URBAN & REGIONAL PLANNING
PROPERTY DEVELOPMENT SPECIALISTS

MOTIVATIONAL MEMORANDUM

CONSOLIDATION, REMOVAL OF TITLE RESTICTIONS AND REZONING APPLICATION FOR ERVEN 1/2866, 2/2866, 2326 AND 2327 BLAIRGOWRIE

ON BEHALF OF

PRO EKKLESIA NPC

REGISTRATION NUMBER 1963/000012/08

Date	31 October 2025
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INTRODUCTION

The purpose of this memorandum is to introduce, elaborate upon and motivate the application in respect of Portion 1 of Erf 2866, Portion 2 of Erf 2866 and Erven 2326 and 2327 all of Blairgowrie township for the removal or restrictive conditions, consolidation of the erven and the rezoning of the consolidated erf.

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: Motivation
  - Policy Environment
  - Need and Desirability
- Chapter 4: Conclusion and Recommendation

1. GENERAL INFORMATION

1.1. AGENT

Annexure C – Power of Attorney and Company Resolution

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

Name	KiPD (Pty) Ltd
Responsible Person	Paul Kotzé
Postal Address	44A 3rd Street, Linden, 2195
Contact Number	082 894 1232
Email	paul@kipd.co.za

1.2. CLIENT

The client's (being the registered owner of the subject land parcels) contact details are as follows:

Company & Registration Number	PRO EKKLESIA NPC (1963/000012/08)
Authorised Director	DJ van den Berg
Position	Director
Contact Number	011 886 1430

1.3. OWNERSHIP

Annexure D1 to D8 – Title Deeds & Windeed reports

The subject land parcels are held by Pro Ekklesia Non-Profit Company (NPC), Registration Number 1963/000012/08 as follows:

Erf No	Extent (m²)	Title Deed Number
1/2866 Blairgowrie	10583	T7759/1968
2/2866 Blairgowrie	6548	T7688/1987
2326 Blairgowrie	754	T27472/2020
2327 Blairgowrie	865	T62205/2023
Total Area	18 750	

1.4. REGISTERED MORTGAGE BONDS

There are no mortgage bonds registered against the properties.

1.5. LOCALITY

Annexure F: Plan 1 and 2

Blairgowrie is located in the northern suburbs of Johannesburg, north of Craighall Park and south of Randburg CBD. The property is located at no. 2 Park Lane, Blairgowrie, and its northern border is Conrad Drive whilst its western border is the Blairgowrie recreational centre.

1.6. EXISTING LAND USE

- Subject Land Parcels

The land uses on the subject land parcels are as follows:

Erf No	Land Use
1/2866 Blairgowrie	Retirement Village (for people older than 55 Years, Old Age Home and ancillary activities
2/2866 Blairgowrie	
2326 Blairgowrie	Dwelling house (Currently Vacant)
2327 Blairgowrie	Dwelling house (Currently Vacant)

- Surrounding Land Use

Annexure F – Plan 3 reflects the surrounding land uses being a public park and municipal recreation centre abutting the western and southern boundary of the property. To the north, directly opposite the subject property is a filling station and high-density residential development, whilst single residential (dwelling houses) abuts the eastern boundary of the property.

1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

(Annexure G1 to G3: Zoning Certificates)

In terms of the City of Johannesburg Land Use Scheme, 2018, the subject properties are currently zoned as follows:

Zoning and Development Controls	Ptns 1 & 2 / 2866	2326 & 2327
Zoning	Institutional	Residential 1
Primary Rights	• Institution • Place of Instruction • Social Halls • Religious Purposes Residential building to be used as a retirement village for persons aged 55 years and older, in terms of approved consent (2/2866)	• Dwelling House
Uses for which Consent could be obtained	• Medical Consulting Rooms • Dwelling Units • Residential Buildings • Sport and Recreation Clubs • Public or private parking areas	• Religious purposes • Place of Instruction • Child Care Centre • Social Hall • Institutions • Residential Buildings (Excl. hotel) • Special Buildings • Sport and Recreation Clubs • Public or Private Parking Areas • Medical Consulting Rooms • Tavern/Shebeen • Guest House
Height (Storeys)	3	3
Coverage	50%	• 2 Storey =50% • 3 Storey = 40%
F.A.R.	0.8	1.2
Building Lines	• As per Scheme • Five (5) metres along all street boundaries, three (3) meters along all other boundaries, provided that these may be relaxed in terms a Site Development Plan.	• As per Scheme • Street Boundary – 3 Meters
Parking	• 1 bay / bed plus 1 bay/ trained or admin staff • Can be relaxed with the approval of a SDP	To the satisfaction of the Council.

