.

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.

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 “Metropolitan Node”, this area is deemed as a high intensity development zone by the City, where mixed uses are encouraged.

The development of a medium density development within is wholly in line with the principles of the SDF.

3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls partly within the "Metropolitan Node" and earmarked for a minimum of 80 units per hectare, and no maximum.

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 proposed use wholly complies with the Nodal Review, 2020 in terms of land use intensification.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

It is proposed that the subject property be rezoned to allow for an increase in coverage from 40% to 50% and an increase in floor area ration from 1.2 to 1.5 which will allow for 6 units to be developed on site.

The proposed rezoning is to allow for the construction of a medium density residential development composed of high quality, highly accessible and more affordable units. The rationale of this development is to provide access to housing opportunities that would be affordable to a wide variety of occupants. The need for this type of development in this area can be attributed to the following :

4.1.1. Locality

The property is located within a metropolitan node, and adjacent to a prominent connector and public transport route (busses and taxis), Church Street, thereby making it an ideal area to develop higher density residential developments.

Recent years has seen the increase of higher density residential development in this area due to ease of access to the major business and industrial nodes and its general central location.

With regard to the availability of social amenities, a large variation of shops, schools, clinics/hospitals, library, health practitioners and a myriad more are available in close proximity to the site. Access to such facilities are made easier through the availability of public transport. Furthermore, many of these facilities are within walking distance of the property.

4.1.2. Preference of Smaller Units

The residential character of many of the suburbs in Johannesburg has been undergoing a change in terms of density and housing typology. The unsustainable nature of stand-alone dwelling units has led to high maintenance costs and has therefore not been favoured by many new homeowners. The convenient, affordable and safer apartment development has become much more favoured due to the minimal maintenance and usually more secure development.

In addition to the user favouring the smaller unit, in terms of sustainability, increasing residential densities optimises existing infrastructure, prevents urban sprawl, supports public transport and reduces travel distances. The notion of the compact city will be materialised in this development as it will accommodate a substantial amount more residents on the property, and will be close to a number of amenities and places of employment. Mayfair is part of the Metropolitan Node and as such, the subject property is located in close proximity to businesses and employment opportunities, thus the increasing of residential accommodation will reduce the proximity between work and home for the potential residents. Moreover, this will reduce the need for private cars as efficient public transport will be within walking distance from the development. The use of public transport will reduce the carbon footprint and aid in reducing carbon emissions.

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 residential stock.
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 units, 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 more affordable, safe 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.