

MOTIVATIONAL MEMORANDUM:**Subdivision application****for****Erf 1403 Houghton Estate****on behalf of****Mr. & Mrs. Rodrigues**

Date	11 May 2023
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File number	H/21/D/1005

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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application for subdivision in respect of Erf 1403 Houghton Estate.

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 Mr Joao Antonio Pereira Rodrigues and Mrs Maria de Fatima Gomes Lima Rodrigues, the registered owners of the property, to lodge an application for the subdivision of Erf 1403 Houghton Estate into two (2) portions. 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 33 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 subdivision of the erf.

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	Mrs Fátima Rodrigues
Contact Number	011 535 8318
Address	19 Fourth Street, Houghton Estate
Email	rodfam@mweb.co.za

1.3. LAND DEVELOPMENT AREA

1.3.1. Site Locality

(Annexure A: Plan 1 and 2)

The property is located at no 19 Fourth Street, Houghton Estate and is located just east of the M1, west of the Houghton Golf Course, Norwood and Orange Grove and south of Oaklands.

1.4. LEGAL ASPECTS

1.4.1. Ownership

In terms of Deed of Transfer T59602/2000, the property is registered in the name of Joao Antonio Pereira Rodrigues and Maria de Fatima Gomes Lima Rodrigues and measures 3965 m².

1.4.2. Power of Attorney

The registered owners 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. Mortgage Bond

There is a mortgage bond registered against the property with Investec Bank. The bondholders consent letter is attached to the application.

1.5. EXISTING LAND USE

The property is currently being used as a single residential house.

1.6. SURROUNDING LAND USE

(Annexure B: Land use plan)

Houghton Estate is predominantly a residential suburb, which is characterised by a variety of higher and lower density residential developments. Many properties in the area have been subdivided.

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 unit
Floor Area	1.2
Density	1 unit per erf
Coverage	50%- 1 storey 40% - 2 and 3 storeys
Height zone	3 storeys
Building Lines	As per scheme: 5m street boundary

1.8. SURROUNDING ZONING

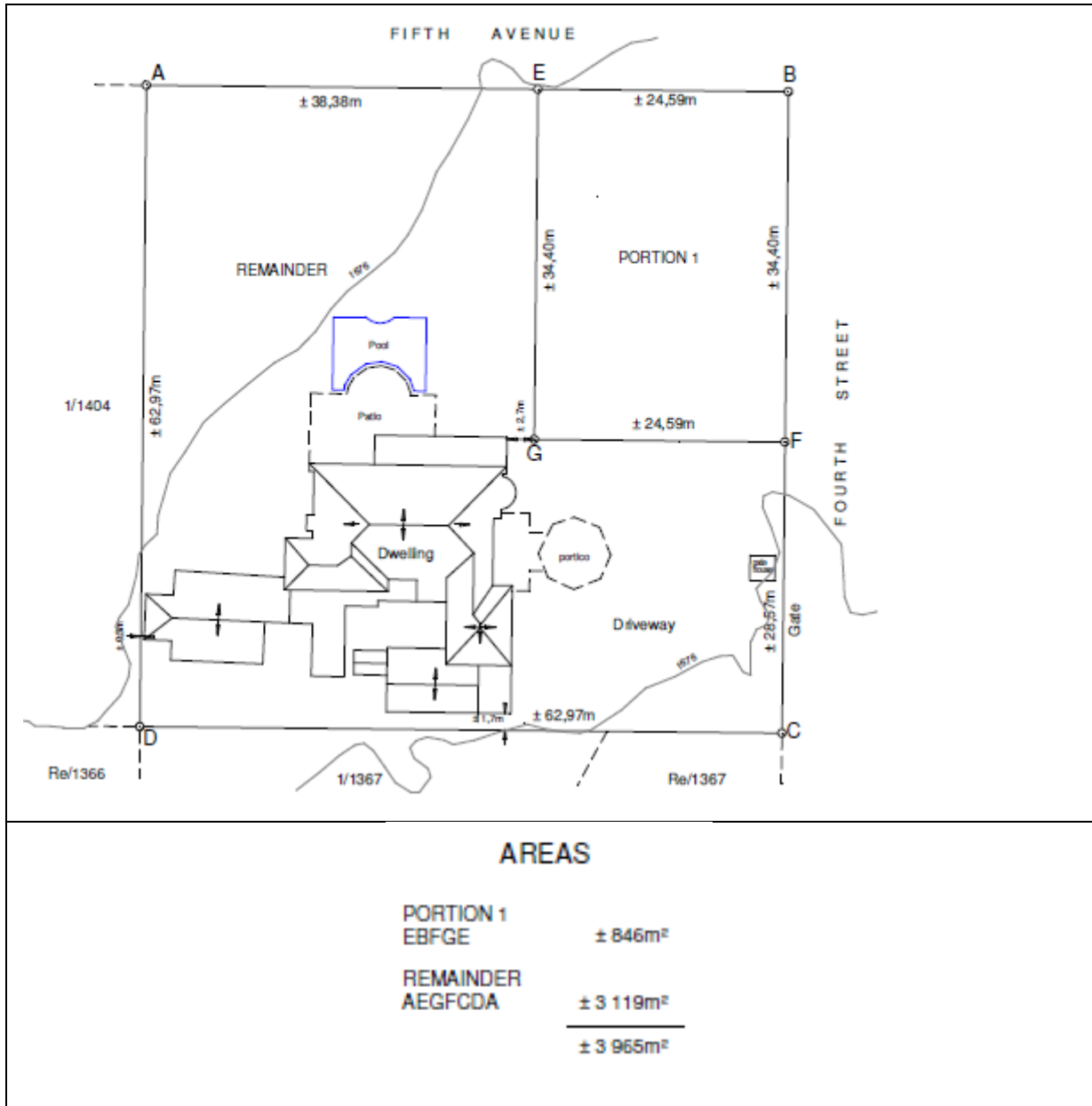
(Annexure C : Surrounding zoning plan)