1.8. SURROUNDING ZONING

Annexure F4 and F5: Surrounding zoning plan and Nodal Demarcation

In terms of the City of Johannesburg Land Use Scheme, 2018, the surrounding properties are zoned "Public Open Space" and "Municipal" on the western and southern boundary of the property. To the north, directly opposite the subject property, the properties are zoned "Business 1", whilst the properties on the eastern boundary are zoned "Residential 1".

2. THE APPLICATION

Application as set out here below, is hereby made for the following :

1. Removal of title restrictions in terms of section 41 of the City of Johannesburg Municipal Planning By-Law, 2016, read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013).

Erf No	Deed of Transfer	Restrictive Condition to be removed
1/2866	T7759/1968	Condition 1, 2 and 3
2/2866	T7688/1987	Condition A(a) up to and including A(o)
2326	T27472/2020	Condition (a) up to and including (m)
2327	T62205/2023	Condition (a) up to and including (k)

2. Consolidation in terms of section 33 of the City of Johannesburg Municipal Planning By-Law, 2016, read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013); and

3. Rezoning in terms of section 21 of the City of Johannesburg Municipal Planning By-Law, 2016, read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013) from "Institutional;" and "Residential 1" to "Institutional".

2.1. REMOVAL OF RESTRCITIVE CONDITIONS

Application is made for the removal of the following restrictive conditions as contained in the Title Deeds of the subject properties:

Erf No	Deed Of Transfer	Restrictive condition and content summary	
1/2866	T7759/1968	1	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited
		2	The land to be developed as an old age home within 4 years of transfer
		3	a) Only Whites may be occupied, no shop or factory or trade is permitted. b) Building and outbuildings must be erected simultaneously c) Site must be fenced
2/2866	T7688/1987	A(a)	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited
		A(b)	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited
		A(c)	Administrator can impose conditions of title
		A(d)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality

Erf No	Deed Of Transfer	Restrictive condition and content summary	
		A(e)	Erf may not be subdivided
		A(f)	Building plans to be submitted to township owner for approval
		A(g)	No wood or iron buildings may be erected
		A(h)	No manufacturing of bricks, tile or earthenware
		A(i)	Shall be used for residential purposes, no shop, factory or place of business is permitted
		A(j)	i. Only one house may be erected i. The cost of all buildings to not less than R2000 i. The main building and outbuilding shall be erected simultaneously
		A(k)	A building line of 7.62 m along Jan Smuts Ave applies. Any other erf the street building line shall be 6.1 m
		A(l)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority
		A(m)	Definition of company and dwelling
		A(n)	Sewer servitude of 1.22 m a shown on the general plan
		A(o)	Rights given to municipality to deposit soils whilst working on servitude
2326	T27472/2020	(a)	Administrator can impose conditions of title
		(b)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality
		(c)	Erf may not be subdivided
		(d)	Building plans to be submitted to township owner for approval
		(e)	No wood or iron buildings may be erected
		(f)	No manufacturing of bricks , tile or earthenware
		(g)	Pending establishment of local authority the company can right to install and convey electricity across the erf
		(h)	Pending establishment of local authority, company to install and convey any other service such as water and gas
		(i)	Shall be used for residential purposes, no shop, factory or place of business is permitted
		(j)	i. Only one house may be erected i. The cost of all buildings to not less than R2000 i. The main building and outbuilding shall be erected simultaneously
		(k)	A building line of 7.62 m along Jan Smuts Ave applies. Pending the establishment of a local authority other street boundaries to be 6.1m
		(l)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority
		(m)	Definition of company and dwelling
2327	T62205/2023	(a)	Administrator can impose conditions of title
		(b)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality
		(c)	Erf may not be subdivided
		(d)	Building plans to be submitted to township owner for approval
		(e)	No wood or iron buildings may be erected
		(f)	No manufacturing of bricks , tile or earthenware

