

RAVEN Town Planners

Professional Planning Consultants

3rd Floor Bergild House
54 Andries Street
WYNBERG
2090

P. O. Box 522359
SAXONWOLD
2132

Telephone : (011) 882 4035
Direct Fax : (011) 887 9830
E-mail : maggie@raventp.co.za
Web Address : www.raventp.co.za



Executive Director : Development Planning
City of Johannesburg
P O Box 30848
BRAAMFONTEIN
2017



Date: 28 January 2022

Your ref:

Our ref: RR2385/RR/p24

Dear Sir/Madam,

REZONING APPLICATION: ERF 453 MELVILLE

We hereby, on behalf of our client(s), **Chamber Lane Properties 21 Pty Ltd**, apply in terms of Section 21(1) of the City of Johannesburg Municipal Planning By-Law, 2016 for the Rezoning of the subject property from **“Residential 1”** to **“Special”** for Shops, Offices, Dwelling Units and Restaurant, subject to certain conditions.

We enclose the following documents in support of the application:

1. 25 Copies of the Application form with all relevant Annexures.
2. The prescribed application fee;

Kindly acknowledge receipt,

Yours faithfully

RAVEN TOWN PLANNERS
MAGGIE LEPHALE

RAVEN Town Planners

Professional Planning Consultants

25 January 2022

DEPARTMENT OF DEVELOPMENT PLANNING

of the City of Johannesburg

Registration Number

In the application of

CHAMBER LANE PROPERTIES 21 PTY LTD

Applicant

in respect of land known as

ERF 453 MELVILLE

Rezoning

(Application in Terms of Section 21(1) of The City of Johannesburg
Municipal Planning By-Law, 2016)

1. An owner of land who wishes to have a provision of the City's land use scheme or any provision of any other scheme which may still be applicable to the land under consideration amended, may submit an application in terms of this By-law to the City for consideration.
2. An application as envisaged in Section 21(2) above shall submit the following:
 - 2.1 Prescribed application fee: **R6750-00**
 - 2.2 Covering letter addressed to: The Executive Director
Development Planning
P O Box 30733
Braamfontein
2017
 - 2.3 Application Information - Form A.
 - 2.4 Original Power of Attorney (if applicable - Form B)
 - 2.5 Company Resolution (if applicable - Form C)
 - 2.6 A copy of the registered title deed for each erf that is included in the application. (6 copies)
 - 2.7 A copy of the company closed corporation, should the or trust property be registered in favour of one of the above.
 - 2.8 If the land is subject to a mortgage bond, full details of such bond holder as well as the bond holder's consent relevant to the application.

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- 2.9 Comprehensive motivational report in support of the application. (25 Copies)
- 2.10 Locality plan of the area. (25 copies)
- 2.11 A land use map of the surrounding immediate area.
- 2.12 Information on the existing development on the land.
- 2.13 Information on the proposed use on the land
- 2.14 Information regarding the existing zoning on the land and in terms of which land use scheme or any other town planning scheme that might still be applicable.
- 2.15 Zoning and density zoning plan surrounding immediate area. (25 copies)
- 2.16 The proposed scheme clauses, schedules, maps and annexures. (5 copies)
- 2.17 Table of existing and proposed rights, Form D (6 copies)
- 2.18 Proposed site development plan, where required, showing, inter alia, the parking lay out. (5 copies)
- 2.19 Undertaking to advertise - Form D (6 copies)
 - 2.19.1 E3a - Letter Template
 - 2.19.2 E3a - Site Notice Template
 - 2.19.3 E3c - Affidavit Template
 - 2.19.4 E3d - Newspaper Template
- 2.20 Subject to section 55(2) to (5) of the By-law, any other information deemed relevant to the submitted.

In addition to the above information, should engineering report be submitted, three copies of each report should be submitted.

