

## **LETTER OF OBJECTION**

DATE: 20 April 2018

**Executive Director  
Development Planning  
Room 8100  
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### **NOTICE OF OBJECTION TO THE PROPOSED CONSENT USE APPLICATION IN RESPECT OF ERVEN 320 AND 321, MELVILLE, JOHANNESBURG: 320melvimemo/GD**

Dear Sir/Madam

I, Andreas Gerdes on behalf of the Melville Resident's Association, hereby object to the application for the reasons given below:

The property is located in a predominantly residential area and does not address how the noise of its patrons and its music would be controlled to such a level to not be a nuisance to other residents. Various residents have complained about existing noise from this location coming from illegal parties happening in the parking lot behind this building. The proposed use will simply amplify this problem, which is already a nuisance and will only be compounded by granting the proposed consent use.

Section 8.1 of the application claim that granting this consent use will, inter alia:

- a. Redress imbalances; this is not the case, in fact it will create more imbalance as residents move out of the area due to the noise pollution and will unfairly infringe on the rights of the existing residents in the surrounding area and prejudice their right to a healthy environment that does not include the nuisance of high noise levels. The strip is of a business nature, but this nature is present during the day and in such form complements the surrounding residential area, as residents return from work when businesses close and are not disturbed generally by any noise created during the day. This consent use will achieve the opposite and make the area unsuitable for residential use.
- b. To promote spatial stability; the applicants claim that the consent use will promote the business nature, however by making residents leave the area, existing businesses are prejudiced due to lack of shoppers and it therefore achieves the opposite. This form of entertainment already exists in Melville, not in the form of a night club but there are other entertainment options available in 7<sup>th</sup> Street that are very similar in the form of lively bars. A residential suburb would not aim to have a use as option available that would be naturally incompatible with a predominantly residential nature, such as noxious industrial industry which may produce air pollution or a place of amusement which would produce noise pollution, therefore it is irrelevant that a night club does not exist in Melville, just as the point that there is no noxious factory in Melville, does not mean that there should be one.
- c. To promote efficiency; Granting the consent use will probably reduce efficiency as surrounding properties will be severely impacted and the habitability of medium density residential properties is therefore reduced simply to accommodate the proposed use in a single building. This does not promote efficiency but has a negative impact on its surrounding properties and also will have a negative impact on existing higher density, existing residential flats above the shops along Main Road that will in fact be impacted the most if the consent is granted.

- d. To promote flexibility in planning; The consent use, if granted, would reduce the flexibility in planning as the entire area will be prejudiced and uses surrounding the property will become less flexible as less people will want to live close to the subject property and therefore will also not walk to or make use of convenience shopping options in the vicinity of this property. This reduces the ability to have businesses and residential uses around this property and reduces the flexibility on a greater scale by allowing a use that has an adverse effect on surrounding properties.
- e. To promote good administration; By allowing a use that would have such a detrimental effect on such a large number of residents, the city would be demonstrating bad administration by viewing a property and its use on an isolated basis and not in the context of the greater suburb in which it is located.

The application then continues by illustrating how the consent use would help achieve the objectives of the Regional Spatial Development Framework. The proposed use would conflict with many of the objectives in the RSDF however, as residential densification along Main Road (BRT route) would be negatively affected if such a use is allowed. It would have a negative effect on even more people that it currently would, if densification along this route is planned long term. Again, the proposed use actually limits the flexibility in this regard in future. A place of amusement is definitely not a desirable use and it will negatively affect the vitality of the area by making residents not want to live in close proximity to a place of amusement.

In respect of the land use around the property, there is no buffer strip as the application refers to in item 8.4. Residential properties border directly onto business properties along Main Road. While this is generally not a problem as a lot of the existing business uses are complementary to existing residential properties by closing at night, the proposed consent would disrupt this balance between the uses.

The reference to Perth and Lewes Road has no relation to this property which is quite far from Main Road.

The applicants do not show how disabled patrons will be able to access the facility in their submitted plans.

I reserve the right to amplify and expand upon the formal objection contained in this correspondence at a later stage and in the appropriate forum, if necessary.

While I have many more concerns that can be tabled at this time, I reserve my right to express them during the hearings.

Please advise me of the date and time of any hearings and / or meetings pertinent to this objection.

Yours truly,

SIGNATURE:

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