

**MOTIVATIONAL MEMORANDUM:****Consent Use****Erf 348 Wilgeheuvel Ext 3****on behalf of****LEONIE DE KOCK**

|                    |                                         |                                   |
|--------------------|-----------------------------------------|-----------------------------------|
| <b>Date</b>        | 2 July 2026                             |                                   |
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| <b>File number</b> | W-26-J-1013                             |                                   |

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## INTRODUCTION

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The purpose of this memorandum is to introduce, elaborate upon and motivate the application for **consent to use** Erf 348 Wilgeheuwel Extension 3 for a place of instruction.

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 Leonie de Kock, the registered owner of the property, to lodge an application for the consent of the City to use Erf 348 Wilgeheuwel Extension 3 for a place of instruction. 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 19 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) for consent to use Erf 348 Wilgeheuwel Extension 3 for a place of instruction.

### 1.2. 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      | 44A Third Street, Linden, 2195 |
| Contact Number      | 011 888 8685 / 082 574 9318    |
| Email               | saskia@kipd.co.za              |

### 1.3. LOCALITY

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Wilgeheuwel is located in the north western suburbs of Johannesburg, south of Radiokop and west of Weltevreden park. The property is located at no. 1179 Tauber Street Wilgeheuwel.

See attached locality plans.

## 1.4. LEGAL ASPECTS

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### 1.4.1 Ownership

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In terms of title deed T13491/2012, the property is registered in the name of Leonie de Kock. The property measures 980m<sup>2</sup>.

See attached title deed and Windeed report.

### 1.4.2 Power of Attorney

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The property owner has signed a power of attorney to enable KiPD to submit a formal application as per the requirements of the City of Johannesburg Municipal Planning By-Law, 2016.

See attached power of attorney.

### 1.4.3 Restrictive Title Conditions

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There are no conditions contained within the Deed of Transfer restricting the use of this property for the applied for purposed.

### 1.4.4 Registered Mortgage Bonds

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There is a mortgage bond registered against the property with Nedbank Limited. The banks consent to the application is attached.

## 1.5. EXISTING LAND USE

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The Dios Los Ninos independent school operates from the property.

## 1.6. SURROUNDING LAND USE

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The Dios Los Ninos independent school also operates from Erf 349 Wilgeheuwel Ext 3 as well. A nursery school operates from Erf 350 Wilgeheuwel Ext 3. There is a residential townhouse complex called Baltimore on Erf 39 Honeydew Ridge Ext 10. The other surrounding land uses are single residential dwelling units on stands.

See attached land use plan.

## 1.7. EXISTING ZONING AND DEVELOPMENT CONTROLS

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In terms of the City of Johannesburg Land Use Scheme, 2018, the property is currently zoned "Residential 1".

## 1.8. SURROUNDING ZONING

In terms of the City of Johannesburg Land Use Scheme, 2018, the surrounding properties are zoned Residential 1, Residential 2 and Residential 3.

See attached zoning plan.

## 2 THE APPLICATION

Application is hereby made for the following

|                  |                                              |
|------------------|----------------------------------------------|
| Zoning           | Residential 1                                |
| Primary Rights   | Dwelling unit                                |
| Secondary rights | Place of instruction for <b>35 learners</b>  |
| Height           | Height Zone A – 3 storeys                    |
| Floor Area Ratio | 1,2                                          |
| Coverage         | 50% for 1 or 2 storeys and 40% for 3 storeys |
| Parking          | As per Scheme                                |

In terms of the City of Johannesburg Land Use Scheme, 2018 (amended 2025) a place of instruction is defined as “ *the use of a building/s and/or land for education at pre-school, and/or school and/or post school levels, including a crèche, nursery school, child care centre, early childhood development centre, primary school, secondary school, college, technical institute, university, research institute, lecture hall; or a civic facility for the promotion of knowledge to the community such as a public library, public art gallery, museum; and associated uses such as boarding hostels, monastery, convent and all uses which are ancillary, directly related to and subservient to the main use.*”

## 3 DEVELOPMENT INTENT

The owner purchased the property with the intent of enlarging the existing school which operates on the neighbouring property.

The house on the property was a small two (2) bedroom structure with a lounge and dining room. The internal walls have been demolished to form one classroom from the lounge and dining area and one classroom from the two bedrooms with toilets for staff and toilets for learners.

The back yard is a play area with parking in the front yard. See included site plan.

