

**MOTIVATIONAL MEMORANDUM:**  
**Subdivision Application**  
**for**  
**Portion 3 of Erf 142 Beverley Gardens**  
**on behalf of**  
**Bradley Allen Watts and Lyndsey**  
**Laurine Watts**

<b>Date</b>	17 May 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 subdivision into 2 portions in respect of Portion 3 of Erf 142 Beverley Gardens.

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 Bradley Allen Watts and Lyndsey Laurine Watts, the registered owners of the property, to lodge an application for subdivision into 2 portions of Portion 3 of Erf 142 Beverley Gardens. 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 33 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	raesa@kipd.co.za

### 1.2.2. Client

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The client's details are as follows:

Name	Bradley Allen Watts
Contact Number	083 675 2020
Address	5 Ryk Street, Beverley Gardens
Email	brad@sfern.co.za

## 1.3. LAND DEVELOPMENT AREA

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### 1.3.1. Site Locality

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The property is located no 5 Ryk Street, Beverley Gardens. Beverley Gardens is located north of Ferndale, East of Strydom Park, west of Kensington B and south of Vandia Grove in the north western suburbs of Johannesburg.

## 1.4. LEGAL ASPECTS

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### 1.4.1. Ownership

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In terms of Deed of Transfer T93020/2017, the property is registered in the name of Bradley Allen Watts and Lyndsey Laurine Watts and measures 1 983 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 subdivision.

## 1.5. EXISTING LAND USE

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The property is currently being used for a single residential dwelling unit.

## 1.6. SURROUNDING LAND USE

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Beverley Gardens is predominantly a low density residential area.

### 1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

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In terms of Amendment Scheme 13-7570 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	0.9
Coverage	50%
Height zone	2 storeys
Density	Three dwelling units and, if subdivided, a maximum of three portions, of which no portion may be less than 900m <sup>2</sup> .
Building Lines	As per Scheme

The rezoning of Erf 142 Beverley Gardens (Amendment Scheme 13-7570) was approved in 2011 whereafter the property was subdivided into two portions, each measuring 1 983m<sup>2</sup>. Only two of the allowable three dwelling units has thus far been developed.

This application intends to subdivide Portion 3 of Erf 142 Beverly Gardens into two portions, the smaller not measuring less than 900m<sup>2</sup>, thus conforming to the zoning conditions.

### 1.8. SURROUNDING ZONING

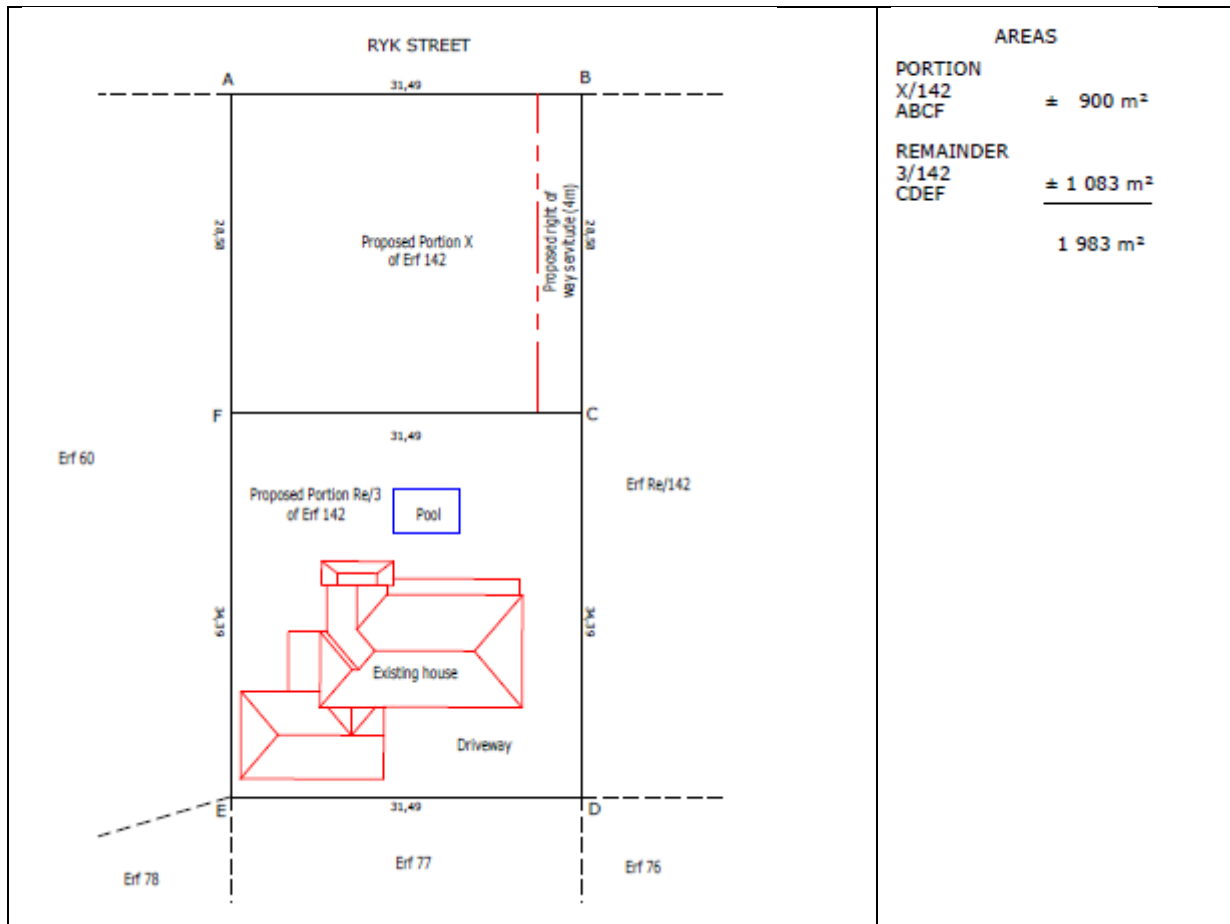
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The properties immediately surrounding the subject erven are zoned the "Residential 1" .

## 2. THE APPLICATION

### 2.1. PROPOSED SUBDIVISION

Application is hereby made to subdivide the property into 2 portions, as per the plan below:



The 4m wide pan handle will be registered as a right of way servitude, thus ensuring that the subdivision conforms to the conditions of the zoning which state that the property may not be smaller than 900m<sup>2</sup>.

## 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 a "Sub Urban Zone". This zone aims at retaining the existing residential character of relatively low densities which currently exist. The base density across the City stipulated by the SDF is 20 units per hectare. The proposed subdivision is well within this limitation and thus conforms to the SDF.

### 3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls within the "Sub Urban Zone" with a residential density of 20 – 30 units/hectare.

In terms of the Nodal Policy 2020, the sub urban zone aims at protecting the residential identity of the area and allows for small scale residential densification of up to 30 u/ha. The proposed subdivision is well below this limitation and therefore will not deter from the residential character of the area.

## **4. MOTIVATION**

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### 4.1. NEED AND DESIRABILITY

The application for the subdivision of the property into two portions is both needed and desirable. The under usage of the property in a city where land is scarce is a privilege and not maximising the potential of the property. It is therefore a better use of the property to subdivide it and develop it similarly to the surrounding properties, for low intensity residential purposes. The subdivided portions will still be relatively large portions and will not deter from the residential character of 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 property 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.