Engineering Report Guidelines:

Outline Scheme Report (Stormwater):

- ORS =
- Site Area < 5 000m² Stormwater Management
 - Site Area 5 000 m² to 8 500m² Outline Scheme Report
 - Site Area > 8 500m² Outline Scheme Report with Attenuation

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Outline Scheme Report (Water and Sewer):

OSr = >10kl Outline Scheme Report

Traffic Impact Study/ Assessment (TIS/TIA):

TIS/TIS < 50 Trips - Traffic Statement (Optional)

50 to 150 Trips - Traffic Statement

> 150 Trips Traffic Impact Study

Date: 25 January 2022 Prepared by:

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25 January 2022

DEPARTMENT OF DEVELOPMENT PLANNING

of the City of Johannesburg

Registration Number

In the application of

CHAMBER LANE PROPERTIES 21 PTY LTD

Applicant

in respect of land known as

ERF 453 MELVILLE

Application Information

(FORM A)

APPLICABLE SCHEME:

CITY OF JOHANNESBURG LAND USE SCHEME, 2018

APPLICATION TYPE:

Application is for the amendment of the City of Johannesburg Land Use Scheme, 2018 by the rezoning of **Erf 453 Melville** from "**Residential 1**", to "**Special**" for offices, dwelling units, shops and Restaurant, subject to certain conditions.

APPLICATION PURPOSE:

The nature and purpose of the application is to permit the development of a three storey building comprising shops, offices, restaurants and dwelling units on the property.

SITE DESCRIPTION:

Erf/ Erven (stand) No (s): **Erf 453**

Township (Suburb) Name: **Melville**

Street Address: **29 Fourth Avenue, Melville.** Code **2092**

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OWNER:

Full name: **CHAMBER LANE PROPERTIES 21 PTY LTD**

Postal Address: 44 First Avenue
LINDEN
2193

Tel No (w): **(011) 882 4035** Fax No: **(011) 887 9830**

Cell: **(082) 469 7499**

E - mail address: matthew@milarchi.co.za

SIGNED: _____
signature of owner/s

Date: 28 January 2022

AUTHORISED AGENT (IF APPLICABLE)

Full name: **RAVEN TOWN PLANNERS**

Postal Address: P. O. Box 522359
SAXONWOLD
2132

Business Address: 3rd Floor, Bergild House
54 Andries Street North
WYNBERG
2090

Tel No (w): **(011) 882 4035**

Cell: **(083) 624 2865**

E-mail address: rick@raventp.co.za

SIGNED: _____
Signature of Agent

Date: 28 January 2022

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NOTES:

If an Authorised Agent is submitting the application, please submit:

Special Power of Attorney (Form B)

OR - A letter of authorisation from the owner/s

IF THE OWNER IS A COMPANY

A company resolution authorising the agent is required (Form C)

28 January 2022

DEVELOPMENT PLANNING AND URBAN MANAGEMENT

of the City of Johannesburg

Amendment Scheme :

In the application of:

CHAMBER LANE PROPERTIES 21 PTY LTD

Applicant

in respect of land known as:

ERF 453 MELVILLE

MOTIVATING MEMORANDUM
(Part 2.9 of the Application Form)

1. Introduction

- 1.1 Application is submitted in terms of Section 21(1) of the City of Johannesburg Municipal Planning By-Law 2016 for the for the amendment of the City of Johannesburg Land Use Scheme, 2018 (“the Scheme”) by rezoning of **Erf 453 Melville** (hereinafter referred to as “the site”) from “**Residential 1**”, to “**Special**” for offices, shops, restaurant and dwelling units, subject to certain conditions.
- 1.2 Details of the application are contained under the proposed controls as fully discussed in the body of this memorandum.
- 1.3 Attached as Plan RR2385-1 is the Locality Plan in respect of the subject property.