The intension is to have a maximum of **35 learners** on the property.

## 4 DIOS LOS NINOS INDEPENDENT SCHOOL

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The DLN School has been operating from the neighbouring Erf 349 Wilgeheuwel Extension 3 with an approved consent use, site development plan and building plans for several years. The subject property was purchased in order to enlarge the play ground and add two additional classrooms. The building on Erf 349 has classrooms as well as offices for administrative staff and a kitchen.

The school offers schooling from Grade 0 to Grade 12 within the Cambridge curriculum. The school also offers aftercare until 5pm.

The owner does not wish to consolidate the erven as this would negatively affect the marketability of the properties. Each property can be operated independently with sufficient parking.

## 5 ACCESS AND PARKING

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The property will retain the existing access point from Tauber Street. The gate will be widened.

Nine (9) parking bays can be provided on the property.

In terms of the City of Johannesburg Land Use Scheme, 2018, the required parking ratio for a primary and/or a secondary school is 1,0 bays per classroom plus 0.1 bay per learner and 1,0 bay per additional teacher/trained administrator or staff.

For 35 learners in two class rooms with 2 teachers and potentially 2 additional staff, the required parking would be 7,5 bays, 9 have been provided.

The required parking ratio for nursery schools is 0,2 bays per child plus 1,0 bay per classroom. For 35 learners in two class rooms with 2 teachers, the required parking would be 9 parking bays, which have been provided.

## 6 SPATIAL PLANNING ENVIRONMENT

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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); and
- Nodal Review Policy 2019/2020

## 6.1 SPATIAL DEVELOPMENT FRAMEWORK 2040

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The Spatial Development Framework 2040 (SDF) is a citywide 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.

The proposal aligns with the SDF 2040's emphasis on creating complete, sustainable neighbourhoods through the integration of compatible non-residential land uses within established residential areas. The introduction of a small-scale place of instruction supports the principle of social infrastructure provision close to communities, reducing travel demand and enhancing accessibility to educational facilities. The subject property is located within a fully serviced and established suburban area where supporting infrastructure is already in place. The intensification of use remains low-impact and contextually appropriate, contributing to the SDF's objective of promoting efficient land use and incremental densification without undermining neighbourhood character.

The Nodal Development Strategy or Nodal Review Policy 2019/2020, was developed in support of the SDF, which clearly defines the function and role of the various nodes in the system and determines the interventions and investment required for future economic growth.

## 6.2 NODAL REVIEW POLICY 2019/2020

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In terms of the Nodal Review Policy, 2019/2020, the property is located within the Sub-Urban Zone for which the land use guide lines are for mainly residential uses, but with local non-residential functions supported as per scheme. A school would be included as a support function.

The proposed place of instruction is modest in scale (35 learners), operates within an existing residential structure, and is directly associated with an established educational use on the adjacent erf. This clustering of similar uses is consistent with the nodal review principles of functional consolidation and land use compatibility.

The proposed land use rights are in line with the Nodal Review and the SDF.

## 7 MOTIVATION

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The proposed place of instruction is both necessary and desirable within the context of Wilgeheuwel and its surrounding suburbs.

There is a clear and well-established need for additional educational facilities within the Wilgeheuwel and greater Roodepoort area, driven by both systemic pressures in the South African education sector and localised demand. South Africa continues to experience capacity constraints within the public education system, including overcrowding, infrastructure backlogs, and resource limitations, particularly in rapidly growing suburban areas. As residential expansion has occurred in the north-western parts of Johannesburg, the provision of new public schools has not kept pace with population growth, placing increasing pressure on existing facilities.

Within the immediate and broader area, public schools are limited and often operate at or near capacity, necessitating that many learners travel significant distances to access schooling. This is inconsistent with sound spatial planning principles which promote the location of social infrastructure within proximity to communities. The shortfall in accessible, quality public education has resulted in a growing reliance on independent (private) schools to supplement educational provision.

Independent schools play a critical role in absorbing excess demand and offering alternative educational models. However, such facilities are often large-scale, relatively expensive, and not always accessible to all income groups within the community. There is therefore a distinct need for smaller, more affordable, community-based educational facilities that can provide quality education at a more localised level.

The proposed development directly responds to this gap by enabling the expansion of an existing, established school into a neighbouring property. This form of incremental growth is both efficient and appropriate, as it leverages an existing educational presence rather than introducing an entirely new and potentially disruptive land use. The scale of the proposal (35 learners) is modest, ensuring that it serves the immediate community without placing undue strain on infrastructure or the surrounding road network.