Erf No	Deed Of Transfer	Restrictive condition and content summary	
		(g)	Shall be used for residential purposes, no shop, factory or place of business is permitted
		(h)	/. Only one house may be erected /. The cost of all buildings to not less than R2000 The main building and outbuilding shall be erected simultaneously
		(i)	A building line of 7.62 m along Jan Smuts Ave applies
		(j)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority
		(k)	Definition of company and dwelling

2.2. THE CONSOLIDATION OF THE SUBJECT PROPERTIES

(Annexure H: Consolidation Plan)

In terms of the provisions of Section 33 of the Bylaw, application is made for the consolidation of the subject properties

	Erf Blairgowrie			
Extent of Individual Erven	Ptn 1/2866 (10,583 m²)	Ptn 2/2866 (6,548 m²)	2326 (754 m²)	2327 (865 m²)
Extent of Consolidated Erf	Consolidated Erf Blairgowrie (18,750 m²)			

2.3. REZONING OF THE SUBJECT PROPERTIES

(Annexure I - Draft Zoning Map and Schedule)

In terms of the provisions of Section 21 of the By-law, application is made for the rezoning of the subject properties as follows:

- Erf 1/2866 and Erf 2/2866 Blairgowrie:

Zoning and Development Controls	From	To
Zoning	Institutional	Institutional
Primary Rights	• Institution • Place of Instruction • Social Halls • Religious Purposes	• Institution • Place of Instruction • Social Halls • Religious Purposes • Residential Buildings (for owners and occupants 55 years and older)
Uses with Consent	• Medical Consulting Rooms • Dwelling Units • Residential Buildings • Sport and Recreation Clubs • Public or private parking areas	• Medical Consulting Rooms
Height (Storeys)	3	As per Scheme 4

Zoning and Development Controls	From	To
Coverage	50%	50%
Floor area ratio	0.8	0.7309
Building Lines	• As per Scheme • Five (5) metres along all street boundaries, three (3) meters along all other boundaries, provided that these may be relaxed in terms a Site Development Plan	• As per Scheme • Five (5) metres along all street boundaries and can be relaxed in terms of an approved Site Development Plan • All other boundaries as per approved Site Development Plan.
Parking	• 1 bay / bed plus 1 bay/ trained or admin staff • Can be relaxed with the approval of an SDP	• 1 bay / 100 m² GLA

- Erf 2326 and 2327 Blairgowrie

Zoning And Development Controls	From	To
Zoning	Residential 1	Institutional
Primary Rights	• Dwelling House	• Institution • Place of Instruction • Social Halls • Religious Purposes • Residential Buildings (for owners and occupants 55 years and older)
Uses with Consent	• Religious purposes • Place of Instruction • Child Care Centre • Social Hall • Institutions • Residential Buildings (Excl. hotel) • Special Buildings • Sport and Recreation Clubs • Public or Private Parking Areas • Medical Consulting Rooms • Tavern/Shebeen • Guest House	• Medical Consulting Rooms
Height (Storeys)	3	As per Scheme 4
Coverage	• 2 Storey =50% • 3 Storey = 40%	50%
Floor area ratio	1.2	0.7309

Zoning And Development Controls	From	To
Building Lines	• As per Scheme • Street Boundary – 3 Meters	• As per Scheme • Five (5) metres along all street boundaries which can be relaxed in terms of an approved Site Development Plan • All other boundaries as per approved Site Development Plan.
Parking	• To the satisfaction of the Council	• 1 bay / 100 m² GLA

3. MOTIVATION

The motivation for the applications in Paragraph 2 is set out in the following order:

- Existing Use and Development Intent
- Removal of Title Conditions
- Basket of Primary Rights
- Basket of Secondary Rights
- Floor Area Ratio
- Coverage
- Parking
- Desirability
  - SPLUMA principles
  - SDF and Nodal Review
  - Engineering Services
  - Need and Desirability

3.1. EXISTING USE AND DEVELOPMENT INTENT

Erven 1/2866 and 2/2866 are jointly used for the purpose of a facility caring for the aged and a retirement village. Several of the residents being of a fragile age are showing signs of or have been diagnosed with dementia.

As such the intent is to develop, in addition to the existing facilities, a health / frail care facility on the combined premises that can cater for the residents suffering from dementia or other more intensive frail care needs.

