

Date: 19 August 2025

Your ref:

Our ref: 8927/KJW/cc



19 Orange Road, Orchards, 2192  
Telephone: (011) 728-0042

Executive Director: Development Planning  
City of Johannesburg  
100 Carr Street  
NEWTOWN  
2001

Email : LandUseApplications@joburg.org.za

Dear Sir

**SIMULTANEOUS REMOVAL OF RESTRICTIONS AND CONSENT USE APPLICATION FOR A SPORTS AND RECREATION CLUB (A PADEL COURT) : ERF 1227 GREENSIDE EXTENSION 2**

On behalf of our Client, we hereby apply in terms of Section 41 of the City of Johannesburg Municipal Planning By-Law, 2016, Amended 2023, for the removal of restrictive conditions of title, namely Conditions 1., 2.(a), 2.(b), 2.(c), 2.(d), 2.(e), 2.(f), 2.(g), 2.(h), 2.(i), 2.(j), 2.(k) and 2.(l) in Deed of Transfer No. T42030/2014 and in terms of Section 19 of the City of Johannesburg Municipal Planning By-Law, 2016, Amended 2023, read in conjunction with Clause 40 of the City of Johannesburg Land Use Scheme, 2018, for the Council's consent for a sports and recreation club in respect of the abovementioned property.

The following documents are attached in support of the application:

1. 1 copy of the Special Power of Attorney and Resolution.
2. 1 copy of Deed of Transfer No. T42030/2014.
3. 1 copy of the motivating memorandum including the Locality Plan, Zoning Plan, Density Zoning Plan, Land Use Plan and Conceptual Site Plan.
4. 1 copy of the current zoning information.
5. Payment in the amount of R2 480,00 being the prescribed application fees.

The application will be advertised in the Provincial Gazette, the Citizen and on-site.

Registered letters will also be sent to the adjoining property owners.

Kindly acknowledge receipt hereof.

Yours faithfully,  
**SJA – TOWN AND REGIONAL PLANNERS**

**KEVIN WILKINS**

**SPECIAL POWER OF ATTORNEY**

I/We the undersigned AHMED FAZEL HASSEN

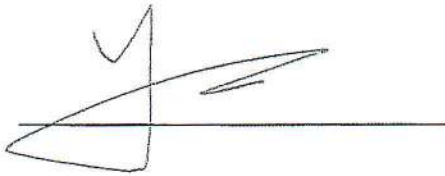
ID No. : 6007015179087

do hereby nominate, constitute and appoint **STEPHEN COLLEY JASPAN** of the firm **SJA – TOWN AND REGIONAL PLANNERS** with Power of Attorney to be my/our lawful representative in my/our name, place and stead, to make any necessary application in order to apply for the Local Authority's consent for a sports and recreation club in respect of **ERF 1227 GREENSIDE EXTENSION 2**

**HELD BY: AHMED FAZEL HASSEN**

**UNDER DEED OF TRANSFER NO: T 42030 / 2014**

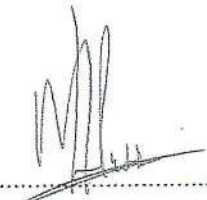
in addition to apply for such amendments of any Town Planning Schemes as may be deemed necessary and to make any other necessary applications and further to represent me/us at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure the rights and generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I/we might or could do if personally present and acting herein -hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my/our representative shall lawfully do or cause to be done, by virtue of these presents and whatever our said representatives have to date done herein.



SIGNED AT GREENSIDE ON THIS THE 10 DAY OF JUNE 2025

in the presence of the undersigned witnesses.

**AS WITNESSES:**

2.   
.....  
MOHAMMED HASSEN

2.   
.....  
HAJWA HASSEN

151

SHIRAZ VALLI ATTORNEYS  
3rd Floor, Marble Towers  
208-212 Jeppe Street  
Johannesburg  
2000

|            |           |
|------------|-----------|
| Stamp duty | P.        |
| Seelrag    | P.        |
| Fees/Feele | P. 700.00 |
| Exempted   | Cat.      |
| Vrygestel  | Kat.      |

Prepared by me

  
CONVEYANCER  
SHIRAZ VALLI

T 000042030 / 2014

## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

SHIRAZ VALLI

appeared before me, REGISTRAR OF DEEDS at Johannesburg, he the said  
Appearer being duly authorised thereto by a Power of Attorney signed at  
JOHANNESBURG on 1 OCTOBER 2013 and granted to him by

1. THE EXECUTORS IN THE ESTATE OF THE LATE  
MAHOMED HASSEN VARACHIA  
ESTATE NUMBER 10533/2006

AND

2. THE EXECUTORS IN  
THE ESTATE OF THE LATE SAKINA VARACHIA  
ESTATE NUMBER 6208/2013

And the said appearer declared that

WHEREAS the late MAHOMED HASSEN VARACHIA, who died on 07 June 2006 was in his lifetime married to SAKINA VARACHIA in community of property.

AND WHEREAS in terms of Clause 6 of his Last Will and Testament of the deceased, signed and dated at FORDSBURG on 30 November 2001, the deceased bequeathed the property hereinafter mentioned to the following heirs in terms of Islamic Law as set out in the Certificate by the Jamiatul Ulama and/or referred to therein SAKINA VARACHIA, AHMED FAZEL HASSEN, NAZIRA HASSEN, YASMIN HASSEN and FAZILA PATEL.

AND WHEREAS THE SURVIVING SPOUSE HAD ELECTED TO BRING IN HER HALF SHARE.

AND WHEREAS in terms of the Redistribution Agreement dated 3 MARCH 2009 it was agreed that the property hereinafter more fully described shall be transferred to AHMED FAZAL HASSEN.

AND WHEREAS the late SAKINA VARACHIA subsequently died on 13 October 2009.

NOW THEREFORE he, the said appearer, in his capacity aforesaid, did, by these presents, cede and transfer to and on behalf of

**AHMED FAZEL HASSEN**  
Identity Number 600701 5179 08 7  
Married according to ISLAMIC rites

her Heirs, Executors, Administrators or Assigns, in full and free property

ERF 1227 GREENSIDE EXTENSION 2 TOWNSHIP  
REGISTRATION DIVISION I.R., THE PROVINCE OF GAUTENG

IN EXTENT 1 408 (ONE THOUSAND FOUR HUNDRED AND EIGHT) SQUARE METRES;

HELD BY Deed of Transfer T14285/1995

SUBJECT TO THE FOLLOWING CONDITIONS :

1. Neither the said erf nor any portion thereof shall be used as a cemetery, crematorium, sewerage works, industrial site, dumping site, location, or in any other way offensive from the point of view of private residential property.
- 2.(a) In these conditions the term "applicant" shall mean the TRANSVAAL CONSOLIDATED LAND AND EXPLORATION COMPANY LIMITED and its successors in township title.
- (b) Should the applicant cease to be a "township owner" or should it notify the local authority that it is no longer prepared to exercise the powers conferred upon it by any conditions of title, or should it at any time neglect or omit to enforce the same when required so to do, the local authority shall have the right to exercise all such powers in its stead.