2. Locality

2.1 The site is situated along Fourth Avenue, on the northern side, three erven east of its intersection with Main Road.

2.2 The street address is **29 Fourth Avenue**, Melville.

2.3 Attached as Plan RR2385-1 is the Locality Plan in respect of the subject site and its surrounding environment.

3. Ownership

3.1 The site is registered in the name of the **Chamber Lane Properties 21 Pty Ltd**, and is held by virtue of Deed of Transfer: **T25632/2008**.

4. Size

4.1 The site measures **743m²** in extent.

5. Existing and Surrounding Zoning and Land Use

5.1 The site is presently zoned "Residential 1", in terms of the Johannesburg Land Use Scheme, 2018.

5.2 Surrounding the site, the following zoning and land use rights are found:

5.2.1 Erven 351, 352 and Portion 1 of Erf 353 Melville, situated right opposite the subject site have been Rezoned to Business 4, in terms of Amendment Scheme No.01-17741 and eventually Consolidated into one stand, now known as Erf 1102

- 5.2.2 Erf 455 Melville situated on the intersection of Main Road and Fourth Avenue, is zone “Business 1” (imposed zoning) , developed with Ithaca Court, with shops on the ground floor and flats on top.
 - 5.2.3 Erf 350 Melville is zoned “Business 1” developed with different uses including a chemist.
 - 5.2.4 Erven 1010 and 1011 Melville Ext.3 situated along Main Road zoned “Special” for Public Library, Offices, Shops, A Place of Instruction, Restaurant and a Public Swimming Pool in terms of Amendment Scheme No.723N
- 5.3 All properties abutting Main Road, from the South of Fifth Avenue, are zoned developed with Traditional Business uses and zoned “Business 1” right up to the intersection of Main Road and First Avenue, these uses range from:
- 5.3.1 Restaurants, entertainment uses, Residential flats, parking, a Filling Station, local neighbourhood shopping centre, offices, Liquor stores, Banks, Medical consulting rooms and adult shops to name just a few;
 - 5.3.2 In fact Main Road has been known as an Entertainment street with entertainment available at almost every angle starting from the intersection of 6th Avenue right up to the intersection with First Avenue.
- 5.4 The Remainder of the site is predominantly “Residential 1” in nature, with the exception of Seventh Street, which is also an activity Street, comprising, Shops, Coffee Bars, Boutiques , a Book Store and hair salon to name just a few.

- 5.5 There is evidence of a vibrant urban environment, and with the existence of Educational Institutions in the area, such uses as proposed are highly desirable and needed to cater for the needs of the area and its surrounding.
- 5.6 The site is therefore located within an area with a distinct business character with an appetite by developers to significantly improve the development footprint in the area.
- 5.7 Attached as Plan(s) RR2385-2 and RR2385-3 are Existing zoning and Land use Plan(s), respectively.

6. Legal Aspects

- 6.1 There are no restrictive conditions of Title that prohibit the development of the site as proposed.
- 6.2 The property is subject to a mortgaged Bond, Bond holders Consent is attached.

7. Purpose of the Application

- 7.1 Application is submitted in terms of Section 21 of The City of Johannesburg Municipal Planning By-Law,2016, for the rezoning of the **Erf 453 Melville** (hereinafter referred to as “the site”) from “Residential 1” to “Special” for shops, offices, dwelling units and a restaurant, subject to certain conditions.

- 7.2 The application, as submitted, is therefore allow the development of a three storey structure comprising shops, offices, dwelling units and a restaurant.
- 7.3 The location of the site is such that a mixed use development be promoted and encouraged, so as to add to the vibrancy of the Fourth Avenue street, and its surrounding suburbs.
- 7.4 The significance of an activity Street such as Fourth Avenue, is measured by, amongst other factors, the number and variety of services offered along the street.
- 7.5 The applicant has clearly demonstrated that these services are significant.
- 7.6 Therefore, every development that brings with it a certain use, business or service to be provided along the Activity Street, should be encouraged, as it promotes the objectives of the Nodal Review.

