

**MOTIVATIONAL MEMORANDUM:**  
**Subdivision Application**  
**for**  
**Erf 874 Welgedacht**

**on behalf of**  
**M.P GUMBI AND I.M GUMBI**

<b>Date</b>	<b>31 March 2023</b>
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## INTRODUCTION

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The purpose of this memorandum is to introduce, elaborate upon and motivate the application to for the subdivision of Erf 874 Welgedacht into two (2) portions.

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 the registered owners of the property to lodge an application for the subdivision of Erf 874 Welgedacht. 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 :

1. Section 53 of the Ekurhuleni Metropolitan Municipality Spatial Planning and Land Use Management SPLUM By-Law, 2019, 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); and
2. Condition e. of Title Deed T51934/2014 for consent from the body designated by the Administrator, namely the City of Ekurhuleni Metropolitan Municipality, for the purpose.

### 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	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

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The client's details are as follows:

Name	Philip Mzwakhe Gumbi
Contact Number	079 425 5558
Address	57 Sixth avenue, Welgedacht, Springs
Email	Mzwakhe.gumbi@gmail.com

## 1.3. LAND DEVELOPMENT AREA

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### 1.3.1. Site Locality

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(Annexure A: Plan 1 and 2)

The property is located at no 57 Sixth avenue, Welgedacht, Springs. Welgedacht is located northeast of Bakerton, Spring, along the Gauteng / Mpumalanga border.

## 1.4. LEGAL ASPECTS

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### 1.4.1. Ownership

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In terms of Deed of Transfer T51934/2014, the property is registered in the names of Phillip Mzwakhe Gumbi and Mpho Innocentia Gumbi and measures 1 115 m<sup>2</sup>.

### 1.4.2. Power of Attorney

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The owners of the property have 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.

### 1.4.3. Restrictive Title Conditions

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In terms of title condition (e) of T51934/2014, consent is required from the body designated by the Administrator, namely the City of Ekurhuleni Metropolitan Municipality, for subdivision. Application is thus also made in terms of this title condition to subdivide the property.

### 1.4.4. Registered Mortgage Bonds

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There is no mortgage bond registered against the property .

### 1.5. EXISTING LAND USE

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The property is currently vacant

### 1.6. SURROUNDING LAND USE

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Welgedacht is a predominantly residential area, the properties immediately surrounding Erf 874 Welgedacht are used for single residential dwelling units.

### 1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

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In terms of the Ekurhuleni Town Planning Scheme, 2014, the property is currently zoned as follows:

Zoning	Residential 1
Primary rights	Dwelling House, Private Roads
Secondary rights	Places of Public Worship, Places of Instruction, Social Halls, Child Care Facilities, Guest Houses, Home Care Facilities, Catteries, Special Uses
Coverage	50%
Height	2 storeys
Density	1 dwelling per erf
Building Lines	6m street boundary
Parking	Sufficient space for 2 vehicles

