



Vaal River City, the Cradle of Human Rights

DEPARTMENT: LAND USE MANAGEMENT

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C/o Pres Kruger & Eric Louw Streets
VANDERBIJLPARK

Ref : Erika van der Walt
Date : 13 May 2019
Attention : CLR. P Nothnagel

Please return to Town Planning, Old Trust Bank Building c/o President Kruger and Eric Louw Street, 1st floor, Room 216, Vanderbijlpark

APPLICATION FOR:

APPLICATION FOR THE AMENDMENT OF THE VANDERBIJLPARK TOWN PLANNING SCHEME, 1987 AND IN TERMS OF THE SPATIAL PLANNING AND LAND USE MANGMENT BYLAWS, 2018: ERF 997 VANDERBIJLPARK SE2

Send to you for your information and comments/concerns.

Please take note that no report can serve on any committee without the comments/concern of the relevant Councilor. Your comments/concerns can be written on this sheet (together with the report) and returned to the abovementioned fax no. or Vanderbijlpark office.

➤ ****if a Councillor wants to object as a resident who has direct interest in the matter, it must be done so, in their own private capacity and not on this letter head.**

IN ORDER TO SPEED UP THE FINALIZATION OF REPORTS, IT WOULD BE APPRECIATED IF COMMENTS/CONCERNS CAN BE RECEIVED WITHIN 10 WORKING DAYS.

IF NO COMMENTS/CONCERNS ARE RECEIVED WITHIN THIS PERIOD, IT WILL BE ASSUMED THAT YOU HAVE NO COMMENTS/CONCERNS.

SIGNED: *E van der Walt*

YOUR COMMENTS:

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1. INTRODUCTION

Vaalplan Town & Regional planners have been appointed by the owner of the subject property to assist with an application for the amendment of the Vanderbijlpark Town Planning Scheme, 1987 through the re-zoning of Erf 997, Vanderbijlpark SE 2 Township in order to change the land use rights.

The owner intends to use the property for offices of a security company and ancillary control room.

2. PURPOSE OF THE APPLICATION

The owner of the property is now desirous to utilize the property for offices of a security company which is in conflict with the existing rights. In order to do so a form of authorization, either in terms of policy of the town council or in terms of town planning legislation is required. The applicant decided to apply for re-zoning of the property to amend the existing land use.

3. PURPOSE OF THE REPORT

The purpose of the report is to explain the procedure to be followed for the application process and to address the aspects related to the need and desirability of amending the land use rights in respect of the concerned property.

4. PROPERTY INFORMATION

4.1 Property Description and Size

The subject property is described as Erf 997, Vanderbijlpark SE 2 Township and is approximately 966 square meters in extent.

4.2 Ownership

The property is registered in the name of Minesweeper Property Investment No. 1 CC.

A copy of the registered title deed is included in the application documentation.

4.3 Area of Jurisdiction

The property is situated within the area of jurisdiction of the Emfuleni Local Municipality within the Gauteng Province.

4.4 Locality

The property is situated within the Vanderbijl Park SE 2 Township at no. 1 Macowen Street. The property is situated on the north western corner of Macowen Street and Louis Trichardt Boulevard.

A locality plan indicating the position of the property in relation to the surrounding area is included in the application documentation.

4.5 Existing Land Use

A dwelling house with outbuildings has been converted into offices, a dance / modelling school and a beauty salon for the use of the existing zoning.

MOTIVATION REPORT

APPLICATION IN TERMS OF THE PROVISIONS OF SECTION 38 OF THE EMFULENI MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2018 FOR THE AMENDMENT OF THE VANDERBIJLPARK TOWN PLANNING SCHEME, 1987 (AMENDMENT SCHEME N1573)

ERF 997, VANDERBIJLPARK SE 2 TOWNSHIP

VAALPLAN TOWN & REGIONAL PLANNERS

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1911

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4.6 Surrounding Land Uses

The property is situated in a well-established residential area with mixed land uses that have spontaneously established.