8. Proposed Controls

- 8.1 The proposed controls are detailed in the conditions of approval of this application and can be summarized as follows:

Zoning : Special

Primary Rights	:	Offices, shops, Restaurant and Dwelling Units
Consent Rights	:	As per Scheme
No Rights	:	As per Scheme
Servitude	:	N/A.

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Height	:	3 Storeys
Coverage	:	60% -
F. A. R.	:	1.5;
Parking	:	As per Scheme
Density	:	Unrestricted
Building Lines	:	As per Scheme; 3m along street boundaries and 0m along all other boundaries.

Specific conditions

1. Access to and Egress from the application site shall be to the satisfaction of the Local Authority
2. A site development plan must be approved prior to the submission of building plans and prior to any development on the site.

9. Motivation in Support of the Application

9.1 Locality of the Site

9.1.1 The site is situated on the norther side of Fourth Avenue, three erven east of the intersection with Main Road..

9.1.2 The street address to the site is 29 Fourth Avenue, Melville.

9.1.3 A clear understanding of the entire nodal area reveals the following:

- (1) Fourth Avenue is an Activity Street, in terms of which mixed uses should be focused and located in terms of the Nodal Review.

- 9.1.4 The applicant has also demonstrated that the intersection between Main Road is also a focal point along this activity street, providing a more intense level of activity than elsewhere along this Activity Street.
- 9.1.5 The applicant has also described in detail the nature and character of this Activity Street and it is submitted that the zoning as proposed is entirely suitable and consistent with the nature and character of this Activity Street and intersection which has evolved into a focal point within this Activity Street.
- 9.1.6 This site enjoys excellent access to a wide variety of urban support facilities, many of which do not operate at full capacity.
- 9.1.7 It makes good town planning sense to increase businesses which are well served by such facilities. In fact it is an express requirement of the SPLUMA principles to optimise the use of existing infrastructure, integrate residential and employment opportunities and combat urban sprawl
- 9.1.8 It is within the context of this mixed use character that the prospective applicant is of the opinion that the type of use envisioned will add character to the surrounding suburb and increase the legibility of the street.

10. Need and Desirability for the Rezoning

- 10.1 As mentioned above that the site is situated in a well accessed and well serviced area.

- 10.1.1 The application as proposed will facilitate Shops and a restaurant on the ground floor, offices and dwelling units, on the upper storeys within an area of mixed land uses.
- 10.1.2 The principle of densification and intensification of land uses is an important principle that has been described in detail in the latest revision of the Strategic Development Framework, which seeks to promote the development of a Compact Polycentric Urban Form.
- 10.1.3 The purpose of this model is to allow for the comprehensive restructuring of the City, by creating significantly more residential opportunities in close proximity of existing employment opportunities.
- 10.1.4 The restructuring of the City is also one of the principle development objectives contained in the Spatial Planning and Land Use Management Act, 2013 (SPLUMA).
- 10.1.5 On Page 41 of the approved SDF, it is stated that *densification on its own cannot make cities more liveable and sustainable, but that this densification should happen in conjunction with a mixing and intensification of land uses*".
- 10.1.6 The application to allow for increased business development at a higher density and intensity, therefore not only achieves the stated objectives of the various acts and policies, but is also highly desirable from a town-planning point of view, for the following reasons:

- (1) densification and intensification should preferably occur in an area where the level of infrastructure is at its highest, in order to optimise the use of existing infrastructure;
- (2) densification and intensification should furthermore occur where the impact of such development will have limited impact on the nature and character of the surrounding environment; and
- (3) densification and intensification should occur in line with approved policy proposals and principles, in order to ensure that spending on public amenities and infrastructure is can be targeted to specific areas.

10.1.7 Densification and intensification within existing nodes is also necessary for the following reasons:

- (1) nodes and primary corridors should be used as the primary focus to restructure the city and create housing and employment opportunities in close proximity of each other;
- (2) nodes should create a maximum range of housing and employment opportunities in order to facilitate a proper restructuring of the city; and
- (3) the increased level of use of existing facilities generally promotes a healthy urban environment.

