

**MOTIVATING MEMORANDUM FOR THE AMENDMENT OF  
THE CITY OF JOHANNESBURG LAND USE SCHEME, 2018  
FOR THE REZONING AND SIMULTANEOUS REMOVAL OF  
RESTRICTIVE TITLE DEED CONDITIONS FOR ERF 69  
GREENSIDE TOWNSHIP.**



**APPLICATION IS MADE IN TERMS OF SECTION 21 AND 41  
OF THE CITY OF JOHANNESBURG MUNICIPAL BY LAW,  
2016 (AMENDED, 2023) READ TOGETHER WITH THE  
PROVISIONS OF THE SPATIAL PLANNING AND LAND USE  
MANAGEMENT ACT, 16 OF 2013.**

1. Introduction.....	3
2. General Information .....	3
2.1 Locality.....	3
2.2 Existing zoning and land use.....	4
2.3 Ownership .....	4
2.4 Power of attorney.....	4
2.5 Mortgage Bond.....	5
2.6 Conditions of Title .....	5
3. The Application.....	5
3.1 Proposed development .....	5
3.2 Current Development Controls .....	5
3.3 Proposed Development Controls .....	6
3.4 General Conditions .....	6
3.5 Engineering services .....	7
4. Motivation in support of the application .....	7
4.1 Need and Desirability .....	7
4.2. City of Johannesburg Nodal Review Policy 2019/20 .....	8
4.3 Spatial Planning and Land Use Management Act, 2013.....	9
5. Conclusion and Recommendations .....	10

# 1. Introduction

The purpose of this memorandum is to support the application for the Simultaneous Rezoning and Removal of Restrictions of Erf 69 Greenside Township. Application is made in terms Section 21 and 41 of the City of Johannesburg Municipal Planning ByLaw, 2016 (AMENDED, 2023) read together with the Spatial Planning and Land Use Management Act (Act 16 of 2013), for the purpose of amending the land use rights on the subject property to allow for the development of Tailoring business , a private bar for clients and residential outbuilding for the caretaker. We are rezoning the property from “Residential 1” to “Special”.

This report provides relevant information in support of the application and addresses the need and desirability for the proposed use. Erf 69 Greenside Is Hereafter Referred to as “The Site”.

# 2. General Information

The general information regarding the subject property is described below:

## 2.1 Locality

Erf 69 Greenside, the subject property is located at 8 Barnton Road ,Greenside.



Figure 1: Locality Map.

The following map provides a closer look at the location of the subject site with the City of Johannesburg aerial photograph.



Figure 2: Aerial Map of the Site.

## 2.2 Existing zoning and land use

In terms of City of Johannesburg Land Use Scheme, 2018, the site is zoned “Residential 1”. The adjacent properties are zoned “Residential 1”. The back of the subject property there’s Park View Golf Club zoned “Private open space”

## 2.3 Ownership

Property Description	Registered Owner	Extent	Title Deed
ERF 69 GREENSIDE	SEFOLO OTSILE SOLOMON	1013 m <sup>2</sup>	T44086/2022

## 2.4 Power of attorney

The power of attorney authorizing Hlaluko Gracious Maswanganye of Juta Built Environment Consultants to make the application on the client’s behalf has been attached.

## **2.5 Mortgage Bond**

There is a bond registered against the property. A bondholder's consent has been attached.

## **2.6 Conditions of Title**

There are restrictive conditions contained in the title deed which prohibit the proposed development.

Condition (f), (g) and (i) under Title deed number T44086/2022 states :

***(f) No canteen, restaurant, shop, factory, industry or any place of business whatsoever shall be opened or conducted on the erf.***

***(g) Only one private dwelling-house with the necessary outbuildings shall be erected on the Erf.***

***(i) No Buildings shall be erected within a distance of 7.62 (Seven comma Six two) metres from the street boundary of the erf, or, except with the permission of the Company, within a distance of 1.52 (one comma five two) metres from any other boundary of the erf.***

## **3. The Application**

The purpose of this application is to apply for the amendment of City of Johannesburg Land Use Scheme, 2018, read with the relevant provisions of the Spatial Planning and Land Use Management Act 16 of 2013, in order to rezone Erf 69 Greenside from "Residential 1" to "Special" for the purposes of Tailoring business, a private bar for clients and residential outbuilding and to remove condition (f) (g) and (i) from Title deed number T44086/2022 which prohibits the proposed development. The tailoring business shall accept clients upon appointments.