It is well known that properties situated next to the Boulevards in Vanderbijlpark are redeveloping for business and office uses. The surrounding area is no different. A neighbourhood shopping centre consisting of a Pick n Pay, filling station, liquor shop, pet shop etc. exist approximately 650m west of the site, Driehoek Secondary school as well as the Vanderbijlpark Public swimming pool is also situated in the adjacent area to the shopping centre. Approximately 250m east another neighbourhood shopping complex exist with a Super Spar, filling station, fast food take away outlet, clothing shop and a restaurant etc.

Properties situated near and within these streets where the shopping complexes exist have also been converted into business uses.

Properties taking access to Louis Trichardt Boulevard are also slowly transforming into business and office uses.

4.7 Access

The property is situated on the north western corner of Louis Trichardt Boulevard and Macowen Street but takes direct access to Macowen Street. Access to the site is quick and convenient from the surrounding road network specifically from the Boulevards connecting the town.

5. LEGAL INFORMATION

5.1 Deed of Transfer

In terms of title deed T33371/2003 the title is registered in the name of Minesweeper Property Investment No. 1 CC.

A copy of the registered title deed is included in the application documentation.

5.2 Conditions of Title

There are no restrictive conditions of title that need to be removed for purposes of this application.

5.3 Mortgage Bond

According to the title deed there is a bond registered against the property. The bond holders consent will be requested and provided to you.

5.4 Servitude

According to the title deed, condition B.(a) the erf is subject to a two meters wide servitude in favour of the local authority, for sewerage and other municipal purposes along any two boundaries other than a street boundary as determined by the local authority.

5.5 Current zoning and land use

Use and development of the property is controlled in terms of the Vanderbijlpark Town Planning Scheme, 1987. In terms of the mentioned Town Planning Scheme, the property is zoned "Residential 1" with an annexure for purposes of offices (Excluding noxious offices or offices not compatible or prescribed in the SDF), dance / modelling school and beauty salon.

6. APPLICATION

Application is herewith made in terms of the provisions of Section 38 of the Emfuleni Municipality Spatial Planning and Land Use Management By-Law, 2018 for the amendment of the land use rights by the re-zoning of Erf 997 Vanderbijl Park SE 2 in terms of the Vanderbijlpark Town Planning Scheme, 1987 from "Residential 1" with annexure for offices (Excluding noxious offices or offices not compatible or prescribed in the SDF), dance / modelling school and beauty salon to "Residential 1" with an amended annexure (Annexure 1005) for purposes of using the property for purposes of offices (including a security office with ancillary control room).

PROPOSED DEVELOPMENT CONTROLS

	<u>EXISTING</u>	<u>PROPOSED</u>
Zoning	"Residential 1" (Annexure) Offices (Excluding noxious offices or offices not compatible or prescribed in the SDF), dance / modelling school and beauty salon	"Residential 1" (Annexure 1005) Offices (Including security offices with ancillary control room)
Height	2 storeys	2 storeys
Coverage	50%	50%
FAR	Not applicable	Not applicable
Building line	6m – Streets 2m – along 2 side boundaries	6m – street 2m other (which may be relaxed in terms of an approved SDP)
Parking	4 Parking bays per 100m ² leasable floor area	4 Parking bays per 100m ² leasable floor area

7. MOTIVATION

7.1. Need & Desirability

7.1.1 Need

The owner invested in this property in order to receive a monthly income through providing a special service to clients from it. Unfortunately the property is too large for using it only for the existing land use rights.

The property is well located for various types of businesses and he was approached by a potential purchaser who is interested in buying the property for purposes of using it to conduct his business of a security company from the site.

The current owner took all his options into consideration and decided to take the offer made to him. He wishes to invest his money elsewhere where he believes it will be a better more satisfying

investment. Unfortunately the current zoning does not make provision for such a land use (Security company) and it needs to be amended before the purchase is finalized.