10.1.8 The application for the rezoning is therefore both necessary and desirable from a town-planning point of view.

11. The Impact of the Application

- 11.1 The applicant has clearly demonstrated how the site is situated within an area, which is centrally located with easy access to a wide variety of urban amenities.
- 11.2 Within the street where the site is located and in close proximity, there are a number of offices, shops, flats, educational uses which have existed for a number of years.
- 11.3 The presence of much more intense developments in close proximity to the site, such as the businesses and offices adjacent the site, indicates that the development as intended will have limited impact on the surrounding environment, and will play more of a support role in creating a facility for social engagement while allowing patronage to enjoy the rich history of a suburb like Melville.
- 11.4 The application as submitted will therefore have a positive impact on the nature and character of the surrounding environment.
- 11.5 It is accordingly submitted that the proposed use of the subject site should be supported.

12. Policy Framework

12.1 The SDF and Nodal Review Policy

12.1.1 The SDF2040, which was approved in July 2016 proposes the restructuring of the city by changing the current form, which is described as an inverted polycentric city¹

12.1.2 The restructuring of the city is proposed through a so-called “*spatial vision*” which is defined as follows:

As is evident from the previous chapter, the City of Johannesburg faces numerous challenges moving forward, and the SDF must provide a basis for dealing with the key issues confronting the city.

*The **spatial transformation** of Johannesburg will require a focused shift from the apartheid legacy and spatial patterns of the past to unlock the potential of the city. Today’s decisions and interventions will begin transforming the urban spatial and social form into a particular development direction for future decades. Real opportunities exist for embracing a new urban paradigm that is more conducive to both the present and long-term needs of Johannesburg’s population. ²*

12.1.3 The document then proposes the redeveloped of the city by developing a **Compact Polycentric Urban Form**, which is describe as follows:

¹ SDF2040 Figure 28

² SDF2040 Page 65

“The future polycentric Johannesburg will bring jobs to residential areas and housing opportunities to job centres rather than merely transporting people between the two. It will create complete nodes where people can live work and play that are efficiently connected by public transport. It will bridge spatial and social barriers and build a framework for a spatially just city.” (City of Johannesburg, 2016, p. 14)

“The Compact Polycentric Urban model looks to adapt the current structural reality of the city into one that is more socially, environmentally and financially sustainable, efficient and equi-table. The model seeks to create a well-connected (by public transit and other transport routes) series of dense metropolitan centres and sub-centres, each immediately surrounded by high density residential and mixed-use areas, with residential densities declining with distance from these nodes or centres. Densification should also occur along defined corridors.

12.1.4 The Nodal Review then confirms the following:

While the SDF promotes densification and diversification in well located parts of the City (including nodes, transformation areas and around public transit) some current spatial policies (including RSDFs) arguably do not promote the same ideals. This is notable in two ways. The first is that nodes are generally surrounded by low intensity development areas, which are supported by some existing policies. This is contrary to the outcomes sought in the quotes above. It is often the case that well-located residential areas (surrounding nodes) are not the subject of intensification. This results in maintaining the status quo, rather than following the transformative agenda of the SDF.

- 12.1.5 Although the area in question has a diverse character, comprising a wide range of land uses, especially to the east of the site, there is still a predominantly single residential character, to the south-west of the application site, despite the area's proximity to the Empire Perth Corridors of Freedom.
- 12.1.6 The area certainly does not display the type and character one would expect within a "General Urban" zone accommodating a wide range of activities and land uses, with the focus on medium and high density residential development.
- 12.1.7 The property in question is situated within a "**General Urban Zone**", in terms of Table 4 of the Nodal Review, a copy of which is attached hereto.
- 12.1.8 In terms of the guidelines of the Genal Urban Zone, the following provisions apply:
- (1) a Height of between 3 and 5 Storeys is supported in this area.
 - (2) Up to 60% Coverage is supported.
- 12.1.9 The applicant has already described the nature and character of the environment which presently prevails along Fourth Road, and clearly this part of the area fulfills the function of a "high Street".
- 12.1.10 Although it is expected that over time further changes will take place, it is likely that this will take the form of more intense development and the creation of a more walk-able environment.