This facility will also support other retirement villages who has a similar notion and need. The available permissible floor area on Portions 1 and 2 of Erf 2866 would permit a development of this nature however the building configuration and ancillary requirements, such as provision of parking, necessitated the acquisition of Erven 2326 and 2327. With the addition of these erven, suitable space has been created to allow the development of the unit within the basket of development controls applied for herein.

3.2. REMOVAL OF TITLE CONDITIONS

3.2.1. Introduction

The conditions to be removed stem from historical township establishment and conveyancing practices that are no longer applicable, enforceable, or aligned with the provisions of the Constitution of the Republic of South Africa (1996), the Spatial Planning and Land Use Management Act, 2013 (SPLUMA), and the City of Johannesburg Land Use Scheme, 2018.

3.2.2. Statutory and policy framework

The proposed removal of restrictive title conditions is consistent with:

- Section 25(1) of the Constitution, which protects property rights but allows regulation in the public interest;
- Section 7(a–e) of SPLUMA, which promotes spatial justice, efficiency, sustainability, and good administration;
- Section 68(1) of the Deeds Registries Act, allowing removal of obsolete or restrictive conditions;
- The City of Johannesburg Land Use Scheme, 2018, which regulates land use and development through zoning, rendering many older title conditions redundant.

3.2.3. Motivation per condition

Erf No	Deed of Transfer	Restrictive condition and content summary		Motivation for its removal
1/2866	T7759/1968	1	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited	The township developer, Blairgowrie Estates Ltd, no longer exists, and all mineral rights have since been separated from surface ownership and regulated by the Mineral and Petroleum Resources Development Act, 2002. Condition is obsolete.
		2	The land to be developed as an old age home within 4 years of transfer	The condition is prescriptive and time-lapsed; development control is now governed by the Land Use Scheme and SPLUMA principles.
		3	a) Only Whites may be occupied, no shop or factory or trade is permitted.	Discriminatory on racial grounds, unconstitutional (contravenes Section 9 of the Constitution) and unenforceable. Must be removed.
			b) Building and outbuildings must be erected simultaneously	Obsolete; building control is now governed by the National Building Regulations and Building Standards Act, 1977.
			c) Site must be fenced	Development standards are regulated by the municipal Land

Erf No	Deed of Transfer	Restrictive condition and content summary		Motivation for its removal
				Use Scheme and Building Control Department; this condition is redundant.
2/2866	T7688/1987	A(a)	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited.	As above, condition obsolete and unenforceable due to MPRDA.
		A(b)	All mining rights and proceeds emanating therefrom belong to Blairgowrie Estates Limited	
		A(c)	Administrator can impose conditions of title	Governance now rests with the City of Johannesburg as the local authority; the "Administrator" role has ceased.
		A(d)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality	Redundant as township ownership has ceased and municipal planning authority is regulated under SPLUMA.
		A(e)	Erf may not be subdivided	Restrictive; subdivision control now falls under municipal authority per SPLUMA and the Land Use Scheme.
		A(f)	Building plans to be submitted to township owner for approval	Obsolete; plan approval is a municipal function under the Building Standards Act.
		A(g)	No wood or iron buildings may be erected	Building materials are regulated under the Building Standards Act and National Building Regulations.
		A(h)	No manufacturing of bricks, tile or earthenware	Land use is now controlled by zoning, not title conditions; condition redundant.
		A(i)	Shall be used for residential purposes, no shop, factory or place of business is permitted	Land use is determined by the Land Use Scheme; this condition unnecessarily duplicates planning controls.
		A(j)	i. Only one house may be erected i. The cost of all buildings to not less than R2000 i. The main building and outbuilding shall be erected simultaneously	Cost restriction and simultaneity are outdated; Land Use Scheme and Building Regulations govern density and structure.
		A(k)	A building line of 7.62 m along Jan Smuts Ave applies. Any other erf the street building line shall be 6.1 m	Building lines are governed by the Land Use Scheme and can be altered by consent use or relaxation applications.