- (c) No conditions of title other than those specified herein may be imposed except with the approval of the Administrator, provided that the Administrator shall not approve any condition which conflicts with any conditions under which permission for the establishment of the Township was granted, or with any approved town-planning scheme.
- (d) The erf may be subdivided only in exceptional circumstances and then subject to the consent in writing of the Administrator, who in granting such consent may impose whatever conditions he may deem fit, having regard to the character of the township, provided that no subdivision shall be less than 1012 square metres.
- (e) The owner shall not have the right to make or cause to be made upon the erf for any purposes whatsoever any bricks, tiles or earthenware pipes or other articles of such nature, nor shall he have the right (save and except to prepare the erf for building purposes) to quarry or excavate any stone, lime, clay or other material without the written consent of the Applicant.
- (f) No canteen, restaurant, shop factory, industry or any place of business whatsoever shall be opened or conducted on the erf.
- (g) Not more than one private dwelling house with the necessary outbuildings shall be erected on the erf. The buildings and necessary outbuildings to be erected on the erf shall cost not less than R3 000,00. The house to be erected shall have its main frontage on the road or street on which the erf is situated. Should the erf be situated on more than one roadway, elevations approved by the applicant shall be provided to each roadway.

Outbuildings shall be built simultaneously with the dwelling-house, which shall be a completed house and not one partly built and intended for completion at a later date.
- (h) Plans and specifications of all buildings and of additions or alterations to be erected on the erf shall be submitted to and approved by the applicant before the commencement of building operations. No building operations whatsoever shall be commenced on the Erf unless and until the applicant shall have given its approval to the plans and specifications pertaining thereto, and all buildings, additions or alterations shall be constructed in strict accordance with the plans and specifications as so approved. The applicant may, without prejudice to any remedy by way of interdict or otherwise, call on the owner of any building, addition or alteration begun or constructed in breach of any of these provisions to demolish such building, and in default of such demolition by him may itself undertake the demolition at his expense.
- (i) Buildings erected on the erf shall be located not less than 7,62 metres from the street boundary without the consent of the applicant first had and obtained.

No outbuildings may be erected on any street boundary. The location of the outbuildings shall be in the discretion of the applicant.
- (j) The erf shall be neatly fenced and the owner shall use hardwood or iron palings or good wire fencing or properly built stone, brick or cement walls, but shall not erect an unsightly fence or one of galvanised iron, canvas or other fabric or reed, grass, softwood and inflammable material. The fence shall be kept in proper repair by the said owner.

- (k) The roofs of all buildings to be erected on the erf shall, except with the permission in writing of the applicant, be covered with slates, thatch, tiles or shingles to be approved by the applicant.
- (l) The applicant shall have the right to dispose of not more than 30 erven for religious educational, recreational or public purposes, subject to the above condition (a),(b),(e),(f),(h),(i),(j),(k) and to such further conditions as the application may impose. Should any such erf at any time, with the consent of the applicant, be used for residential purposes, then the Township conditions applicable to residential erven shall apply to such erf.
3. The erf is shown on the General Plan as being affected by a Sewerage and Drainage Servitude 1,89 metres in width along the Eastern boundary shall be subject thereto in favour of the local authority together with the following:

The local authority shall be entitled to deposit temporarily on the land adjoining the aforesaid servitude such material as may be excavated by it during the course of the constructions, maintenance or removal of such sewerage mains and other works as it in its discretion may deem necessary and shall further be entitled to reasonable access to the said land for the aforesaid purpose, subject to any damage done during the process of the construction, maintenance or removal such sewerage mains and other works being made good by the local authority.

Subject to clause 8 in terms of the said Last Will and Testament dated 30 November 2001.

(8)

**MARRIED BENEFICIARIES**

In the event of any of my heirs under this Will being married in community of property, or if their matrimonial regime is subject to the accrual system in terms of the Matrimonial Property Act of 1984, then I direct that his or her inheritance and income in terms of this Will shall be excluded from the joint estate arising from such community of property or from such accrual system and shall accordingly be the separate, sole and absolute property of such heir who shall have full power to dispose or deal with such inheritance without the assistance of the other spouse.

SUBJECT to such conditions as are mentioned or referred to in the aforesaid Deed/s.

WHEREFORE the Appearer, renouncing all right and title which the said

1. ~~THE EXECUTORS IN-~~  
THE ESTATE OF THE LATE MAHOMED HASSEN VARACHIA  
ESTATE NUMBER 10533/2006

AND

2. ~~THE EXECUTORS IN-~~  
THE ESTATE OF THE LATE SAKINA VARACHIA  
ESTATE NUMBER 6208/2013

heretofore had to the premises, did in consequence also acknowledge the said Estate to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

AHMED FAZEL HASSEN, Married as aforesaid

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and hereby declaring the value thereof to be the sum of R1 600 000,00 (ONE MILLION SIX HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF,,I the said Registrar, together with the Appearer q.q., have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

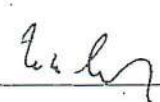
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at Johannesburg on

15 OCT 2014



q.q.

In my presence

  
\_\_\_\_\_  
REGISTRAR OF DEEDS

## POWER OF SUBSTITUTION

I, the undersigned **STEPHEN COLLEY JASPAN** do hereby nominate, constitute and appoint **KEVIN JAMES WILKINS**, being the authorised agent/representative of the firm **SJA – TOWN AND REGIONAL PLANNERS**, with Power of Substitution to be my lawful representative in my name, place and stead, to make any necessary application on behalf of the firm **SJA – TOWN AND REGIONAL PLANNERS** .

In addition to apply for such amendments of any Town Planning Schemes as may be deemed necessary and to make any other necessary applications and further to represent me at any inquiry in relation to the abovementioned matters and generally do whatever may be necessary or desirable to procure any application and generally for effecting the purposes aforementioned, to do or cause to be done whatsoever shall be requisite, as fully and effectually, for all intents and purposes as I might or could do if personally present and acting herein - hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my representative shall lawfully do or cause to be done, by virtue of these presents and whatever my said representative has to date done herein.

**SIGNED AT JOHANNESBURG ON THIS THE 8 JULY 2025**

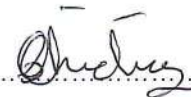


STEPHEN COLLEY JASPAN

in the presence of the undersigned witnesses.

**AS WITNESSES:**

1. 

2. 

**LIST OF PROPERTY OWNERS ADJACENT TO ERF 1227 GREENSIDE EXTENSION 2**

| <b>PROPERTY DESCRIPTION</b>    | <b>OWNER</b>            | <b>ADDRESS</b>                                 |
|--------------------------------|-------------------------|------------------------------------------------|
| Erf 1225 Greenside Extension 2 | Abdull Qader Mathee     | 2 Gullane Road<br>GREENSIDE<br>2193            |
| Erf 1226 Greenside Extension 2 | Zareena Chota           | 4 Gullane Road<br>GREENSIDE<br>2193            |
| Erf 1238 Greenside Extension 2 | Nico Laubscher le Roux  | 21 Mowbray Road<br>GREENSIDE<br>2193           |
| Erf 1239 Greenside Extension 2 | Mia Charlotte Bongartz  | 19 Mowbray Road<br>GREENSIDE<br>2193           |
| Erf 1228 Greenside Extension 2 | Ameena Bibi Nakhooda    | 120 Barry Hertzog Avenue<br>GREENSIDE<br>2193  |
| Erf 1234 Greenside Extension 2 | Melanie Bryce Treadwell | 6 Gullane Road<br>GREENSIDE<br>2193            |
| Erf 33 Emmarentia              | Shaikh Atif Iqbal       | 103 Barry Hertzog Avenue<br>EMMARENTIA<br>2195 |
| Erf 32 Emmarentia              | Saajidah Bulbulia       | 105 Barry Hertzog Avenue<br>EMMARENTIA<br>2195 |

**THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016,  
AMENDED 2023**

**1. APPLICATION TYPE**

Sections 19 and 41 : REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE  
AND CONSENT USE APPLICATION

**2. APPLICATION PURPOSE**

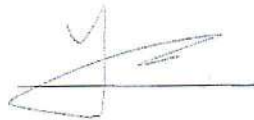
: THE PURPOSE OF THE APPLICATION IS TO  
PERMIT A SPORTS AND RECREATION CLUB  
(A PADEL COURT)

**3. SITE DESCRIPTION**

Erf No. : ERF 1227  
Township Name : GREENSIDE EXTENSION 2  
Street Address : 122 BARRY HERTZOG AVENUE, GREENSIDE  
EXTENSION 2, 2193

**4. OWNER**

Full Name : AHMED FAZEL HASSEN  
Postal Address : 122 BARRY HERTZOG AVENUE, GREENSIDE  
EXTENSION 2, 2193  
Tel No. :  
Fax No. : -  
Cell No. : 079 871 3550  
Email Address : mohammed@dkmotiram.co.za



**AHMED FAZEL HASSEN**

3 September 2025

**DATE**

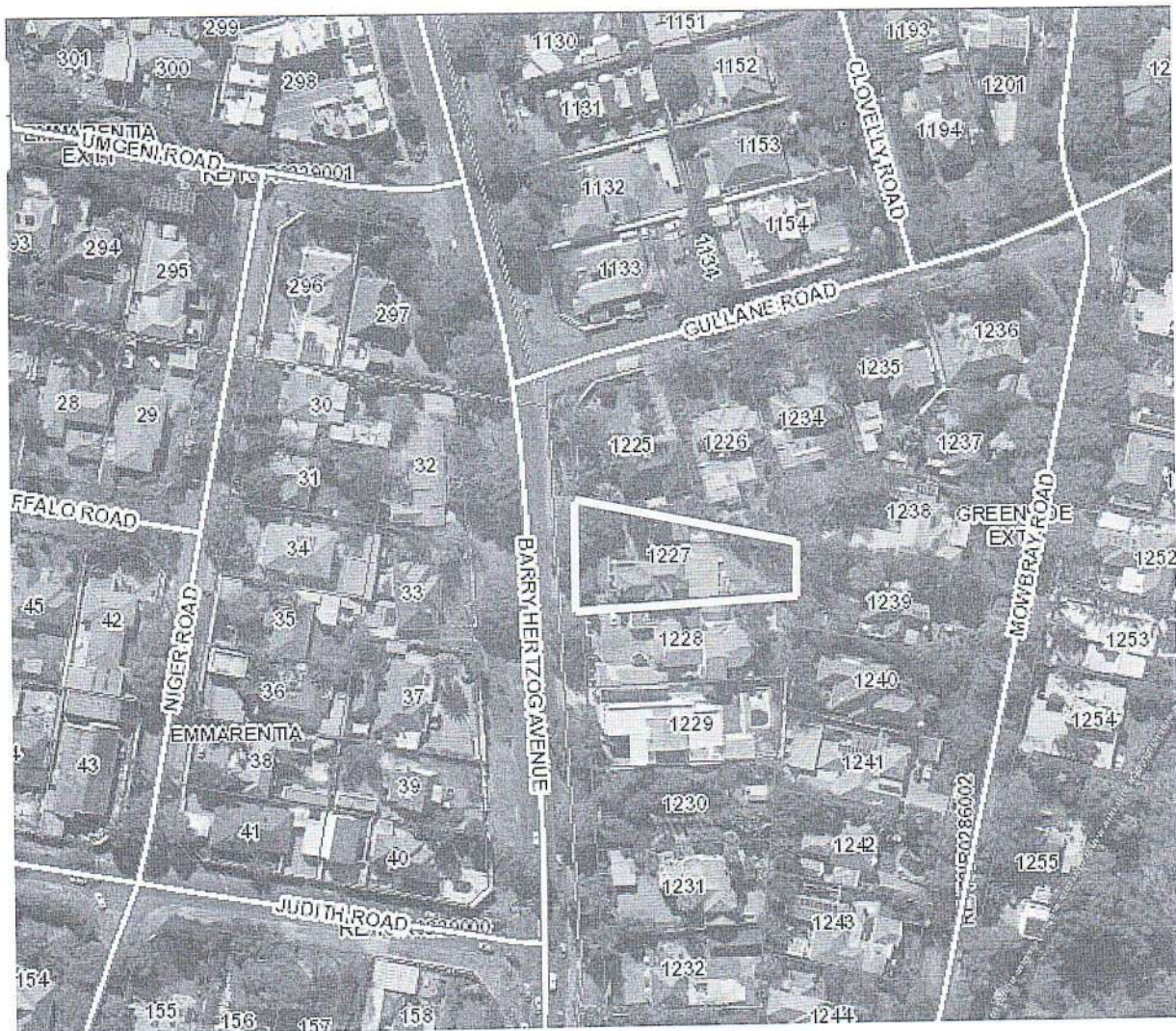
**5. AUTHORISED AGENT**

Name : SJA – TOWN AND REGIONAL PLANNERS  
Residential Address : 19 ORANGE ROAD, ORCHARDS, 2192  
Telephone : (011) 728 – 0042  
Cell No. : 082 448 4346  
Email Address : kevin@sja.co.za

  
**SIGNED**

3/09/2025  
**DATE**

**MEMORANDUM IN SUPPORT OF THE APPLICATION FOR THE  
SIMULTANEOUS REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE AND  
CONSENT USE FOR A SPORTS AND RECREATION CLUB (A PADEL COURT)  
IN RESPECT OF ERF 1227 GREENSIDE EXTENSION 2**



PREPARED BY:

SJA – TOWN AND REGIONAL PLANNERS

DATE:

AUGUST 2025

REFERENCE:

8927/KJW/cc

## **CONTENTS**

---

- 1. EXECUTIVE SUMMARY**
- 2. GENERAL INFORMATION**
  - 2.1 Introduction and Property Description
  - 2.2 Locality
  - 2.3 Ownership
  - 2.4 Size
  - 2.5 Existing Zoning, Density Zoning and Land Use
  - 2.6 Surrounding Zoning, Density Zoning and Land Use
  - 2.7 Legal Aspects
- 3. THE APPLICATION**
  - 3.1 The Consent Use and the Removal of Restrictions Application
  - 3.2 The Proposed Controls
  - 3.3 The Applicant's Intention
- 4. MOTIVATION IN SUPPORT OF THE APPLICATION**
  - 4.1 The Nature of the Surrounding Area
  - 4.2 The Need for and Desirability of a Sports and Recreation Club
  - 4.3 The Need for and Desirability of the Removal of Restrictive Conditions
  - 4.4 The Spatial Planning and Land Use Management Act, No. 16 of 2013
  - 4.5 The Spatial Development Framework (SDF), 2040

### **PLANS:**

|        |                              |
|--------|------------------------------|
| 8927/1 | Locality Plan                |
| 8927/2 | Existing Zoning Plan         |
| 8927/3 | Existing Density Zoning Plan |
| 8927/4 | Existing Land Use Plan       |
| 8927/5 | Conceptual Site Pan          |

