

**MOTIVATING MEMORANDUM IN SUPPORT OF THE APPLICATION
FOR THE REZONING OF THE REMAINING EXTENT OF PORTION 1 OF
ERF 962 MELVILLE**

PREPARED BY:

SJA – TOWN AND REGIONAL PLANNERS

DATE:

AUGUST 2018

OUR REF:

8347/KJW/cc

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1. EXECUTIVE SUMMARY

- 1.1. Application is made in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016, for the rezoning of the Remaining Extent of Portion 1 of Erf 962 Meville from "Residential 1", one dwelling per 300m², to "Residential 3" permitting five dwelling units on the property, subject to amended conditions.
- 1.2. The site is located at an optimum position (relative to both surrounding land usage and the existing road system) to accommodate such development, and ideally suited thereto.
- 1.3. Parking as required by the proposed development will be provided entirely within the site boundaries and the property will be attractively developed and landscaped so as to become a positive asset to the surrounding area.
- 1.4. It is envisaged that the development will be compatible with the surrounding residential environment. This application represents an opportunity for this property to be developed at an appropriate scale and a higher potential
- 1.5. The Spatial Development Framework and newest analysis done by Council reveals a desperate need to radically increase densities in suburbs such as Melville which is so close to the City and all its amenities.
- 1.6. The existing and proposed rights can be summarised as follows:

	EXISTING RIGHTS	PROPOSED RIGHTS
Use Zone	"Residential 1"	"Residential 3"
Coverage	60% for single storey on erven less than 500m ² 50% for 1 or 2 storeys 40% for 3 storeys	75%
Height	3 storeys	3 storeys
Density	1 dwelling per 300m ²	permitting five dwelling units on the property
Floor Area Ratio	1.2	1.2
Building Line	3m	0m

- 1.7. It is thus contended that the rezoning of the site will effectively tend to promote the purpose of the Johannesburg Town Planning Scheme, 1979. It represents an initiative to increase densities and create a more compact and efficient city with optimal use of the infra-structure. We submit that the application should therefore be approved.

2. GENERAL INFORMATION

2.1. Introduction and Property Description

2.1.1. Application is hereby made in terms of Section 21 of the City of Johannesburg Municipal By-Law, 2016, for the rezoning of the Remaining Extent of Portion 1 of Erf 962 Melville (hereinafter referred to as "the site") from "Residential 1", one dwelling per 300m², to "Residential 3", permitting five dwelling units on the property, subject to amended conditions.

2.1.2. Details of the application are set out under Section 3 hereof.

2.2. Locality (See Plan 8347/1)

2.2.1. The site is situated on the northern side of Sixth Avenue, Melville.

2.2.2. The street address of the site is 73 Sixth Avenue, Melville.

2.3. Ownership

2.3.1. The site is currently registered in the name of Sante Tino Cianfanelli and is held by virtue of Deed of Transfer No. T28002/2001.

2.4. Size

2.4.1. The site measures 372m² in extent.

2.5. Existing Zoning, Density Zoning and Land Use (See Plans 8347/2, 8347/3 and 8347/4)

2.5.1. The site is zoned "Residential 1" with a density of one dwelling per 300m² in terms of the Johannesburg Town Planning Scheme, 1979.

2.5.2. The site is developed with a dwelling house, a swimming pool and the usual outbuildings.

2.6. Surrounding Zoning, Density Zoning and Land Use (See Plans 8347/2, 8347/3 and 8347/4)

2.6.1. The properties to the north, east, south and west are zoned "Residential 1" and are developed with houses and the usual outbuildings.

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- 2.6.2. The property to the north-west is zoned “Residential 1” and is developed with a guesthouse.

2.7. Legal Aspects

- 2.7.1. The Remaining Extent of Portion 1 of Erf 962 Melville was bonded, but the bond is under cancellation at the moment. A confirmation letter from Couzyns Inc Attorneys is attached to the application.

- 2.7.2. There are no restrictive conditions of title that affects the proposed use on the site.

3. THE APPLICATION

3.1. The Rezoning and Proposed Controls

3.1.1. Application is made in terms of the provisions of Section 21 of the City of Johannesburg Municipal By-Law, 2016, for the rezoning of the Remaining Extent of Portion 1 of Erf 962 Melville from "Residential 1", one dwelling per 300m², to "Residential 3", permitting five dwelling units on the property, subject to conditions

3.1.2. The proposed development controls as contained in the attached Map 2 documents can be summarised as follows:

Zoning	:	"Residential 3"
Density	:	As per Scheme, permitting five dwelling units on the site
Coverage	:	As per Scheme, 75%
Height	:	As per Scheme, 3 storeys
Floor Area Ratio	:	As per Scheme, 1.2
Building Line	:	As per Scheme, 0m
General	:	<ol style="list-style-type: none"> 1. A Site Development Plan shall be submitted to the Local Authority prior to the approval of building plans. 2. Access to and egress from the site shall be to the satisfaction of the Local Authority.