Erf No	Deed of Transfer	Restrictive condition and content summary		Motivation for its removal
		A(l)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority	Redundant; municipal building control now governs fencing.
		A(m)	Definition of company and dwelling	Sewer servitude and municipal service rights to be retained if reflected on SG diagram; definitional clauses redundant. (Note: Any servitude for sewer or municipal access that is reflected on the General Plan should remain unaffected.)
		A(n)	Sewer servitude of 1.22 m a shown on the general plan	
		A(o)	Rights given to municipality to deposit soils whilst working on servitude	
2326	T27472/2020	(a)	Administrator can impose conditions of title	Redundant; authority now vested in the municipality
		(b)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality	
		(c)	Erf may not be subdivided	Restrictive and inconsistent with SPLUMA's development principles; subdivision governed by municipal process.
		(d)	Building plans to be submitted to township owner for approval	Function of municipality; obsolete.
		(e)	No wood or iron buildings may be erected	Redundant; governed by Building Standards Act and zoning.
		(f)	No manufacturing of bricks, tile or earthenware	
		(g)	Pending establishment of local authority the company can right to install and convey electricity across the erf	Municipality established; obsolete.
		(h)	Pending establishment of local authority, company to install and convey any other service such as water and gas	
		(i)	Shall be used for residential purposes, no shop, factory or place of business is permitted	Regulated through Land Use Scheme; remove to avoid duplication.
		(j)	i. Only one house may be erected i. The cost of all buildings to not less than R2000 i. The main building and outbuilding shall be erected simultaneously	Outdated; development controls exist in Land Use Scheme.
		(k)	A building line of 7.62 m along Jan Smuts Ave applies. Pending the establishment of a local authority other street boundaries to be 6.1m	Governed by Land Use Scheme; condition redundant.

Erf No	Deed of Transfer	Restrictive condition and content summary		Motivation for its removal
		(l)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority	Obsolete; municipal building control applies.
		(m)	Definition of company and dwelling	No longer relevant.
2327	T62205/2023	(a)	Administrator can impose conditions of title	Obsolete; replaced by municipal authority under SPLUMA.
		(b)	Exercising of power conferred in terms of title to the township owner to be carried on by Administrator or municipality	
		(c)	Erf may not be subdivided	Restrictive; subdivision applications governed by SPLUMA and Land Use Scheme.
		(d)	Building plans to be submitted to township owner for approval	Obsolete; municipal function.
		(e)	No wood or iron buildings may be erected	Outdated; governed by Building Standards Act.
		(f)	No manufacturing of bricks, tile or earthenware	
		(g)	Shall be used for residential purposes, no shop, factory or place of business is permitted	Land Use Scheme regulates permitted uses; duplication unnecessary.
		(h)	i. Only one house may be erected i. The cost of all buildings to not less than R2000 i. The main building and outbuilding shall be erected simultaneously	Outdated and restrictive; remove.
		(i)	A building line of 7.62 m along Jan Smuts Ave applies	Redundant; managed under the Land Use Scheme.
		(j)	The site shall be fenced to the satisfaction of the township owner pending the establishment of a local authority	Obsolete; municipal regulations apply.
		(k)	Definition of company and dwelling	Irrelevant.

3.2.4. President Established

(Annexure L – Previous Approval iro Removal of Restrictions)

In 2008 approval has been granted by the CoJ for the removal of:

Condition	Erf No	Deed of Transfer
(i)and (j)	1/2866	T7688/1987
3(a)	2/2866	T7759/1968

This approval has never been affected at the Deeds Office. The CoJ is therefor requested to retract this approval and replace it with the approval in accordance with this application.

3.2.5. Conclusion

The title conditions proposed for removal are obsolete, unconstitutional, or superseded by current planning and development legislation. Their removal will:

- Promote spatial justice and efficiency (SPLUMA s7(a–b));
- Align land development with current zoning controls under the City's Land Use Scheme;
- Remove racially discriminatory and redundant historical conditions;
- Facilitate orderly and equitable future development and use of the properties.

It is therefore recommended that all listed title conditions be removed in terms of Section 68(1) of the Deeds Registries Act, 1937

3.3. BASKET OF PRIMARY RIGHTS

3.3.1. Background Summary

In this application there are two properties zoned "Institutional" and two properties zoned "Residential 1".

A consent has been granted in respect of erf 2/2866 Blairgowrie for the erection of a residential building to be used as a retirement village for persons aged 55 years and older.

It is the wish of the owners of the subject properties to consolidate all the erven and attain a uniform zoning and development conditions for the consolidated stand.