## 1. EXECUTIVE SUMMARY

---

- 1.1. Application is made in terms of Sections 19 and 41 of the City of Johannesburg Municipal Planning By-Law, 2016, Amended 2023, for the removal of restrictive conditions of title and for the Council's consent for a sports and recreation club in respect of Erf 1227 Greenside Extension 2.
- 1.2. This memorandum motivates why there is a need for the Council's consent to permit a sports and recreation club.
- 1.3. Simultaneously with the consent use, certain conditions are being removed from the title deed. These conditions are restrictive, but also outdated and obsolete.
- 1.4. The applicant is proposing a padel court, which is a version of tennis and at present, the fastest growing sport in the world. This padel court is hired out to the general public, hence the need for this consent use.
- 1.5. The granting of the new consent use is subject to the Council's specific controls which shall be implemented upon its approval.
- 1.6. It is contended that, as this application will result in a desirable outcome in terms of the provisions of the City of Johannesburg Land Use Scheme, 2018, it should be viewed as being in the public interest as it accommodates the needs of the community.

## **2. GENERAL INFORMATION**

---

### **2.1. Introduction and Property Description**

2.1.1. Application is made in terms of Sections 19 and 41 of the City of Johannesburg Municipal Planning By-Law, 2016, Amended 2023, read in conjunction with Clause 40 of the City of Johannesburg Land Use Scheme, 2018, for the removal of restrictive conditions of title and the Council's consent for a sports and recreation club in respect of Erf 1227 Greenside Extension 2 (hereafter referred to as "the site").

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

### **2.2. Locality (See Plan 8927/1)**

2.2.1. The property is situated on the eastern side of Barry Hertzog Avenue, Greenside Extension 2.

2.2.2. The street address is 122 Barry Hertzog Avenue, Greenside Extension 2, 2193.

### **2.3. Size**

2.3.1. Erf 1227 Greenside Extension 2 measures 1 408m<sup>2</sup> in extent.

### **2.4. Ownership**

2.4.1. Erf 1227 Greenside Extension 2 is registered in the name of Ahmed Fazel Hassen and is held by virtue of Deed of Transfer No. T42030/2014

### **2.5. Existing Zoning, Density Zoning and Land Use (See Plans 8927/2, 8927/3 and 8927/4)**

2.5.1. Erf 1227 Greenside Extension 2 is zoned "Residential 1" in terms of the City of Johannesburg Land Use Scheme, 2018.

2.5.2. The site is developed with a dwelling house, a padel court and the usual outbuildings.

## **SJA – Town and Regional Planners**

---

### **2.6. Surrounding Zoning, Density Zoning and Land Use (See Plans 8927/2, 8927/3 and 8927/4)**

- 2.6.1. The erven to the north, east, south and west are zoned “Residential 1” and are developed with dwelling houses on separate stands.
- 2.6.2. The nature of Barry Hertzog Avenue is very mixed in nature and comprises offices, houses, shops, restaurants, medical consulting rooms and properties developed at a higher residential density.

### **2.7. Legal Aspects**

- 2.7.1. The property is not bonded.
- 2.7.2. The restrictive conditions in the title deed restrict the property from being used to its full potential.

### 3. THE APPLICATION

---

#### 3.1. The Consent Use

- 3.1.1. Application is made in terms of Sections 19 and 41 of the City of Johannesburg Municipal Planning By-Law, 2016, Amended 2023, read in conjunction with Clause 40 of the City of Johannesburg Land Use Scheme, 2018, for the removal of restrictive conditions of title, namely Conditions 1., 2.(a), 2.(b), 2.(c), 2.(d), 2.(e), 2.(f), 2.(g), 2.(h), 2.(i), 2.(j), 2.(k) and 2.(l) in Deed of Transfer No. T42030/2014 and for the Council's consent for a sports and recreation club (a padel court) in respect of Erf 1227 Greenside Extension 2.

#### 3.2. Proposed Controls

Consent Use: "Sports and Recreation Club" for a padel court

**General:**

1. The facility will consist of a dwelling house and a padel court.
2. The sports and recreational club will operate seven days a week, throughout the day and into the early evening.
3. Parking shall be provided on-site in terms of the provisions of the City of Johannesburg Land Use Scheme, 2018, to the satisfaction of the Local Authority.
4. Access to and egress from the site shall be to the satisfaction of the Local Authority.
5. The use will be controlled in terms of a site development plan.

#### 3.3. The Applicant's Intention (See site plan 8927/5)

- 3.3.1. Padel is predominantly a doubles game played on an astroturf court that is 20 metres x 10 metres and enclosed on all sides by walls. The walls enable players to play shots off the glass as long as the ball has only bounced once.
- 3.3.2. The applicant has built a padel court on his property which he hires out and is open to the general public. The applicant therefore runs a small sports and recreational club from the property.
- 3.3.3. Parking will be provided on-site.
- 3.3.4. The attached conceptual site plan illustrates the location of the padel court (on what was the old tennis court), the access and parking.

## **4. MOTIVATION IN SUPPORT OF THE APPLICATION**

---

### **4.1. The Nature of the Surrounding Area**

- 4.1.1. The site falls within a Sub-urban Zone in terms of the Nodal Review of the Spatial Development Framework (SDF). This is a zone which places an emphasis on residential uses, but with community facilities throughout.
- 4.1.2. Barry Hertzog Avenue is a main north-south arterial route and comprises a full mix of land uses.

### **4.2. The Need for and Desirability of a Sports and Recreation Club**

- 4.2.1. There is a need for the upliftment in the standards of living for the numerous communities and to provide a more diverse range of sporting and social amenities. There is a growing awareness of the need to actively encourage and support more sports and recreational facilities, especially if it has a direct correlation to the health and wellness of the local community.
- 4.2.2. This application seeks to provide a sporting facility in the form of a sports and recreation club for a padel court which is easily accessible to the community.
- 4.2.3. On a micro level, the applicant wishes to enhance sports and recreational amenities by providing a padel court in Greenside which can be hired out.
- 4.2.4. It is worth mentioning the role that sport plays in society. From cabinet level down, there has been much said about sport's role in normalising our society, socialising young people and keeping them off the streets and even in uniting this country and its people. The application will no doubt contribute to this ideal to a certain degree.
- 4.2.5. There is a clear need for the additional facilities and sporting facilities especially driven by South Africa's sports enthusiasts.
- 4.2.6. Public sports facilities have played a very important role in promoting physical activity and participation in leisure sports activities. Therefore, there have been significant efforts to continue to improve the image of leisure sports and pursue the improvement of service quality of public sports facilities.
- 4.2.7. Sports help you manage stress. Exercise causes your body to release endorphins, the chemicals in your brain that relieve pain and stress. It also reduces the levels of stress hormones, cortisol and adrenaline. Studies have shown that 20 to 30 minutes of exercise each day can make people feel calmer and happier. Clearly any initiative to provide a sports club should be approved.

## SJA – Town and Regional Planners

---

- 4.2.8. The site identified for the proposed facility has numerous positive aspects which ensure that the uses envisaged can be implemented. They have simply built a new padel court on what was the old tennis court.
  