3.2. Applicant's Intention

3.2.1. The applicant wishes to obtain the rights in order to increase the residential density on the site.

3.2.2. The applicant envisages five dwelling units of different sizes.

3.2.3. All the required parking will be provided on the site and access shall be to the satisfaction of the Local Authority.

3.2.4. The applicant also requires the relaxation of the building line on the street frontage to 0 metres for the dwelling units and covered parking.

4. MOTIVATION IN SUPPORT OF THE APPLICATION

4.1. The Nature of the Surrounding Area

- 4.1.1. The area is largely residential comprising houses on individual properties.
- 4.1.2. The area is an old residential area with many houses 80 years and older.
- 4.1.3. Melville has well supported retail areas, which are mainly located on Main Street and Fourth Avenue.

4.2. The Need for and Desirability of an Increase in Residential Densities

- 4.2.1. People at different stages of their life cycle require different forms of accommodation and as such, a residential area should offer a range of dwelling types to cater for the varying demands of the population.
- 4.2.2. The rezoning of substantially large residential properties and development of numerous townhouses and apartments within the Greater Johannesburg area has proved extremely popular, thus reflecting the need for an alternate range of dwellings in areas which are of a high residential quality and close to a variety of urban amenities.
- 4.2.3. The demand for flats and apartments has increased and factors such as security and the high costs of maintaining large properties play an ever increasing role in the market place.
- 4.2.4. The rising costs of land and transportation, together with the sprawl of the metropolitan area, have resulted in the growing acceptance of the need for increased residential densities in popular suburbs situated in close proximity to major arterials, by both home owners and the authorities.
- 4.2.5. Wealth and status are no longer solely equated with large residential properties, as is evidenced in the comparatively high prices paid for the subdivided portions and apartments that are conveniently located in regard to urban facilities. In this regard the site enjoys excellent access to a wide range of urban facilities.
- 4.2.6. It is submitted that the prospective buyer will particularly look for accommodation in a residential suburb that enjoys easy access to the major shopping nodes with emphasis being placed on quality of the environment. Melville enjoys these attributes and is therefore well suited for residential densification.

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- 4.2.7. Numerous officials throughout the official hierarchy have advocated higher residential densities, the primary rationale being to make use of the existing infrastructure in developing areas. It is evident that the application addresses this issue by providing for a range of housing types and typologies in an area where the residential amenity is of a high quality and excellent access exists to a number of urban amenities, i.e. open spaces, major roads, shopping centres, schools and in this instance, also the University of Johannesburg.
- 4.2.8. Melville is a fine example of such an area that is well established and offers a wide range of community facilities in a well-developed infrastructure.
- 4.2.9. There are various schools within the vicinity of the site, these include Melpark Primary, Foundation Primary, Auckland Park Preparatory, Emmarentia Primary, Hoërskool Vorentoe and Roosevelt High. Over and above the schools, there are excellent tertiary facilities, which include the University of Johannesburg and the University of the Witwatersrand.
- 4.2.10. There are numerous shopping centres in close proximity to the site which include Campus Square and all the shops in Melville along Fourth Avenue and Main Road.
- 4.2.11. The area is particularly well endowed with public open spaces and is also conveniently located in respect of local parks and recreational facilities, these include the Emmarentia Dam, Westdene Dam, Melville Koppies and the Country Club of Johannesburg.
- 4.2.12. Melville is also located close to excellent employment nodes which includes Milpark/Sunnyside, Parktown and Braamfontein.
- 4.2.13. It is thus contended that the application is an improvement to the Johannesburg Town Planning Scheme, 1979, has merit and should be approved.

4.3. The Spatial Planning and Land Use Management Act, 16 of 2013

- 4.3.1. In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, key Development Principles are highlighted. This include –
 - ❖ the principle of spatial sustainability,
 - ❖ the principle of efficiency,
 - ❖ the principle of spatial resilience, whereby flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods, and
 - ❖ the principle of good administration

- 4.3.2. We submit that this application fulfils the criteria for spatial sustainability in that it promotes land development, it promotes and stimulates the effective and equitable functioning of land markets. In this instance this application stimulates the residential market in Melville. Very importantly, dwelling units at this location clearly limits urban sprawl. This results in communities that are viable and sustainable.
- 4.3.3. This application also fulfils the development principles in respect of efficiency in that it ensures the optimum use of existing resources and infrastructure.
- 4.3.4. All the applicable policies endorse the intentions of this application, which policies themselves aim to ensure sustainable livelihoods and communities. This application therefore also ensures a sustainable neighbourhood.
- 4.3.5. Good Administration refers to the promotion of integrated consultative planning procedures. We submit that this process involves a comprehensive advertising procedure which also entails the input of various Council Departments, thus clearly a consultative approach is applied to an application of this nature.

