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**City of Johannesburg**

**Executive Director**

**Development Planning**

**Metropolitan Centre**

**158 Civic Boulevard**

**Braamfontein**

**By Email:** [objectionsplanning@joburg.org.za](mailto:objectionsplanning@joburg.org.za)

**Objection: Application in terms of Section 21(1) of the City of Johannesburg Municipal Planning By-Law, 2016 for the Rezoning of the of Erf 453, Melville, 29 4th Ave, from Residential 1 to “Special for Shops, Offices, Dwelling Units and Restaurant, subject to certain conditions”. Amendment Scheme Reference: 20-01-3900**

I am resident of ----- Ave Melville and object to the above application on the following grounds:

1. The property is zoned Residential 1 and is the start of the residential area along 4th Avenue that extends for at least two blocks up to 4th Street and to the northern blocks. The site is therefore part of the residential character of Melville, despite being located along 4th Avenue.
2. The applicant, cites only non-residential erven in the vicinity, intends to create the impression that Erf 453 is part of a non-residential area, in particular a node, which it is not.
3. Across Main Road, opposite 4th Avenue is a large shopping centre with obvious non-residential land uses. The shopping centre has ample shops and restaurants in close proximity to the application site, rendering such uses on this small site unnecessary.
4. The property opposite the application site on 4th Avenue (consolidated Erf 1022) is a small office site comprising existing houses arranged around a central parking area and it therefore has a residential character to it. Its zoning rights specifically exclude restaurants.
5. All properties adjacent to the site are single storey with the residential property to the west being used as a parking lot with no structures on it. The site is therefore part of a low-rise residential environment.
6. The properties in from Main Rd need to act as a buffer between business nodes and residential nodes of the suburb, this is business creep.

1. Erf 453 Melville is the third erf from Main Road. It is therefore the exact site where the Residential 1 block begins. It is therefore unsuitable and hence undesirable to permit a mixed-use zoning on this site and it must be retain its Residential 1 zoning.
2. The mix of land uses applied for are not necessary nor are they desirable. The site is a standard Residential 1 size of 743m2. The applicant has applied for offices, shops restaurant and dwelling units all to be accommodated on this site. While the NRP encourages mixed use development, this is an excessive mix if all the uses were to be developed on such a small site. The mix of uses must be in scale and keeping with the local environment, which is low-rise, low intensity.
3. The development rights applied for will result in a development that will have a severe negative impact on the immediate environment. The application for 0m side spaces for a three-storey development will create an imposing building right up against residential neighbours. This is not the intention of the NRP. The NRP requires 10% open space and parking on the site in addition to the coverage. The MRA would like to see new development enhancing and improving the area rather than detracting from it as the exercise of these rights will produce.
4. The lack of parking requirements is problematic. Given the basket of rights applied for and by applying the Land Use Scheme and the NRP guideline, the parking requirement could be for 43 bays. To have excluded this requirement from the application is misleading to objectors and decision-makers, exacerbated by the lack of a SDP to show how this will be accommodated.
5. The 4th Ave/Main Rd intersection is already saturated with limited to zero parking for the businesses there. An application that doesn’t address parking and traffic areas of this space should not be considered.
6. The application should provide floor area limits on the shops, the offices and the restaurant land uses. The absence of limiting each use has an impact on the amount of parking to be provided on site, but it also can have important unintended consequences. And may lead to an inappropriate mix of used, not suited to the site. In addition, there are no limits on the whole site being developed as a restaurant, or all being shops. It cannot be left to the approval stage to impose floor area limits and the application should state what is required for the development envisaged. The application is therefore not in the spirit and intention of the Nodal Review Policy, despite what the application may propose.
7. Melville has an over saturation of liquor licences, restaurants and bars in the area. Rezoning residential spaces for more premises of the like is not required, desired or necessary.
8. There is no site development plan, this is especially significant for a mixed-use development. The absence of such leaves neighbours with no information on how the development will affect them, what impact it will have on the streetscape and the extent of the rights that will be exercised. This is prejudicial to all objectors.
9. A development like this will severely impact the already overburdened infrastructure of Melville, where water shortages and extended electricity outages are common.

Conclusion

My view is that this application for “Special for offices, shops, restaurants and development units” is not needed, is not desirable, cannot be considered reasonable in the local context and will impact the amenity. It fails the first test of any land development application in terms of sections 5(3) and (4) and should be rejected on that basis. The application has other failings including lack of full information to make a decision based on all the facts. The application is not in keeping with its surrounds, which is residential in character and should retain its residential zoning.

NAME:

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ADDRESS:

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