In terms of the City of Johannesburg Land Use Scheme, 2018, most of the erven north, east and south of the site are zoned as "Residential 1" and "Residential 2" and the properties along the M1 motorway are zoned "Business 1" and "Institutional".

2. THE APPLICATION

2.1. PROPOSED SUBDIVISION

Application is hereby made for the property to be subdivided into two portions, as follows:



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 “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 infra-structure.

The creation of a new property for residential purposes on land that has been severely underutilised is in line with the Framework. The City of Johannesburg has implemented a minimum density of 20 units per hectare, which translates to a minimum erf size of 250m². The proposed subdivision will result in two properties measuring ± 3 119m² and ± 846m² respectively. This is in line with the policy.

3.2. NODAL REVIEW POLICY 2019/2020

In terms of the Nodal Review Policy, 2019/2020, the subject property falls partly within the "General Urban Zone".

In the "General Urban Zone", a medium intensity of uses is desired with a scattering of land use mixed though out the area but concentrated along high streets. The creation of land for the development of new dwelling units is seen to be in lines with this policy. With regards to density, the policy has earmarked the property for a minimum of 60 units /ha. The proposed subdivision will increase the density, however, will be well within the desired limits as stipulated in the Nodal Policy.

4. MOTIVATION

4.1. NEED AND DESIRABILITY

Application is made to subdivide the subject property into 2 portions. Both portions will retain the "Residential 1" zoning.

The existing property measures 3965 m², with a large portion underutilised. The subdivision will enable the creation of a new stand that will be able to accommodate a single dwelling unit.

The slight increase of density in low rise residential areas such as Houghton Estate allows for land to be utilised in a more efficient manner. Many properties in Houghton Estate are extremely large resulting in underutilised garden space which is costly to maintain. The subdivision allows for additional populous to live in close proximity to amenities such as educational facilities, social facilities, religious institutions, employment hubs and motorways. This in turn reduces the need to travel long distances and as a result reduces individual carbon footprints of citizens. Densification is a desirable tool as it promotes the optimum use of the existing infrastructure.

Precedent in the area indicates that higher densities, resulting in smaller erf sizes have been approved. The proposed subdivision and the addition of the extra site does not impair the characteristic of the existing neighbourhood. The proposed use will not hamper on the rights of neighbouring properties.

The subdivision is in line with the developmental policy of the City. The inefficient use of land is thus the primary reason for subdivision, and also thus in line with the vision of the City.

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 spaces.
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 opportunities, 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 residential 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 subdivision would align with the surrounding area. The City encourages the efficient use of land and the enabling of 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.