- 4.2.9. The proposed use is extremely compatible with mixed use areas. Given the nature of the use and the nature of Barry Hertzog Avenue, no disruption to the area in the vicinity of the site is envisaged. It is contended that the implementation of the rights will in fact provide many local residents with an additional facility and thereby be of benefit to the area. Nothing would prohibit the owner from using his padel court at any time of the day for private purposes with friends. However, he does hire it out to the local community.
  
- 4.2.10. Furthermore, this sports and recreational club contains a single padel court, thus it is small and unobtrusive. This is not a large sporting centre which would have an impact on the amenity of the area. This is essentially a court first and foremost for private use by the owner but which is available to be hired out to the community.
  
- 4.2.11. In assessing the location of the centre envisaged, a number of factors were considered, of paramount importance being accessibility to the site. In this respect, the site identified is easily accessible being located in very close proximity to the areas from which the various players will be drawn. Access is also very achievable from the residential suburbs adjoining the site.
  
- 4.2.12. Local access will be off Barry Hertzog Avenue, to the satisfaction of the Council. In any event, the amount of traffic being drawn to the site will be negligible and existing infrastructure in the area will by no means be detrimentally affected as a result.
  
- 4.2.13. Padel is a friendly and familiar sport for people of all ages as it does not require special physical or sporting skills. Being a simplified version of tennis, it is easy to learn and is easily practiced after a few exchanges. Fun is guaranteed between friends and family at any age.
  
- 4.2.14. For all these reasons, the popularity of the padel is exploding, but above all, this sport has numerous economic advantages that make the installation of a padel court very convenient. Padel sports allows more people to use the centre and it allows for the optimisation of unused space as it is half the size of a normal tennis court.
  
- 4.2.15. We submit that the applicant is further strengthening the economic environment with improved infrastructure and social amenities in Greenside.
  
- 4.2.16. Furthermore, the use of this property for sports and recreation will have no negative impact on the general environment, thus we believe it is fully compatible with existing policy.

#### 4.3. The Removal of Restrictive Conditions of Title

- 4.3.1. It is necessary to remove certain restrictive conditions of title in order that the site may be developed in line with the proposal.
- 4.3.2. It is common practice to remove restrictive conditions when they hamper the use of proposed developments and the Spatial Planning and Land Use Management Act, No. 16 of 2013 (SPLUMA) was promulgated for this purpose.
- 4.3.3. The conditions of title relating to the site is typical conditions laid down in the title deeds of erven in townships, such as Greenside Extension 2, which were established before the introduction of Land Use Schemes and municipal by-laws. As such, it is contended that these conditions can be removed without prejudicing surrounding property owners.
- 4.3.4. The basic premise within which the removal of restrictions must be considered is whether such alteration, suspension or removal of a restrictive condition is in the interests of the area; or in the public interest.
- 4.3.5. Condition 1. specifies that the erf shall not be used as a cemetery etc., i.e. non-residential uses. Condition 2.(e) specifies that the owner shall not use the property to make bricks, tiles or earthenware, to quarry or excavate any stone, lime, clay or other materials. Condition 2.(f) specifies that the property shall not be used for a canteen, restaurant, shop factory, industry or any place of business. The use of properties are regulated in terms of its zoning and in terms of the City of Johannesburg Land Use Scheme, 2018. These clauses therefore serve no purpose in the title deed.
- 4.3.6. Conditions 2.(a), 2.(b), 2.(c) and 2.(l) refer to the powers of the applicant and the "Township owner" and the Administrator to impose certain conditions as well as enforcement of these conditions. We submit that this right has been ceded to the Local Authority which is empowered via certain legislation to impose and enforce conditions.
- 4.3.7. Condition 2.(d) specifies that the property may not be subdivided and Condition 2.(g) refers to the number of dwelling units permissible on the property. These conditions refer to the density of the property which is governed by the town planning scheme and can be removed without prejudicing the adjacent property owners. The densities are also contrary to the Council's own density policy.
- 4.3.8. Condition 2.(g) also refers to the cost of the house, the street frontage and the timing of construction. Condition 2.(k) refers to roofing materials that may be used. The National Building Regulations and Standards Act ensure that developments are effectively controlled and it is therefore not necessary to duplicate these controls in the title deed. The cost of the house is also outdated due to inflation.

## SJA – Town and Regional Planners

---

- 4.3.9. Condition 2.(h) refers to plans and specification and the two unnumbered paragraphs under Conditions 2.(g) and 2.(i) respectively refer to the timing of the construction of the outbuildings and the position of the outbuildings to the street boundary. The submission of building plans is governed by the National Standards and Building Regulations Act and can therefore be removed.
- 4.3.10. Condition 2.(i) refers to a building line of 7.62m. Building regulations and the Town Planning Scheme ensures that developments are effectively controlled via building lines.
- 4.3.11. Condition 2.(j) refers to fencing. The property is already walled and therefore this condition is redundant and can be removed.
- 4.3.12. We submit that the Land Use Scheme was created for the purpose of ensuring that the public interest is protected via the controlled development of areas included in the Scheme. It is in the public interest to ensure that the Scheme, where applicable benefits the development of the area as intended by the Scheme. To eradicate inconsistencies in the title deed conditions and thereby to promote the uniform application of the Scheme must surely be viewed as a factor in the interests of the public as a whole.
- 4.3.13. Similar restrictive conditions have previously been removed from title deeds of properties in Greenside Extension 2 and surrounding suburbs countless times.

### 4.4. The Spatial Planning and Land Use Management Act, No. 16 of 2013

- 4.4.1. In terms of the Spatial Planning and Land Use Management Act, 16 of 2013, key Development Principles are highlighted. These 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
- 4.4.2. 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 a mixed-use environment in Greenside. Very importantly, a sports and recreational club at this location improves local amenities. This results in communities that are viable and sustainable.
- 4.4.3. This application also fulfils the development principles in respect of efficiency in that it ensures the optimum use of existing resources and infrastructure.