12.1.11 The introduction of retail activities on the site is entirely in line with the approved policy framework for the area.

12.1.12 The proposed height and floor area ratio proposed is well within the limits permitted in terms of the policy for the area.

12.1.13 As such, the proposed mixed-use development on the subject site is desirable and couldn't be better located.

12.1.14 The application as submitted, together with the controls as proposed is therefore to be regarded as in line with the objectives of the SDF2040 and the Nodal Review Policy.

13. **Chapter 2: Spatial Planning & Land Use Management Act No 16 of 2013**

13.1 All land development applications must give effect to the development principles as set out in Chapter 2 of the SPLUMA. This application too must address need, reasonableness, desirability and public interest.

13.2 Section 7 of SPLUMA deals with five (5) development principles, namely:

13.2.1 The ***principle of spatial justice***, which is aimed at redressing the distorted patterns of land development and unequal access to resources through apartheid legislation. The key attributes of the SPLUMA directive principle of spatial justice are: social inclusion, spatial equity, access to services, choice, green areas, and healthy living.

13.2.2 The applicant is not proposing a material change to the existing environment, but rather proposes an addition and

complementary land Uses and zoning to the already existing land uses in the area.

- 13.2.3 **The *principle of spatial sustainability***, which aims to ensure that development proposals are sustainable and within the fiscal means of the Municipality.
- 13.2.4 Clearly to strengthen an existing Urban Environment complies with this principle, bearing in mind the existing Offices, dwelling units, shops and restaurants in the immediate environment, notably the Main Road Node situated to the immediate west of the subject application site.
- 13.2.5 The ***principle of efficiency***, which aims to optimize the use of existing resources and infrastructure to promote development and minimize the negative financial, social, economic and environmental impacts and imposes timeframes for the completion and assessment of applications.
- 13.2.6 The application does also comply with this principle in that the proposed uses on the site. Seeks to optimize the use of the land.
- 13.2.7 The ***principle of spatial resilience***, ensures that flexibility in spatial plans, policies and land use management systems are accommodated to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks; Spatial resilience relates to the adaptability, innovation, climate change adaptation and mitigation, and related environmental quality;

- 13.2.8 The *principle of good administration*, which relates to the manner and way policies and principles are drafted and applied to ensure integrated planning. The applicant is committed to ensuring the provision of information required for the decision maker to be fully appraised of all relevant factors required for a just decision in this matter.
- 13.2.9 The applicant has ensured that all prescripts of the applicable legislation has been complied with and that the community has been made aware of the application and is allowed to fully participate in these procedures.
- 13.2.10 Moreover, the policy documents upon which the applicant relies are documents that have been duly approved by the full Council and have been adopted in terms of the enabling legislation that guides and controls the development of policies within a municipality.
- 13.2.11 It is accordingly submitted that the application complies with the prescripts of the SPLUMA, 2013 as far as the site's specific circumstances are concerned.

14. Summary and Conclusion

- 14.1 Application is submitted in terms of Section 21(1) of the City of Johannesburg Municipal Planning By-Law 2016 for the rezoning of 453 Melville from “**Residential 1**”,to “**Special**” for Shops, Offices, Restaurant and Dwelling units, subject to certain conditions.
- 14.2 The application is fully motivated from a town planning point of view.
- 14.3 The applicant contends that the need, desirability and compliance with the provisions of the SDF 2040, Nodal Review Policy, 2018/19 for the area, particularly the subject property has been motivated and proven.
- 14.4 It is accordingly submitted that the application is desirable and worthy of approval.

Date: 28 January 2022

Prepared by:

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