### **3.1 Proposed development**

It is the intention of the owner to utilize the property for the purpose of Tailoring business, a private bar for clients and residential outbuilding for the caretaker.

### **3.2 Current Development Controls**

*Table 1: Existing Development Controls.*

<b>Development Control</b>	<b>Limitation</b>
Zoning	Residential 1

Primary Use	Dwelling house
Coverage	50%
Height	2 Storeys
Density	1 Dwelling per erf m <sup>2</sup>
Building Lines	3m along street boundaries

### 3.3 Proposed Development Controls

Table 2: Proposed Development Controls.

Development Control	Proposed
Zoning	Special
Primary Use	Tailoring business, a private bar for clients and residential outbuilding
Coverage	60%
Height	2 storeys
Floor Area Ratio	1.2
Density	100 dwelling unit per hectare
Building Lines	1.5m along street boundaries 2 m along any two boundaries other than street boundary Rear 1.5m

### 3.4 General Conditions

- A site development plan shall be submitted to the council for approval before submitting any building plans. No building may be erected on the site prior to the approval of the site development plan by the council and the entire development on the erf shall be in accordance with this plan with consent from the council for amendment when needed.
- Signage shall be to the satisfaction of the Council.
- All structures shall be in accordance with plans submitted to and approved by the Council. Any major alterations or additions shall be erected or made in accordance with plans submitted to and approved by the Council before the work is begun.
- Access to and from the site shall be to the satisfaction of the Local Authority.

- The site shall be landscaped preferably by the planting of indigenous trees and shrubs and will be maintained to the satisfaction of the Council.

### **3.5 Engineering services**

The subject property is fully serviced with water, drainage services and a tarred road. All these services are provided by the City of Johannesburg Metropolitan Municipality.

## **4. Motivation in support of the application**

### **4.1 Need and Desirability**

According to Section 5(4) of the Johannesburg Municipal Planning By-law (2016) (AMENDED, 2023) , all land development applications must be done with the purpose of coordinating and harmonising developments in a way that will promote the safety, health, good order, convenience, amenity, and welfare of the area. Section 7(1) of the By-law states that the Land Use Scheme must be in line with the City's Municipal Spatial Development Framework. The Land Use Scheme must also decide the use and development of land within its City's jurisdiction in order to promote social inclusion, economic growth, efficient land development and have a minimal impact on the environment, natural resources and people's health. Section 2(3) of the Johannesburg Municipal Planning By-law further states that no person may utilise or develop land in any other way except that which is permitted in the City's Land Use Scheme or the Municipal Planning By-law. Section 8(1)(a) of the Johannesburg Municipal Planning By-law emphasizes the Land Use Scheme's importance by mentioning that it is enforceable by law. All land users and owners, including the State, are bound by the provisions found in a Land Use Scheme. As a result, the City of Johannesburg Land Use Scheme (2018) was considered to ensure that the planned development is in line with the plans that the Municipality has for Johannesburg as a whole.

Greenside falls under the General Urban Zone in terms of the 2020 Nodal Policy. The General Urban Zone proposes up to 5 storey residential and mixed-use buildings.

Erf 69 is located in Greenside, Johannesburg within the Gauteng Province. Greenside is a suburb of the City of Johannesburg. It is located in Region B of the City of Johannesburg Metropolitan Municipality. The area located in the region of Greenside is very central and has a good mix of residential homes, shops and commercial property. Region B is in the centre of the City of Johannesburg, sharing its boundaries with four other regions. To the west and northwest, it borders Region C (Roodepoort and surrounds), to the east it borders Region E (Bryanston and Sandton) and to the southeast, it borders Region F (the inner city). It also shares a border with Region D (Soweto) along the suburb of Noordgesig. Greenside's neighbouring townships include Blairgowrie, Cresta, Randpark Ridge, Northriding, Bryanston Morningside and Sandton.