7.1.2 Desirability

Use and development of the concerned property for purposes as intended is regarded as desirable because of the following reasons:

- Excellent roads infrastructure provide convenient access to and from the property;
- The property already enjoys the total spectrum of services (water, sewerage, electricity);
- The type of land use intended by the applicant is a desirable land use to be established on the property, considering the character of surrounding area and nearby land uses such as businesses and shops as well as residential neighbourhoods.
- The property is large enough to accommodate the proposed land use;
- Enough parking space can be provided on the property.
- A neat and orderly development will take place because the owner of the business will be the owner of the property.

It is in fact difficult to identify any potential undesirable impact that the intended land use can have in the area. In fact the proposed land use can be a benefit to the area.

It is clear that the applicant considered and addressed all implications of the proposed land use comprehensively in order to ensure that this intended development will be desirable in all respects. There is no doubt that it will be an orderly development.

7.2 Public Interest

The public interest is that which generates optimum benefit for the majority of the communities, without inflicting undue harm on any minority.

In the present instance, the majority of the community will clearly benefit, directly through employment possibilities, financial improvement, availability of nearby and quicker armed response, and indirectly, through the financial benefit accruing to the Local authority from assessment rates, etc. Local property owners are likely to experience appreciating property values, rather than the reverse, as the area becomes sought after.

It is difficult to see what harm or loss could be sustained by the proposed additional land use.

The task of authorities and decision makers in these cases, is to maintain an objective balance between different interests. If consideration of this development application takes into account what the largest benefit for the largest part of the community might be, there can be no doubt regarding the desirability of the intended development.

7.3 Compliance with the development principles of SPLUMA

Reference is made to the following Principles for land development enshrined in Chapter 2, section 7, of the Act, in so far as it:

- (b) the principle of spatial sustainability, whereby spatial planning and land use management systems must—

(i) promote land development that is within the fiscal, institutional and administrative means of the Republic;

-Development of private and underutilized properties is in line with land use principles.

(iv) promote and stimulate the effective and equitable functioning of land markets;

-The proposed land use contributes to creating markets in the sense that a potential purchaser of the site will have freedom of choice to choose between different locations and sites.

(vi) promote land development in locations that are sustainable and limit urban sprawl;

-The proposed land use is without any doubt sustainable because it is compatible with the kind of activities that should establish in and around residential neighbourhoods for safety and security reasons. It is the kind of facility that one would hope to find there when considering the high crime rate in residential areas throughout the country.

(vii) result in communities that are viable;

- As mentioned above, the proposed land use can contribute to lowering the crime levels and property break-ins in the surrounding area because there is security movement and patrolling, quick and affective response is available. Good land administration and sensible land use is a characteristic of viable communities.

(c) the principle of efficiency, whereby—

(i) land development optimizes the use of existing resources and infrastructure;

-Better utilization of existing infrastructure when considering the benefit the proposed will be in the area.

(ii) decision-making procedures are designed to minimize negative financial, social, economic or environmental impacts;

-By establishing the proposed new land use on the subject erf it is possible that the municipality will receive financial income through higher rates and taxes as well as bulk service contributions that must be used to supplement upgrading of services where necessary. The area will also be sought after which contributes positively to social, economic and environmental impacts.

8. BASIC SERVICES

8.1 Water

Municipal water is already available on the property. The existing connection will be used. No loading on the network is expected, in fact it is expected to use less water than the beauty salon which is water intensive compared to a security company.

8.2 Electricity

Electricity is provided to the property by the Municipality. The existing connection will be utilised. Again it is expected that the proposed new use will use less electricity than the existing land use of a beauty salon that uses high energy usage equipment such as geysers, hair dryers and straighteners etc.

Loading on the existing network is not expected because the proposed security control room is not a high usage of electricity.

8.3 Sewerage

The property is connected to the Municipal sewer system. The existing connection will be utilised. It is not expected that the proposed new use will have an effect on the existing capacity. Bulk contributions for the current zoning were already calculated and settled in the past.

8.4 Refuse

Normal house hold refuse to be placed at gate once a week for collection by the service rendered by the Municipality.

9. CONCLUSIVE REMARKS

The applicant has taken all relevant aspects into consideration to ensure that a neat and orderly development will take place.