3.3.2. Legal effect of Consolidation and Rezoning

3.3.2.1. Consolidation

With the consolidation of the four erven, the individual title deeds and rights associated with each erf cease to exist independently. A new erf number is created, and with it, a new land use record.

Any consent use or site-specific approval that applied to one erf does not automatically transfer to the consolidated erf unless explicitly incorporated into the new zoning or land use conditions.

3.3.2.2. Rezoning after Consolidation

A rezoning application supersedes all prior consents and conditions. Clause 26 of the land use scheme makes it clear that, upon rezoning approval, the rights and restrictions on the property are as stated in the new zoning and its annexure — not those that previously applied.

With the consolidated erf being zoned to "Institutional", the City will regard the zoning rights as set out in the new rezoning annexure, not those in the historical approval.

3.3.3. Approach Adopted

The approach adopted for this application is to include "Residential Buildings" as a primary right under the institutional zoning as per the table below (also outlined in paragraph 2.2 above)

Zoning	Institutional (As per Scheme)	Institutional (As applied for)
Primary Rights	• Institution • Place of Instruction • Social Halls • Religious Purposes	• Institution • Place of Instruction • Social Halls • Religious Purposes • **Residential Buildings (for owners and occupants 55 years and older)**
Consent	• Medical Consulting Rooms • Dwelling Units • Residential Buildings • Sport and Recreation Clubs • Public or private parking areas	• Medical Consulting Rooms

3.4. BASKET OF SECONDARY RIGHTS

The default zoning for 'Institutional" lists a host of uses which can be acquired by means of a special consent. As the development on the site is strictly an institution which caters for the aged and their specific needs (the need has expanded to include in the development a unit for the housing of those suffering from dementia or other more intensive frail care needs) the only additional use that may become a necessity is "Medical Consulting Rooms". For this reason, application is made to restrict the uses permissible in terms a consent to that of "Medical Consulting Rooms" as specified in Paragraph 2.2 above.

3.5. FLOOR AREA RATIO AND COVERAGE

3.5.1. Coverage

The coverage limitation currently applicable in respect of erf 1/2866 and 2/2866 remains and be applied to all the properties. The consolidated stand will thus be subject to a 50% coverage and this will be applied in accordance with the standard conditions governing coverage as contained in the land use scheme.

3.5.2. Floor Area Ratio

The current floor area ratio applicable to Erf 1/2866 and 2/2866 is 0.8. This ratio permits a development of **13704.80 m² Leasable Floor Area.**

The current floor area developed on the site equals **7528.75 m² leaving 6176.05 m²** which is deemed adequate for the planned extensions on the site.

As the consolidated site measures 18750 m² and the floor area is to be maintained at **13704 m²** the development only requires a FAR of **0.7309.**

In doing so, there is no additional impact on the neighbourhood or municipal services.

3.6. HEIGHT DEVELOPMENT REQUIREMENTS

Due to the shape of the premises, the location of existing facilities and the need for the Dementia unit it is required that the height restriction of three storeys be increased to four (4) storeys.

3.7. BUILDING LINES

Building lines for 1/2866 and 2/2866 are currently :

- Five (5) metres along all street boundaries
- Three (3) metres along all other boundaries
- Provided that these may be relaxed in terms of a Site Development Plan.

Application is made for the following building lines:

- Five (5) metres along all street boundaries which can be relaxed in terms of an approved Site Development Plan
- All other boundaries as per approved Site Development Plan.

This will allow more flexible development opportunity without necessary having an impact on the neighbouring premises.

3.8. PARKING

(Annexure J - Previously Approved SDP)
(Annexure K – Indicative SDP)

3.8.1. Background and Context

The existing development currently accommodates approximately 50 retirement units and 139 frail care beds. The proposed development aims to extend the facility to include a specialised dementia care unit to provide for the evolving needs of current residents who now require higher levels of care and supervision.

3.8.2. Current Parking Controls

The table below shows that in terms of the provisions of the City of Johannesburg Land Use Scheme, the current parking requirement applicable to the existing Institutional zoning translates to approximately 216 parking bays for the combined floor area.