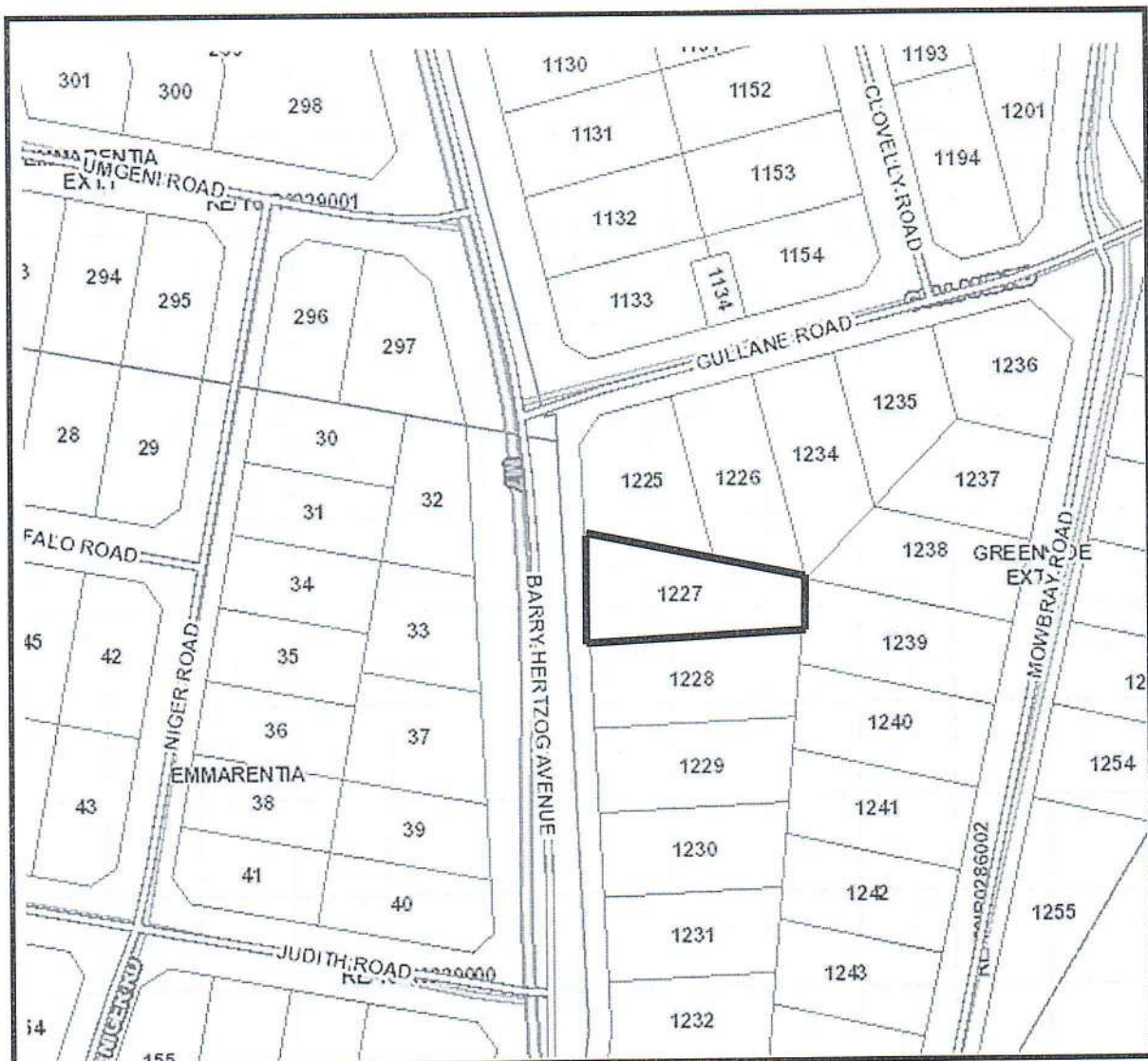
## **SJA – Town and Regional Planners**

---

- 4.4.4. Furthermore, the application complies with the Spatial Development Framework (SDF) which aims to ensure sustainable communities in and around Greenside. The provisions of more social amenities result in sustainable livelihoods for this community.
- 4.4.5. 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.
- 4.4.6. The Council is respectfully requested to support this application to facilitate the proposed development, which is clearly in line with the Development Principles of the Spatial Planning and Land Use Management Act, No. 16 of 2013 and which has been extensively motivated above.

### **4.5. The Spatial Development Framework (SDF)**

- 4.5.1. The Spatial Development Framework encourages a compact, polycentric spatial planning model for the City. The focus aims to create strong nodes with the areas around these nodes of greater and of a more intense residential form with a full range of amenities.
- 4.5.2. A further strategy of the SDF is the concept of a Connected City. This part of Greenside Extension 2 is well connected to Millpark and Braamfontein, thus intensification of rights on this property ensures people remain close to goods, services and places, all of which are located in these adjoining nodes.
- 4.5.3. This application, being in an urban area, has no impact on the natural open space system in Greater Johannesburg, thus it does not impact negatively on the environment. We submit that the application ensures the resilience of the natural environment.
- 4.5.4. This site is well located to criteria which results in this area being able to support a small sports and recreation club. These include proximity to nodes, a vast residential area, public transport, schools, shops, a hospital, parks and other sporting facilities.
- 4.5.5. More specifically the site is located in a Sub-urban Zone, which actually encourages a viable and sustainable residential area which includes all amenities such as sports and recreational facilities.
- 4.5.6. Taking the above factors into consideration and given that the proposed use of the property for a sport and recreational club falls within the ambit of the SDF, we submit that the application should be approved.



APPLICATION SITE

## ERF 1227 GREENSIDE EXTENSION 2

### LOCALITY PLAN



SJA-TOWN AND REGIONAL PLANNERS

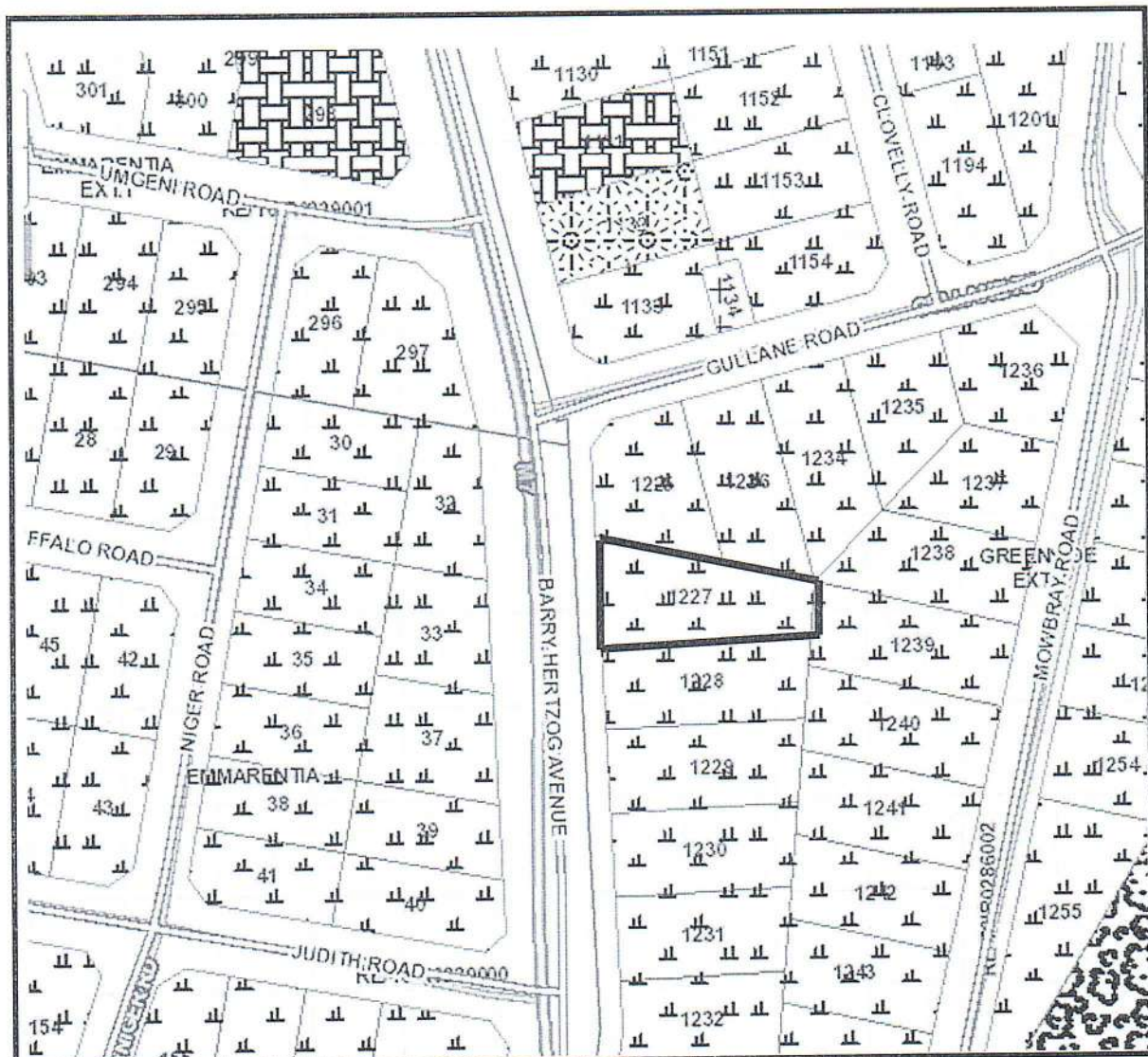
Merely Steve Jansen and Associates



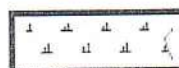
19 Orange Road, Orchards, 2192  
Telephone: (011) 728-0042