The regions commercial nodes include Greenside and small local retail and office areas are widespread. Development is mainly economic, with rapid growth and strong pressures in and around Greenside. There are also high levels of economic development along the arterial routes associated with Greenside. The proposed development will not have a negative impact on the surrounding properties. It is in harmony with the existing character of the area.

According to Section 5(4) of the Johannesburg Municipal Planning By-Law (2016) (AMENDED, 2023) , all land development applications must be done with the purpose of coordinating and harmonising developments in a way that will promote the safety, health, good order, convenience, amenity, and welfare of the area. The development will contribute towards mixed uses within communities. In Urban areas there is a shortage of Urban Land so this development will aid with giving amenities and convenience. Therefore, this application is in the interest of the public.

#### ***4.2. City of Johannesburg Nodal Review Policy 2019/20***

According to the City of Johannesburg Nodal Review Policy, 2019/20, the site falls under Sub Urban. The SDF 2040 and this Nodal Review favour infill development (within existing townships) over new township development on vacant land (mostly in the PeriUrban, but also in some cases, suburban zones). For example, the SDF reads:



*“The development approach focusses on infill and redevelopment (brown field) in favour of green-field development” (City of Johannesburg, 2016, p. 72)*

Having said this, there are “pockets of under-utilized, well-located pieces of land within the urban structure” (City of Johannesburg, 2016, p. 49). If developed with adequate connections to the surrounding built form, appropriate densities, land use mix and access to amenities, these could become vibrant, liveable, efficient, and valuable parts of the city. The proposed development is therefore in line with the Nodal Review policy.

### **4.3 Spatial Planning and Land Use Management Act, 2013**

The Spatial Planning and Land Use Management Act (Act No. 16 of 2013) intends to provide a uniform framework for spatial and land use management in the Republic. It seeks to promote consistency and uniformity in procedures and decision-making in spatial planning. The objectives of the Act are:

- Provide for a uniform, effective and comprehensive system of spatial planning and land use management for the Republic;
- Ensure that the system of spatial planning and land use management promotes social and economic inclusion
- Provide for development principles, norms and standards;
- Provide for the sustainable and efficient use of land;
- Redress the imbalances of the past, to ensure that there is equity.

The application of the SPLUMA principles applies to all organs of state and other authorities responsible for implementation of legislation regulating the use and development of land. The following principles apply to spatial planning, land development and land use management. These principles are discussed below:

<b>SPLUMA PRINCIPLES</b>	<b>COMPLIANCE OF THIS APPLICATION</b>
--------------------------	---------------------------------------

Spatial Justice	The business services proposed will be open to people from different racial, social and income groups without prejudice, discrimination or exclusion.
Spatial Sustainability	The site is located in a development settlement. This encourages the optimal use of available land.
Efficiency	The tailoring business ,private bar and residential outbuilding will make use of existing resources and infrastructure. This will encourage the efficient use of resources and the optimal use of existing infrastructure.
Good Administration	This application is in harmony with City of Johannesburg legislations such as the City of Johannesburg Land Use Scheme (2018) and the Johannesburg Municipal Planning By-Law (2016).

This development seeks to optimize/capitalize on the infrastructure already provided in the area.

## 5. Conclusion and Recommendations

The City of Johannesburg is moving towards creating compact cities/towns, and the purpose of this is to minimize urban sprawl and to enhance accessibility to resources with convenience. We believe the nature of the development proposed on the subject site works hand in hand with achieving this vision, as it provides an incremental step towards a compact city.

Based on the feasibility studies and research done during the compilation of this rezoning and removal of restrictive title condition application, it can therefore be concluded that the tailoring business, private bar and residential outbuilding has no negative impacts can be expected.