



MOTIVATING MEMORANDUM

IN SUPPORT OF AN APPLICATION SUBMITTED IN TERMS OF SECTION 19 OF THE
JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016.

Erf 455 MELVILLE Township

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1. INTRODUCTION

1.1. TYPE OF APPLICATION

Application is made in terms of Section 19 of the Johannesburg Municipal Planning By-Law, 2016.

1.2. PURPOSE OF THE APPLICATION

Erf 455 Melville Township is zoned "Business 1" in terms of city of Johannesburg land use scheme, 2018. It is the intension of the owner/s to obtain a municipal consent for "place of amusement" situated on the mentioned property in order to accommodate a maximum of 5 (Five) limited pay-out gambling machines.

The application is submitted in terms of Section 19 of the Johannesburg Municipal Planning By-Law, 2016, for consent use application of "place of amusement" in order to accommodate a maximum of 5 (five) limited pay-out gambling machines.

1.3. EXECUTIVE SUMMARY

The application is submitted in terms of Section 19 of the Johannesburg Municipal Planning By-Law, 2016, for the consent use application of "place of amusement" in order to accommodate a maximum of 5 (five) limited pay-out gambling machines.

2. FACTS AND CIRCUMSTANCES RELEVANT TO THE APPLICATION

2.1. OWNERSHIP AND CONDITION OF TITLE

The property is owned by **LOKAL ONE PTY LTD** by Certificate of consolidated title no T11400/2018

There is no restrictive condition in the Certificate of consolidated title no T11400/2018, which will prohibit the proposed "place of amusement" in order to accommodate a maximum of 5 (five) limited pay-out gambling machines.

2.2. LOCAL AUTHORITY AND SUB REGION

The subject property falls in the jurisdiction area of the City of Johannesburg Metropolitan Municipality and forms part of Region B on sub area 6.

2.3. PROPERTY DETAILS

The property details are summarised in Table 1 below.