The LUS currently requires		Current Number of Units	Cumulative Parking requirement
Residential Units	1 bay/unit with 3 habitable rooms	50	50
	plus 1 bay per 3 units for visitors parking	17	67
	2 bays/unit with 4 or more habitable rooms	0	67
	plus 1 bay per 3 units for visitors parking	0	67
		No of Bed	
Convalescent homes, Old age homes, geriatric, homes with medical care, sanitoriums, charitable institutions	1 bay per bed plus	139	206
	1 bay per trained/admin staff	10	216
	Total Parking Required		**216**
	Parking Provided		**98**
	Discount Granted		**118**
	% Discount		**55%**

However, the municipality previously approved a Site Development Plan (SDP) with a reduced provision of 98 parking bays, having considered the unique nature of the use and the actual operational demand for on-site parking. The current utilisation pattern confirms that at least 30% of the existing parking bays remain vacant at any given time, demonstrating that the effective demand for parking is substantially lower than the prescribed standard.

3.8.3. Proposed Amendment

It is proposed that the parking requirement be relaxed to a ratio of **1 parking bay per 100 m² of leasable floor area.** This ratio more accurately reflects the actual parking demand generated by a retirement and frail care environment and is consistent with trends observed in similar facilities in urban areas.

3.8.4. Motivation for Relaxation

3.8.4.1. Nature of the Use

The development primarily accommodates elderly residents, most of whom do not own or operate private motor vehicles. Residents rely on on-site services or public transport options (including Uber, Bolt, and dedicated transport services for the aged).

Only the residents of the independent living retirement units have limited vehicle ownership, while occupants of the frail care and dementia units are fully dependent on staff and caregivers.

3.8.4.2. Visitor and Staff Patterns

Visitors to the facility are typically spread throughout the day and week, resulting in low peak demand for parking. Staff shifts are managed to avoid peak-hour congestion, and public transport along Conrad Drive is readily accessible. Consequently, the need for extensive on-site parking provision is not warranted.

3.8.4.3. Efficient Land Use and SPLUMA Principles

The Spatial Planning and Land Use Management Act (SPLUMA) promotes the efficient and sustainable use of land, particularly within existing urban areas where land is scarce. Over-provision of parking in this context would result in underutilised, impermeable surfaces, contrary to principles of spatial efficiency, sustainability, and good urban design.

Relaxing the parking ratio supports the principle of spatial justice by facilitating the provision of much-needed specialised dementia care accommodation within an established urban area close to services, transport routes, and social amenities.

3.8.4.4. Precedent and Reasonableness

The previously approved SDP with 98 parking bays demonstrates that the City has already recognised the appropriateness of a reduced parking provision for this use. The proposed ratio of **1 bay per 100 m² will formalise a realistic and defensible standard,** aligned with the actual operational needs of the facility.

3.8.4.5. Conclusion

The proposed relaxation of the parking ratio to 1 bay per 100 m² of leasable area is:

- Operationally appropriate, given the low parking demand generated by elderly residents;
- Supported by existing parking utilisation data;
- Consistent with SPLUMA development principles promoting efficient and sustainable land use; and
- Aligned with the municipality's prior SDP approval recognising reduced parking demand.
- The proposed standard will enable the continued and sustainable expansion of the retirement and frail care facility, ensuring adequate provision for those in need of specialised dementia care while maintaining an appropriate and functional level of on-site parking

3.9. ENGINEERING SERVICES

As the FAR is kept to the original extent of **13704.80 m² gross leasable floor area, it is perceived that there will be no additional impact on the existing bulk services.**

3.10. NEED AND DESIRABILITY

3.10.1. Introduction

This application is submitted in terms of the provisions of the Spatial Planning and Land Use Management Act (Act 16 of 2013) ("SPLUMA") and the City of Johannesburg Municipal Planning By-Law, 2016, seeking:

- The consolidation of Erven 1/2866, 2/2866, 2326 and 2327 Blairgowrie into a single erf;
- The rezoning of the consolidated erf from partly "Residential 1" and partly "Institutional" to "Institutional";
- The removal of redundant title conditions;
- An adjustment of the development controls applicable to the rezoned erf:
  1. Reduction of the permissible Floor Area Ratio (FAR) from 0.8 to 0.74;
  2. Provision of on-site parking at a ratio of 1 bay per 100m² FAR.
  3. A more flexible building line restriction
  4. Increase in height restriction for 3 storeys to 4 storeys

This section addresses the alignment of the proposal with SPLUMA development principles, the City of Johannesburg SPLUMA By-Law, and relevant policy frameworks, specifically the Nodal Review Policy (2019/2020) and the Spatial Development Framework (SDF) 2040.