Furthermore, the location of the subject property within a fully developed residential area makes it ideally suited for a small-scale place of instruction. It allows learners to access education within walking distance or via short travel distances, thereby reducing transport costs and improving accessibility. This is particularly important in the South African context, where transport can be a significant barrier to education.

In summary, the need for the proposed development is substantiated by:

- The limited capacity and accessibility of public schools in the surrounding area;
- The increasing reliance on independent schools to supplement educational provision;
- The presence of larger private institutions, such as Curro Holdings, which do not fully cater to all segments of the local market; and
- The opportunity to expand an existing, functioning educational facility in a manner that is efficient, accessible, and contextually appropriate.

From a desirability perspective, the proposal is compatible with the character and function of the surrounding area. The use remains low-intensity, accommodating only 35 learners, and is contained within an existing residential structure, thereby maintaining the residential scale and streetscape. The clustering of educational uses across three adjacent erven creates a cohesive and mutually supportive node, which is preferable from a planning perspective as it consolidates similar activities and limits their broader dispersal into purely residential areas.

The site is well-located in relation to the surrounding residential catchment, enabling convenient access for residents and reducing travel distances. This supports sustainable movement patterns and reduces reliance on private vehicles for longer trips. Furthermore, the proposal makes efficient use of existing infrastructure and services, with adequate on-site parking provided in accordance with the requirements of the City of Johannesburg Land Use Scheme, 2018, thereby mitigating potential impacts on the surrounding road network.

Traffic generation, noise, and scale are limited and consistent with what is typically expected of a small-scale educational facility within a suburban environment. The retention of the existing access point and the provision of enough on-site parking ensure that the surrounding streets will not be adversely affected.

## 8 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 contributes to improved access to educational opportunities within an established community.                                           |
| 7 (b)           | Spatial Sustainability | The principle of spatial sustainability is addressed in the fact that the development promotes efficient utilisation of land and existing infrastructure without urban sprawl or unnecessary expansion. |
| 7 (c)           | Efficiency             | The land development optimises an underutilised residential property and supports a complementary land use adjacent to an existing school                                                               |
| 7 (d)           | Spatial Resilience     | The principle of spatial resilience is supported through the diversification of land use within the neighbourhood, enhancing its adaptability over time.                                                |
| 7 (e)           | Good Administration    | The development is consistent with the applicable land use scheme, policy frameworks, and development controls, with all potential impacts appropriately mitigated.                                     |

## 9 RECOMMENDATION

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The proposed consent use for a place of instruction on Erf 348 Wilgeheuwel Extension 3 is supported by a clear and substantiated need for additional, accessible educational facilities within the area. The application responds directly to the shortfall in public school capacity and the increasing reliance on independent schools to supplement educational provision in South Africa. Importantly, it introduces a small-scale, community-oriented alternative to larger, higher-cost private institutions, thereby broadening access to education within the local catchment.

From a spatial planning perspective, the proposal represents an efficient and appropriate utilisation of land. It builds on an existing educational presence on adjacent erven, reinforcing a coherent and functionally compatible cluster of educational uses. This approach aligns with sound planning principles by consolidating similar land uses, rather than dispersing them, and ensures that any associated impacts remain localised and manageable.

The scale and intensity of the proposed development is modest and remains compatible with the surrounding residential environment. The use is accommodated within an existing structure, maintains the residential character of the property, and complies with the applicable development controls of the City of Johannesburg Land Use Scheme, 2018, including parking provision. Potential impacts related to traffic, noise, and activity levels are limited and have been appropriately mitigated.

The proposal is further aligned with the City's policy framework, including the Spatial Development Framework 2040 and suburban development guidelines, which support the inclusion of low-intensity, community-serving non-residential uses within established residential areas. In addition, the application gives effect to the development principles contained in Section 7 of SPLUMA, particularly in relation to spatial justice, efficiency, and sustainability.

In light of the above, the application is considered both desirable and appropriate within its context. It contributes positively to the provision of social infrastructure, supports community needs, and promotes the efficient use of land and existing services without compromising the amenity of the surrounding area.

It is therefore recommended that the City of Johannesburg approve the application for consent use, subject to standard conditions, as the proposal is consistent with statutory requirements, policy objectives, and sound town planning principles.