4.4. The Spatial Development Framework, 2040 (SDF) and the Regional Spatial Development Framework

- 4.4.1. The SDF emphasises a polycentric spatial planning model for the City. This focus aims to create a compact city form in which land uses are accessible and well integrated. We submit that the SDF also now encourages a significant densification in key areas.
- 4.4.2. We would argue that, given the site's proximity to employment nodes, transport routes and social amenities, the site is very well suited for densification.
- 4.4.3. In order to further the ideal of an Inclusive City, this application allows for a different housing typology in Melville, which historically has only offered a limiting and prohibitive density pattern. Virtually the entire suburb is currently only one house per erf.
- 4.4.4. In terms of the SDF Nodal Review, suburbs such as Melville have been earmarked for immense densification given its excellent location to all social amenities and employment nodes.
- 4.4.5. This application fulfils the objectives of the SDF and also complies with this policy and should therefore be approved.
- 4.4.6. The site is located within Sub-Area 6 of Region B of the Regional Spatial Development Framework. The Development Objective aims "to strengthen the existing non-residential uses and protect the residential amenity".

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- 4.4.7. The RSDF furthermore promotes densification due to its benefits, such as optimising the use of land and the efficient use of existing infrastructure. These are also principles supported by the Spatial Planning and Land Use Management Act, No. 16 of 2013.
- 4.4.8. We submit that an increased density complies with the Development Objective and Intervention for this Sub-Area and is in terms of the RSDF.



 APPLICATION SITE

 RESIDENTIAL 1



THE REMAINING EXTENT OF PORTION 1 OF ERF 962 MELVILLE

ZONING PLAN



SJA-TOWN AND REGIONAL PLANNERS

Formerly Towne Design and Associates

19 Orange Road, Orchards, 2192
Box 3281, Houghton, 2041
Johannesburg, South Africa
Telephone: (011) 728-0042

DATE : MARCH 2018

PLAN NO. : 8347/2



APPLICATION SITE



1 DWELLING PER ERF



1 DWELLING PER 300m²

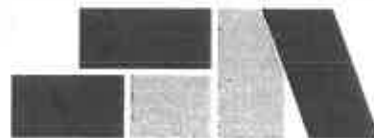


NO DENSITY



THE REMAINING EXTENT OF PORTION 1 OF ERF 962 MELVILLE

DENSITY ZONING PLAN



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Telephone: (011) 728-0042

DATE : MARCH 2018

PLAN NO. : 8347/3



-  APPLICATION SITE
-  HOUSES
-  GUEST HOUSE

THE REMAINING EXTENT OF PORTION 1 OF ERF 962 MELVILLE

LAND USE PLAN



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DATE : MARCH 2018

PLAN NO. : 8347/4

SUMMARY OF EXISTING AND PROPOSED LAND USE RIGHTS AND DEVELOPMENT CONTROL MEASURES

THE REMAINING EXTENT OF PORTION 1 OF ERF 962 MELVILLE

SITE MEASURING 372m²

JOHANNESBURG TOWN PLANNING SCHEME, 1979	EXISTING RIGHTS IN TERMS OF ZONING	PROPOSED RIGHTS	ADDITIONAL COMMENTS DEEMED RELEVANT AND APPLICABLE
ZONING	RESIDENTIAL 1	RESIDENTIAL 3	
AMENDMENT SCHEME NO.			
PERMISSIBLE LAND USES	DWELLING UNIT	DWELLING UNITS	
LAND USES SPECIFICALLY EXCLUDED	N/A	N/A	
HEIGHT STOREYS	THREE STOREYS	THREE STOREYS	
HEIGHT IN METRES	N/A	N/A	
COVERAGE	60% FOR ERVEN LESS THAN 500m ² 50% FOR 1 AND 2 STOREYS 40% FOR 3 STOREYS	75%	
ACTUAL EXTENT IN m ²	223m ²	279m ²	
FLOOR AREA RATIO	1.2	1.2	
ACTUAL EXTENT IN m ²	446m ²	446m ²	
DENSITY : UNITS PER HA	1 DWELLING PER 300m ²		
MAXIMUM NO. OF UNITS	2 UNITS	FIVE DWELLING UNITS ON THE PROPERTY	
OTHER LIMITATIONS / REQUIREMENTS	N/A	N/A	