3.10.2. Site context

- The subject properties are located in Blairgowrie, within the jurisdiction of the City of Johannesburg Metropolitan Municipality.
- The erven are contiguous and currently zoned "Institutional" (partly) and "Residential 1" (partly).
- Consolidation will rationalise land use rights, remove fragmented zoning, and facilitate more coherent development management.
- The surrounding area is characterised by a mixture of low-density residential dwellings, institutional uses (schools, churches, clinics), and supporting business activities along key movement routes.

3.10.3. SPLUMA development principles

The application aligns with the set SPLUMA principles as set out in the table below:

SPLUMA REFERRAL		PROPOSED DEVELOPMENT COMPLIANCE
7 (a)	Spatial Justice	• The proposal promotes spatial justice by rationalising land use and enabling the continued provision of institutional services in a centrally accessible suburban location. • It prevents under-utilisation of well-located land and enhances access to social facilities for surrounding communities.
7 (b)	Spatial Sustainability	• Consolidation ensures more efficient land use management, with reduced administrative duplication. • The proposal reduces the intensity of development (lower FAR), thereby lessening bulk and traffic pressure, and ensuring compatibility with the suburban residential character of Blairgowrie.

7 (c)	Efficiency	• Consolidation streamlines property management and infrastructure servicing. • The reduced FAR and adjusted parking ratio support efficient infrastructure capacity utilisation and avoid unnecessary overprovision of parking that could sterilise usable land.
7 (d)	Spatial Resilience	• Rezoning to a uniform "Institutional" zoning provides long-term certainty and flexibility for institutional uses that can adapt to future social needs.
7 (e)	Good Administration	• The application is lodged in terms of applicable legislative frameworks and aligns with municipal planning instruments, contributing to coherent and transparent land use management.

3.10.4. Alignment With City Of Johannesburg Policy Frameworks

3.10.4.1. Spatial Development Framework (SDF) 2040

- The SDF 2040 advocates for compact, sustainable, and integrated urban development, discouraging fragmentation.
- Consolidation of the erven removes fragmented zoning and supports rational development management.
- The uniform "Institutional" zoning provides an enabling framework for social and community services, consistent with the SDF's vision of a socially inclusive city.
- The reduced FAR responds to the SDF's principle of context-sensitive development, ensuring that development intensity is in harmony with the surrounding residential environment.

3.10.4.2. Nodal Review Policy (2019/2020)

- Blairgowrie falls within an area influenced by the Randburg node, which is identified as a medium-intensity mixed-use environment.
- The proposed Institutional rezoning is not inconsistent with nodal principles, as institutional land uses are recognised as supportive of nodal development by providing essential community and social services.
- The lower FAR (0.74 instead of 0.8) ensures that the development does not over-intensify in a suburban context but remains compatible with the residential neighbourhood fabric.
- Adjusting the parking standard to 1 bay per 100m² FAR aligns with the nodal review's shift away from rigid, car-dominated standards, in favour of more contextual, demand-driven parking requirements that reduce underutilised parking areas and promote more sustainable land use.

3.10.5. Desirability of the Application

- Consolidation will remove fragmented zoning and provide certainty for development and long-term use of the land.
- A consistent "Institutional" zoning ensures compatibility and avoids land use conflicts.
- The reduced FAR and revised parking ratio strike a balance between enabling institutional development and protecting the residential character of Blairgowrie.
- The proposal is compatible with existing surrounding land uses and will not adversely affect the amenity of the neighbourhood.
- The application is aligned with SPLUMA principles, the City of Johannesburg SPLUMA By-Law, and higher-level municipal policy frameworks (SDF 2040 and Nodal Review 2019/2020).

4. CONCLUSION & RECOMMENDATION

The consolidation and rezoning application for Erven 1/2866, 2/2866, 2326 and 2327 Blairgowrie is motivated as being:

- Consistent with SPLUMA principles of spatial justice, sustainability, efficiency, resilience, and good administration;
- Supportive of the SDF 2040 vision of a compact, inclusive, and sustainable city;
- Aligned with the Nodal Review Policy in advocating context-sensitive development and balanced parking provision;
- Desirable in that it rationalises zoning, reduces intensity to match the suburban context, and supports long-term institutional use.

Approval of the application is therefore recommended.