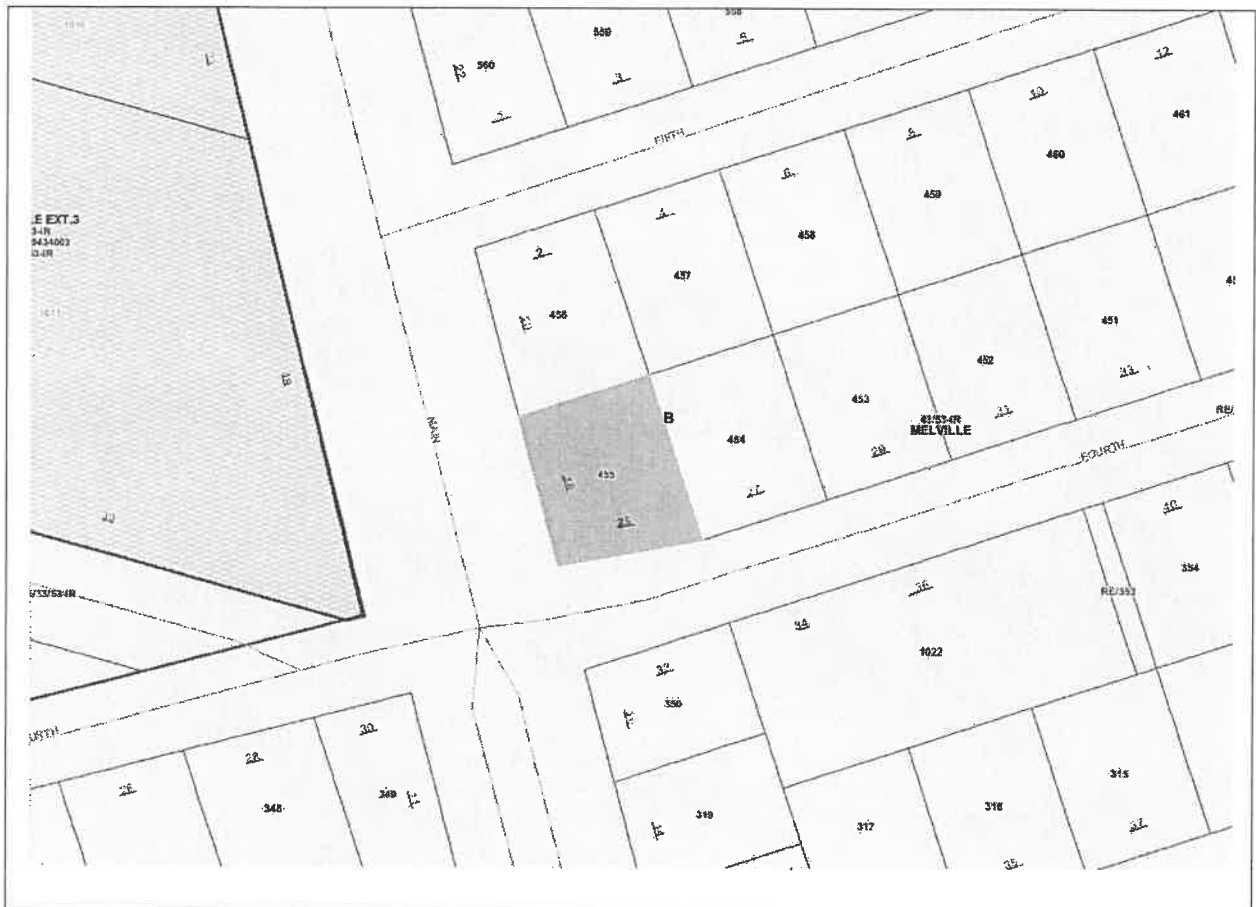
Table 1: Property details

PROPERTY DESCRIPTION	SIZE (m ²)	OWNERSHIP	CERTIFICATE OF CONSOLIDATED TITLE NO
Erf 455 Melville township	752	LOKAL ONE PTY LTD	T114400/2018

A copy of the Deeds of Transfer is attached as *ANNEXURE 1*.

2.4. LOCALITY AND AREA PERSPECTIVE

The site is located on 18 Main Road, and also abutted by Fourth Street.



2.5. TITLE CONDITIONS

The subject property is not subject to any title conditions deemed to be restrictive to the proposed development.

2.6. SERVITUDES

In terms of the relevant Certificate of consolidated title no T11400/2018 and Surveyor General Diagram, the subject property is not encumbered by any servitude that will affect the proposed development negatively.

2.7. ACCESS

The available access approved by JRA will be retained.

2.8. Parking

On-site Parking bays are enough to accommodate the proposed use and there will not be on-street parking hence the space for parking is enough within the property.

2.9. ZONING

The subject property is zoned "Business1" in terms of the city of Johannesburg land use planning Scheme, 2018, (Refer to attached zoning information).