DATE : JUNE 2025

PLAN NO. : 8927/1



APPLICATION SITE



RESIDENTIAL 1



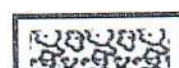
RESIDENTIAL 2



RESIDENTIAL 3



MUNICIPAL



PRIVATE OPEN SPACE

## ERF 1227 GREENSIDE EXTENSION 2

### ZONING PLAN



SJA-TOWN AND REGIONAL PLANNERS

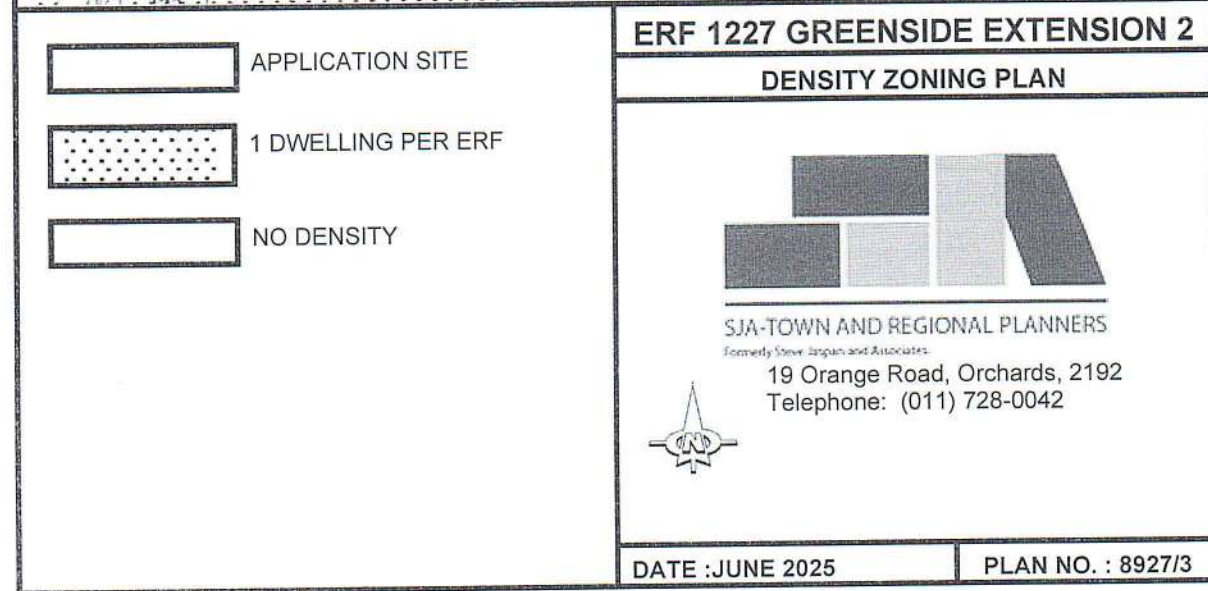
Formerly Steve Jansen and Associates

19 Orange Road, Orchards, 2192  
Telephone: (011) 728-0042

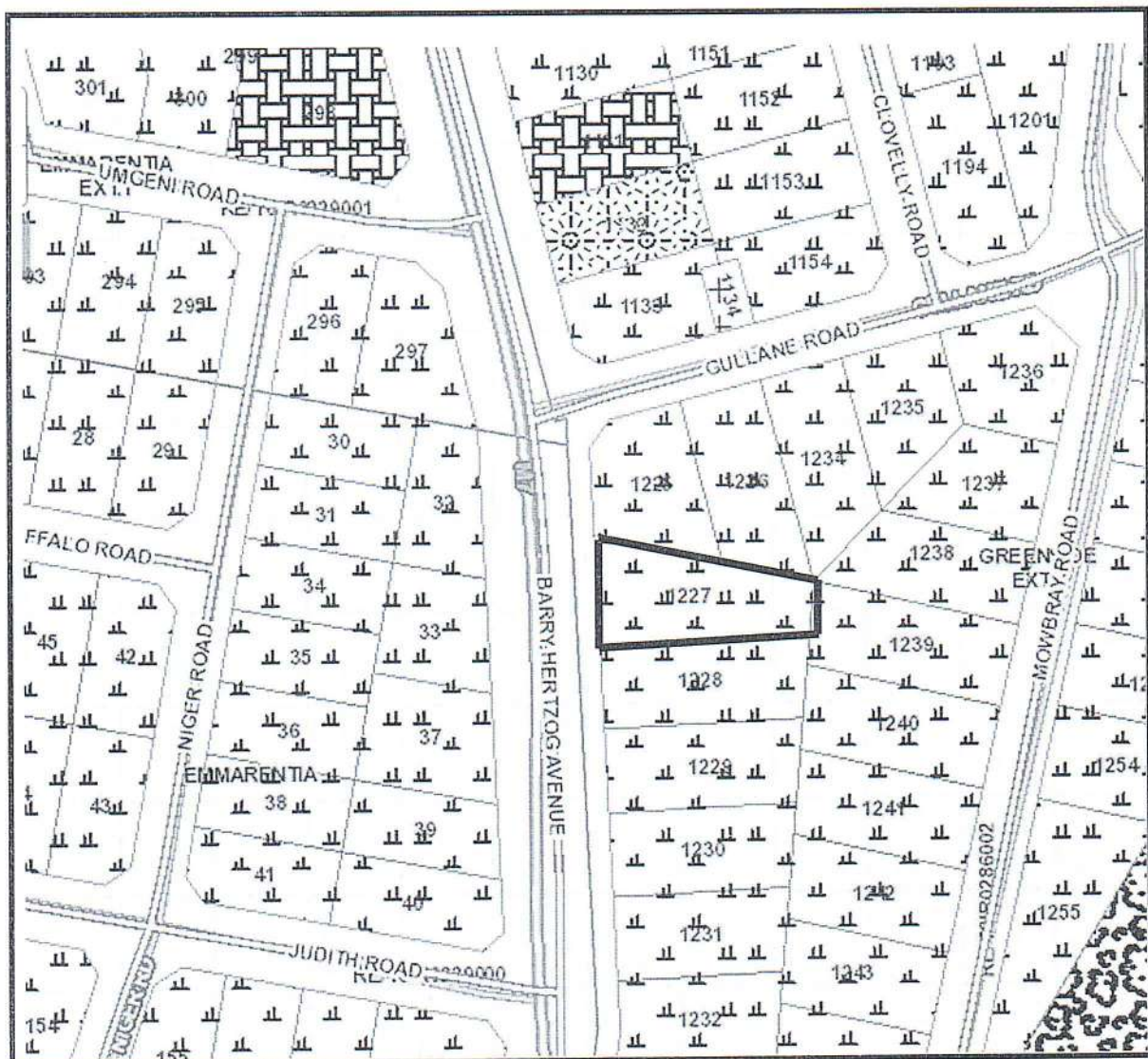


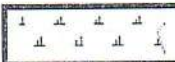
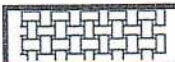
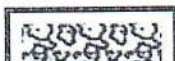
DATE : JUNE 2025

