

MUNICIPAL PLANNING TRIBUNAL

2016-11-17

DEVELOPMENT MANAGEMENT

1. **SIMULTANEOUS REZONING AND REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE: ERF 76 WOODMEAD (AMENDMENT SCHEME 13-15396)**

The following Annexures are attached:

- Annexure A : Locality and Zoning Maps
- Annexure B : Applicant's Submission
- Annexure C : Objections received
- Annexure D : Comments from internal departments, external bodies
Agencies and Utilities

Locality: 16 Hillman Street, Woodmead.

Existing Zoning: Residential 1, one dwelling per erf in terms of the Sandton Town Planning Scheme, 1980.

Site Area: 4 232 m² respectively.

Objections: Duly advertised on the 12th and 19th of September 2014 and no internal objections were received. However the application was re-advertised on the 4th and 11th of February and subsequently forty two (42) external objections received.

Application: In terms of Section 5 of the Gauteng Removal of Restrictions Act, 1996 (Act No. 3 of 1996), in respect of Erf 1158 Bryanston, for the amendment of the Sandton Town Planning Scheme, 1980, by the simultaneous:

- (a) Removal of conditions (c), (h), (k), (m) and (n) in Deed of Transfer No. T1418189/2007 in respect of the property;

These conditions refer to plans submission, boreholes or the sinking of wells, fencing of the property, building line restrictions, the making of bricks on the site.

- (b) The rezoning of Erf 76 Woodmead from Residential 1 to Residential 1, with a density of 10 dwelling units per hectare, permitting four (4) subdivided portions, subject to certain conditions.

Date of Submission: 11 November 2014. All final information was submitted 29 August 2016.

Applicant's intention: The initial application was submitted to rezone the site in order to allow tree dwelling units on. The application was re-advertised in order to request a density of 80 dwelling units per hectare thus allowing 8 units on site. The application has since been amended to increase the density from 1 dwelling unit per erf to 10 dwelling units per

MUNICIPAL PLANNING TRIBUNAL

2016-11-17

DEVELOPMENT MANAGEMENT

hectare to permit a maximum of four (4) portions on site. The applicant wishes to eventually subdivide the property to create separate portions sharing a common access.

The Facts: The property is developed with a dwelling house and the usual outbuildings. Most of the immediately surrounding properties are used for residential purposes which vary in densities

Regional Spatial Development Framework: Regional Spatial Development Framework: The site falls into Region E, Sub-Area 8 of the approved Regional Spatial Development Framework. The development objective of the framework is to enhance the residential character and ambiance of this sub-area.

Compliance with SPLUMA: When examined in terms of the Development Principles in Chapter 2 of the Spatial Planning and Land Use Management Act, 2013, it can be said that the proposal adheres to the principles as set out in the Act in that: Optimum use of the existing infrastructure and resources; The "urban sprawl" phenomenon in this urban area is being discouraged; and It encourages environmentally sustainable land development practices and processes.

Comments received:**Internal Departments, External Bodies, Agencies and Utilities:**

No adverse comments were received from any of the above.

Objections: Forty two (42) external objections were received.

Objections: The affected residents objected to the application based on the following reasons:

- The densification is not in character with the surrounding neighbourhood
- Traffic congestion and erosion of the road surface will be caused by the addition even created as a result of the rezoning.
- The densification will put a strain on infrastructure and service such as water and sewer
- Lack of public transport to support increasing densities
- That rezoning will impact on property value.
- Pressure on open space
- Density applied for was too excessive

Official's Comments: The application has merit from a town planning point of view and is supported.

The proposed density is seen as reasonable and appropriate density for this particular erf as it is in line with the Council development objectives.

MUNICIPAL PLANNING TRIBUNAL

2016-11-17

DEVELOPMENT MANAGEMENT

The proposed density, will allow a maximum of four (4) portions on site, and it is in line with the council's density policy and development guidelines for this area. The development objective of the Council is to promote medium to high density residential developments in areas where there is sufficient infrastructure.

The proposal will satisfy the demands for smaller, conveniently located residential properties and will promote a positive and viable land use in this locality by preventing urban sprawl and promoting the concept of a compact city by efficiently using scarce urban land resources, and by promoting efficient urban development and economic growth.

The proposed density rezoning therefore clearly represents an appropriate, necessary and desirable amendment to the prevailing town-planning scheme, and can accordingly be **supported**.

IT IS RECOMMENDED

That notwithstanding the provisions of any other law, the City of Johannesburg, in terms of Section 5 of the Gauteng Removal of Restrictions Act, 1996 (Act No. 3 of 1996), in respect of Erf 76 Woodmead, *approves* the amendment simultaneous:

- a) Removal of conditions (c), (h), (k), (m) and (n) in Deed of Transfer No. T7141818/2007 in respect of the property; and
- b) Rezoning of the property from "Residential 1" with a density of one dwelling unit per Erf to "Residential 1 with a density of 10 dwelling units per hectare, being Amendment Scheme 13-15396 of the Sandton Town Planning Scheme, 1980, subject, without prejudice to the general conditions of the scheme to the following conditions:

Use Zone: Residential 1.

Primary Rights : As per Scheme.
Consent Rights : As per Scheme.
No Rights : As per Scheme.

Servitude: As per Scheme.

Height: As per Scheme – Height Zone 0 (two storeys).

Coverage: As per Scheme – 50%.

Floor Area: As per Scheme.

DEVELOPMENT MANAGEMENT

Parking Provision: As per Scheme.

Density: 10 dwelling units per hectare. The Erf may be subdivided into 4 (four) portions. No subdivided portion may be less than 900m².

Building Lines: As per Scheme .

Specific Conditions:

1. The applicant / owner shall comply with all the requirements of the Technical Services Departments.
2. Access to and from the site shall be to the satisfaction of the JRA and Council
3. A Contribution towards the provision of engineering services and an endowment in lieu of parks and open spaces shall be payable in terms of the Section 56(1)(b)(i) of the Town Planning and Township Ordinance, 1986 (Ordinance 15 of 1986).

(PC 196-16)

A Ramahlo/jve
Tel 407- 6248
DEVELOPMENT PLANNING
04.10.2016
/8/76
04.10.2016