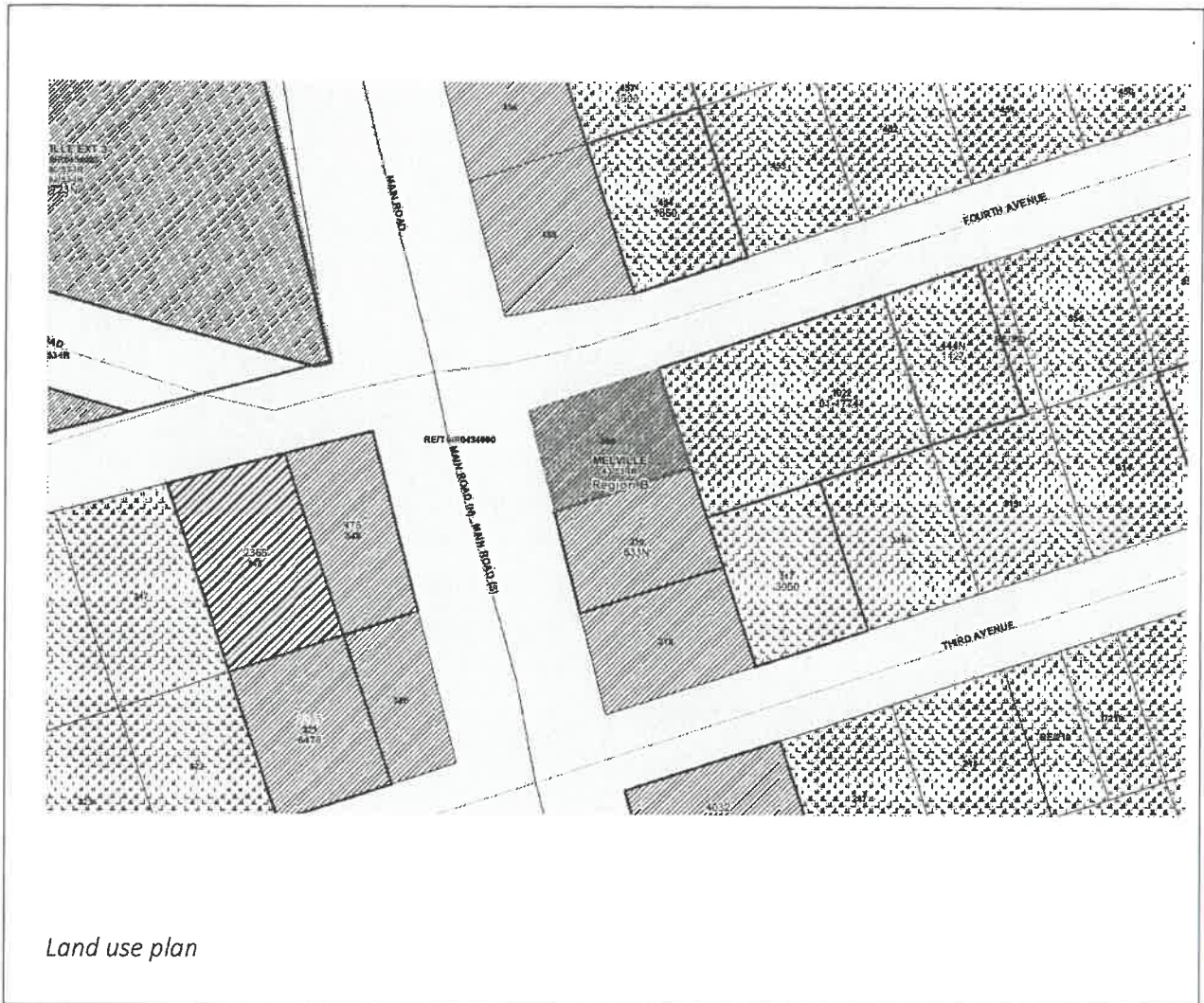
2.10. LAND USES

The subject property is developed with a multiple story building.

The **properties surrounding** the subject property are predominantly multiple story buildings to the north, east, west, and south of the subject property. The area is surrounded by building which dominantly used for business and residential apartments.

PROPERTY DESCRIPTION	LAND-USE	ZONING
Erf 456 Melville	Mixed land use	Business 1
Erf 454 Melville	Mixed land use	Residential 1
Erf 457 Melville	Mixed land use	Business 1
Erf 350 Melville	Mixed land use	Business 1
Erf 349 Melville	Mixed land use	Business 1
Erf 1022 Melville	Mixed land use	Residential 1

The below Land Use Plan, illustrates the land use identified within the area under discussion.



2.11. RESTRICTIVE CONDITIONS

- There are no restrictive conditions of the title contained in the leasehold of Transfer

3. THE DEVELOPMENT PROPOSAL

3.1. NEED AND DESIRABILITY

Erf 455 Melville Township is zoned "Business 1" in terms of city of Johannesburg land use, 2018. It is the intentions of the owner to obtain the consent use application of "place of amusement" in order to accommodate a maximum of 5 (five) limited pay-out gambling machines which is a complimentary to the existing operation of Brazen head. For proposed use to be considered by the Johannesburg metropolitan municipality, a consent land use application must first be supported by Land use Management (LUM).

4. INFRASTRUCTURE SERVICES

4.1. WATER AND SEWER CONNECTION

The subject property is serviced with water and sewer. The proposed use will not require any additional water and sewer service. The developer will have to maintain the internal connection while the water authority has to maintain the main lines. The owner will be accountable for any contribution deemed necessary by the jo'burg water.

4.2. ELECTRICITY

The property is serviced with electricity and will not require any additional KVA. The proposed development will therefore utilise the existing electric energy to carter the need of the development.

5. TOWN PLANNING MOTIVATION

5.1. THE PROPOSAL IN CONTEXT OF THE COUNCIL'S POLICIES

The property is located in Sub-Area 6 of the RSDF for Administrative Region B. The relevant development objective for this sub-area is to 'strengthen the existing non-residential uses and protect the residential amenity of the area". The proposed "place of amusement" will not result in a change in land use or change in the intensity of the development objective.

Section 42 of SPLUMA, 2013 stipulates that a Municipality needs to be guided in part by the development principles set out in Chapter 2, Section 7 of the said Act when considering and deciding on a land use application.