PLAN NO. : 8927/2



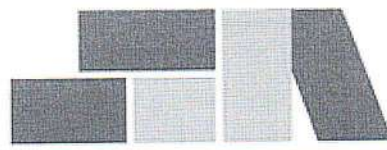
PLAN NO. : 8927/3



-  APPLICATION SITE
-  HOUSES
-  CLUSTER HOUSES
-  HOUSE
-  MINI SUBSTATION
-  GOLF COURSE

## ERF 1227 GREENSIDE EXTENSION 2

### LAND USE PLAN



SJA-TOWN AND REGIONAL PLANNERS

Formerly Sjae, Rappin and Associates

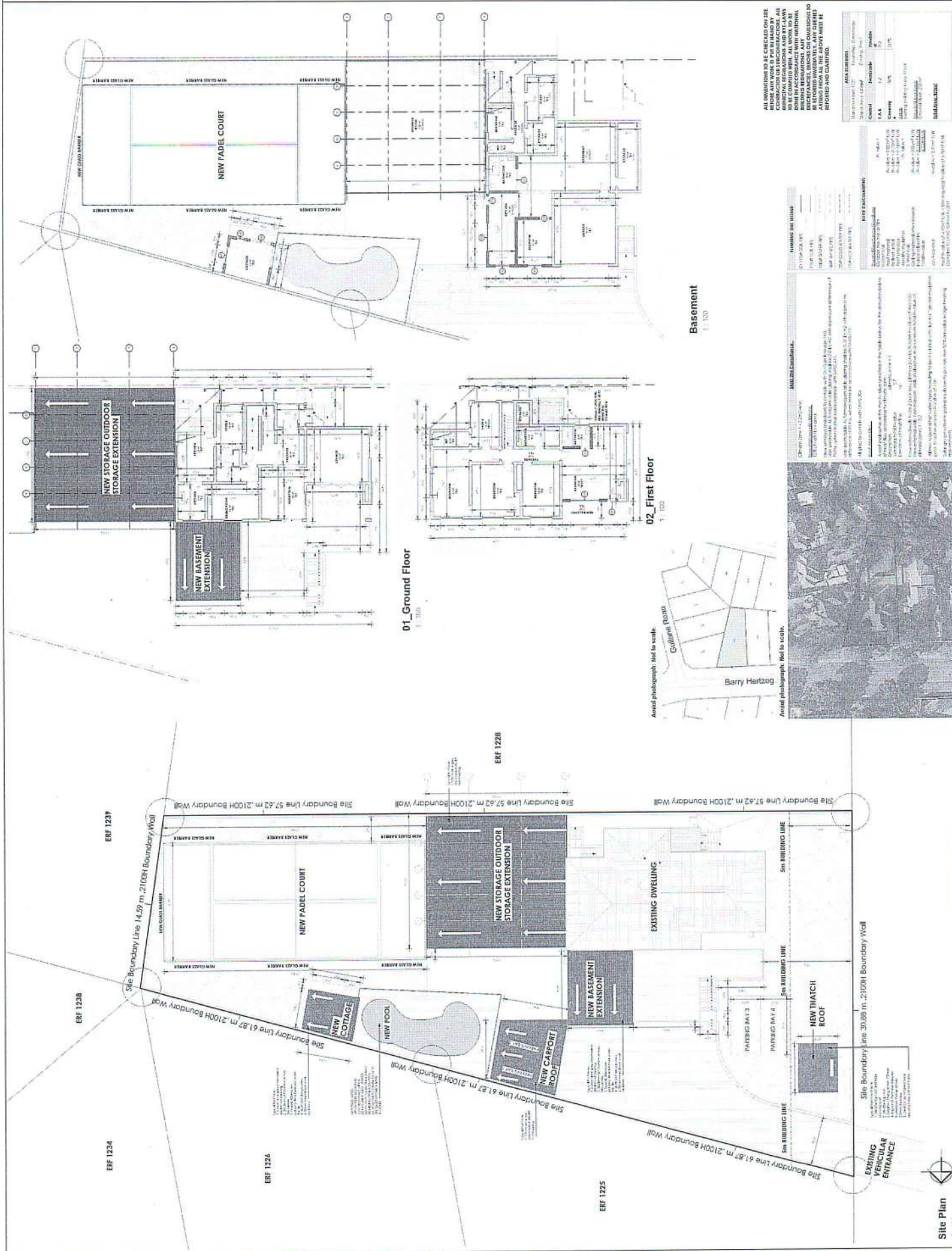
19 Orange Road, Orchards, 2192

Telephone: (011) 728-0042



DATE : JUNE 2025

PLAN NO. : 8927/4

[illegible]

**ZONING INFORMATION  
CERTIFICATE PAD  
FOR APPLICATION SUBMISSIONS**



a world class African city

**Date:** 06/23/2025

|                                         |                                           |
|-----------------------------------------|-------------------------------------------|
| <b>Requested by:</b>                    | Sandy Ngwenya                             |
| <b>Town Planning Scheme:</b>            | City of Johannesburg Land Use Scheme 2018 |
| <b>Name of Applicant:</b>               | STEVE JASPAN & ASSOCIATES                 |
| <b>Erf/Holding Name/Farm Portion:</b>   | Erf 1227                                  |
| <b>Township/Holding Name/Farm Name:</b> | Greenside ext. 2                          |
| <b>Street Name and No:</b>              | Barry Hertzog avenue                      |
| <b>ZONING INFORMATION</b>               |                                           |
| <b>Use Zone:</b>                        | Residential 1                             |
| <b>Height Zone:</b>                     | A (0) As per attached table 4             |
| <b>Floor Area Ratio:</b>                | As per attached table 6                   |
| <b>Coverage:</b>                        | As per attached table 5                   |
| <b>Density:</b>                         | 1 dwelling Per Erf                        |
| <b>Building Line:</b>                   | As per attached table 7                   |
| <b>Parking:</b>                         | As per scheme                             |
| <b>AMENDMENT SCHEME APPLICABLE:</b>     | N/A                                       |
| <b>Served By:</b>                       | Sandy Ngwenya                             |

**Terms and Conditions:**

The Town Planning Scheme is open for inspection on the 8th Floor 158 Loveday Street Braamfontein between 8:00 and 15:30 weekdays. The applicant must verify the information contained herein by inspection of the scheme. Whilst the utmost is done to ensure accuracy the City of Johannesburg does not accept responsibility for any incorrect information given on this form. The applicant's attention is drawn to the general provisions of the Town Planning Scheme. It should be noted that the provisions of the Town Planning Scheme do not override any restrictive conditions that may be contained in the Title Deeds. PLEASE NOTE: No Information will be given telephonically due to the technical and interpretive complications.