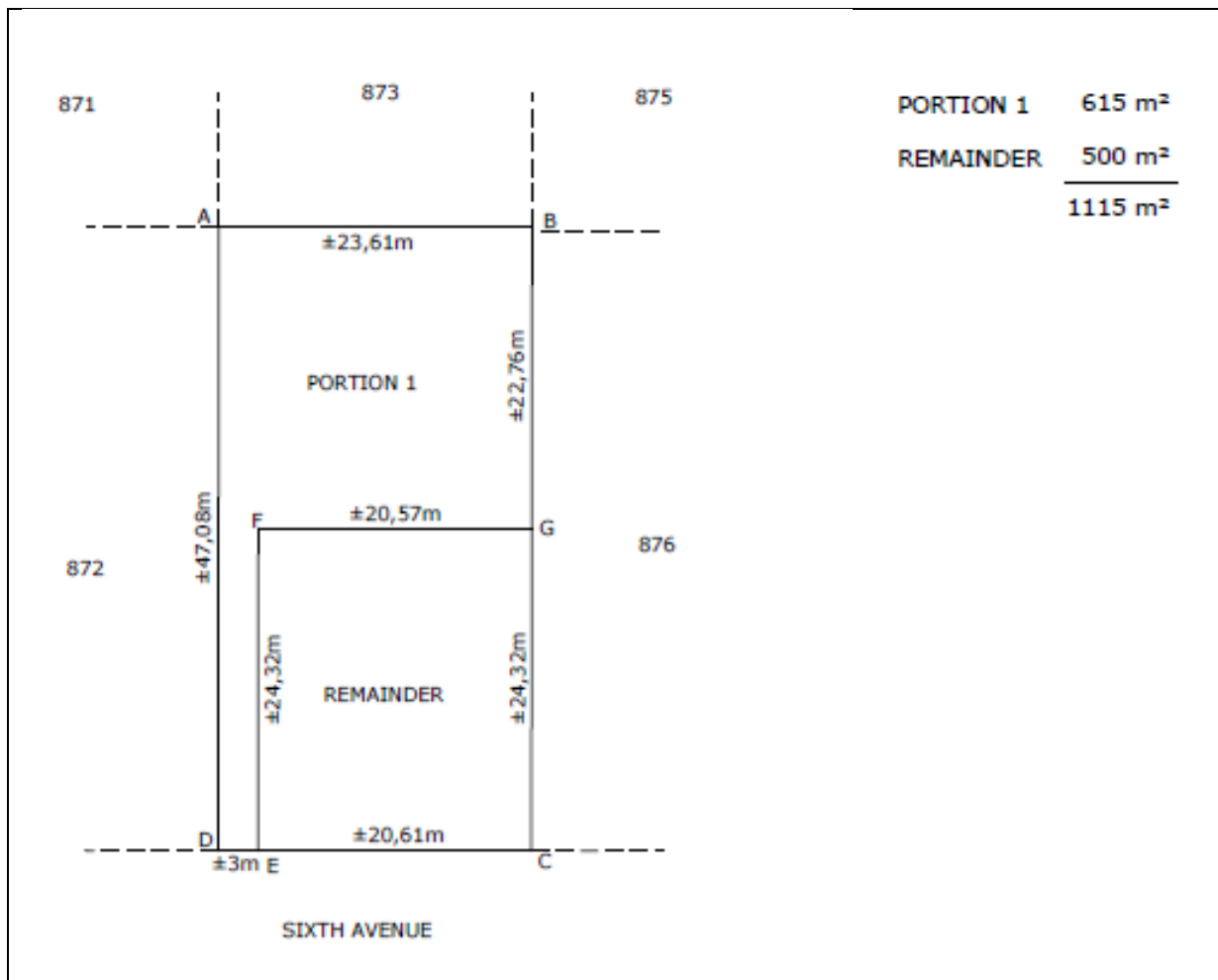
### 1.8. SURROUNDING ZONING

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

## 2. THE APPLICATION

Application is hereby made to subdivide Erf 874 Welgedacht into two (2) portions as follows :



The pan handle is 3m wide. Portion 1 will measure ± 615 m<sup>2</sup> and the remainder ± 500 m<sup>2</sup>.

## 3. SPATIAL PLANNING ENVIRONMENT

In terms of Section 6(2) of the Ekurhuleni Metropolitan Municipality SPLUM By-Law, 2019 – “Any land development application in terms of this By-law shall be guided and informed by the Municipality’s integrated development plan and spatial development framework and any other policies, frameworks and plans as adopted and approved by the Municipality.”

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 :

- Municipal Spatial Development Framework, 2015; and
- Ekurhuleni Regional Spatial Development Plan, 2012.

### 3.1. MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK 2015

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The Municipal Spatial Development Framework 2015 (MSDF) is a municipal 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 MSDF 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 MSDF.

According to the MSDF, in the process of urban transformation one has to move from a low density, private transport dominated and dispersed urban structure that has been developed over many years to a public transport oriented higher density compact urban structure where high levels of safety and freedom of choice exist as related to transport modes, housing typologies and proximity to job and recreation opportunities.

The proposal to subdivide the subject property speaks to the vision of the City in aspiring to more efficiently use land.

The details on levels of densification are further expanded on in the RSDF. Essentially, the City advocates for densification and this application is thus in line with the vision of the Ekurhuleni MM.

### 3.2. REGIONAL SPATIAL DEVELOPMENT FRAMEWORK, 2012

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In terms of the RSDF, 2012, the subject property is located within "Region D". the Ekurhuleni Metropolitan Municipality advocates for densification in its vision of creating a compact city and reducing travel distances between places of employment and home.

Bearing this in mind, the intensity of densification is applied in a hierarchy fashion where properties located within nodes are afforded highest densities and a step-down approach is applied until low density residential areas.

Welgedacht is considered a low density residential area and thus the only densification which will be allowed is as per the RSDF as follows: " no portion created by the subdivision of a property for residential purposes may be smaller than 40% of the prevailing size of the surrounding low density residential erven, as determined by the municipality (this guideline aligns to a similar provision in the Ekurhuleni Town Planning Scheme and translates to a density increase equal to 2,5 times the ruling net density of the surrounding low density residential area)."

This means that the subdivision must ensure that both portions are no less than 40% of the neighbouring properties. The subject erf to be subdivided, and many of the surrounding erven, measures  $\pm 1115 \text{ m}^2$ . The subdivided portions will be  $\pm 615 \text{ m}^2$  and  $\pm 500 \text{ m}^2$  respectively, which is approximately 50%.

Therefore, the subdivision will ensure adherence to the developmental policy of the municipality.

## 4. MOTIVATION

### 4.1. NEED AND DESIRABILITY

The application for subdivision into 2 portions is made to ensure the property is able to reach its highest potential. The property is currently vacant and before the owner builds his house he would like to sell off the area which will be unused.

The proposed subdivision will allow for two properties where the second portion becomes eligible for a freestanding residential dwelling unit. This will increase the density, as per the RSDF and simultaneously withhold the ambience and aesthetic of the neighbourhood. The subdivision will enable the development of a single residential unit and will thus not interfere with the engineering services capacity in the area. No major changes will result from this subdivision and thus the neighbouring properties will not be negatively affected.

It is thus both need and desirable to subdivide the property into two portions.

## 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 additional residential stock 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	By creating an additional erf, 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

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The application is in line with the Ekurhuleni Metropolitan Municipality's vision for this area and supports the policy; the proposed subdivision would align with the surrounding area. The Municipality is in need of additional residential stock, whilst adhering to the developmental policy. This application aims at addressing this need and more efficiently utilising well located space in the Municipality.

We therefore recommend that the application be approved.