As set out that all spatial development should conform to the following principles:

Spatial efficiency – Productive activity and job creation must be supported. Efficient commuting patterns and circulation of goods and services must be encouraged. Further procedures must not impose unnecessary costs on development. Unlocking development potential is seen as part of the spatial vision of the development plan.

Spatial sustainability – Sustainable patterns of consumption and production must be supported and ways for living that do not damage the natural environment. Walk able neighbourhoods, for example, reduce the need to travel and limit greenhouse gas emissions. In terms of this principle a clear strategy for densification of cities through land use-use planning is proposed

Spatial resilience – Reduce the vulnerability to environmental degradation, resource scarcity and climate shocks. Ecological systems should be protected and replenished and support the transition to environmental sustainability

Spatial justice – Unfair allocation of public resources between areas must be reversed and the confining of particular groups to limited space must be abandoned. The increasing of urban population density while improving the liveability of the cities and providing affordable public transport, is seen as complementary strategies to this principle. Transportation networks are seen as the key to spatial transformation and the accommodation of diverse household types is encouraged

For this reason, the proposed consent of “place of amusement” to accommodate 5 (five) limited pay-out gambling machines has considered the principle of spatial justice, spatial sustainability, efficiency, spatial resilience and good administration into account.

5.2. THE IMPACT OF THE APPLICATION ON THE SURROUNDING AREA

The business and residential character of the site will not be affected by the proposed use for a “place of amusement” and will have no adverse effect on the amenity of the surrounding neighbourhood

- The proposed “place of amusement” for limited pay-out machines, will therefore have no negative impact on the neighbourhood character and any minor alteration and additions shall be done in a manner that will conform to the character of properties in the immediate area.

5.3. NEED AND DESIRABILITY

The subject site is already licenced by Gauteng Liquor Board, therefore Limited pay-out machines becomes a complimentary use to the already existing activity on the subject property.

Permitting Limited pay-out gambling machines on the subject property would not detrimentally affect the residential character in the immediate surrounding area but will rather play an important role on socio economic transformation. The need for limited pay-out is driven by consumer characteristics and profiles, population numbers and growth and the level of disposable income per sub-area, while the success of the retail sector is very much a function of economic conditions on the macro and micro level.

As with all development in the city, the proposed 5 limited pay-out gambling machines complies with the requirements of sustainable, efficient, equitable, convenient and attractive environments. Therefore the intensity of the proposed limited pay-out gambling machines is compatible with surrounding retail shops and promotes convenience, efficiency and sustainability to the people. The approval of the proposed place of amusement will ensure that it becomes a positively performing development, rejecting the development of a mono-functional area, while providing one that yields accessible benefits to all people in the local community. A positively performing development of this type reflects the following basic qualities that must be promoted in terms of the mentioned guiding principles for sustaining development within the direct community:

It is convenient: It enables the community to conduct their daily activities quickly, easily and as inexpensively as possible. The more convenient a city is the more choice the people have about how to spend their time and money. The less convenient it is, the more it imposes a lifestyle on people.

It is equitable: It enables inhabitants to have reasonable access to the opportunities and facilities offered within the community. However it is not desirable for all parts of the city to be uniform, in the sense that similar levels of social services and economic activities are found. The spatial framework for the area must therefore acknowledge its intended variety, as strong hierarchical tendencies are normally found in the structure of a city as it grows. It enables the community to be most accessible.

It is generative: It generates a variety of opportunities within the immediate area and will result in a complex urban system, which reflects the complex needs and desires of the community.

The proposed development is already deemed to be a beneficial development to society. It is crucial to provide services that are a strong need to society. The proposed development does not violate and/or jeopardize the existing neighborhood character; rather, it enhances and strengthens the character.

Suitable “place of amusement” is a significant part which compliments the pub’s activities and offer customers a great comfort and pleasure.

The proposed use is surrounded by mixed uses which put the proposed development at a reasonable state to provide the proposed development on the subject area as it will be convenient for the residents in terms of accessibility and traveling distance.

6. SUMMARY AND CONCLUSION

Application is hereby made in terms of Section 19 of the Johannesburg Municipal Planning By-Law, 2016, for consent use application of “place of amusement” in order to accommodate a maximum of 5 (five) limited pay-out gambling machines

The proposed “place of amusement” in order to accommodate a maximum of 5 (five) limited pay-out gambling machines will have no negative effect on the surrounding residential properties as the residential structure and landscaping will be maintained.

For the above mentioned reasons it is respectfully contended that the application for the Council’s special consent for a “place of amusement”) be supported