The applicant developed the property according to council policy and prescriptions in terms of the Town Planning Scheme in operation and will continue to upkeep the neat and orderliness of the area in future.

There is therefore enough reason to accept that the proposed land use will also be an orderly development and a benefit to the neighbourhood in which it will be situated.

No factors could be identified that triggers any concern about the desirability of this proposed development.



H.L. Janse van Rensburg Pr. Plin. MRTPI
A/1057/1998

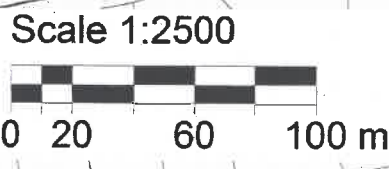
LOCALITY PLAN



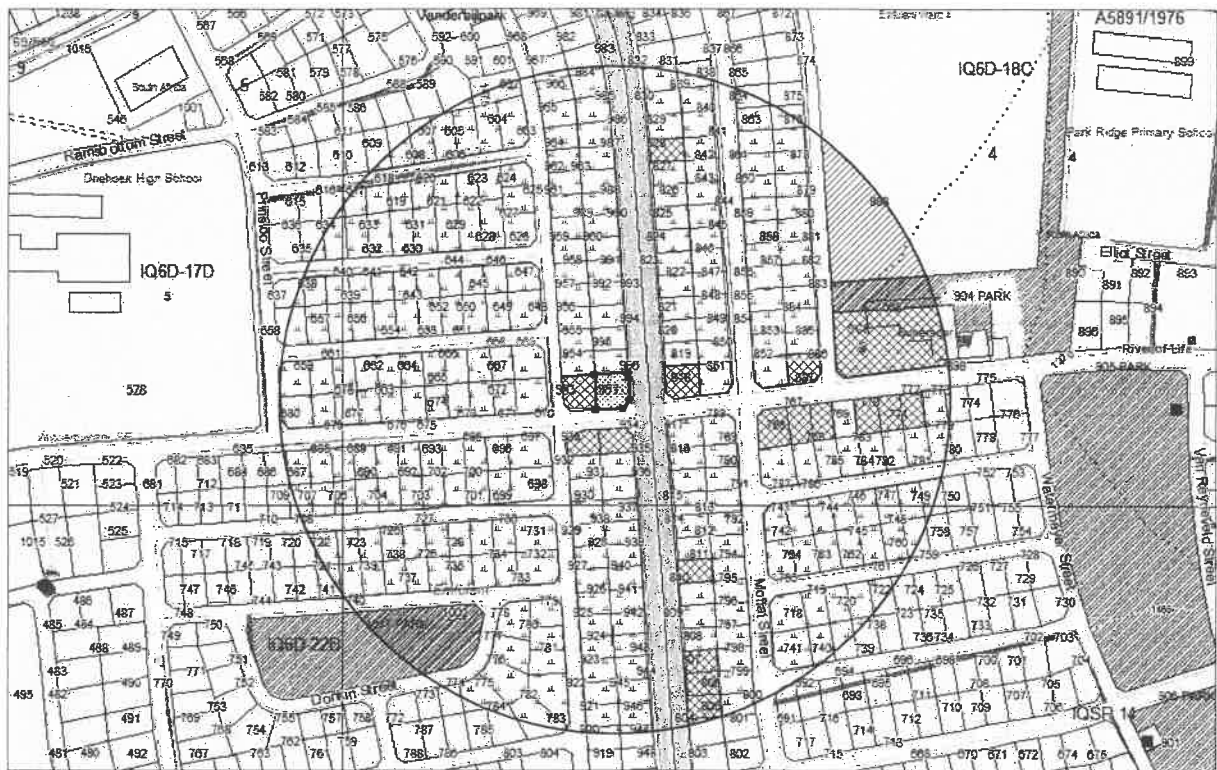
The site
Erf 997 SE 2

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



ZONING PLAN



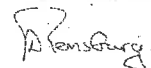
 The site

ZONINGS

-  Residential 1
-  Business 2
-  Public Open Space

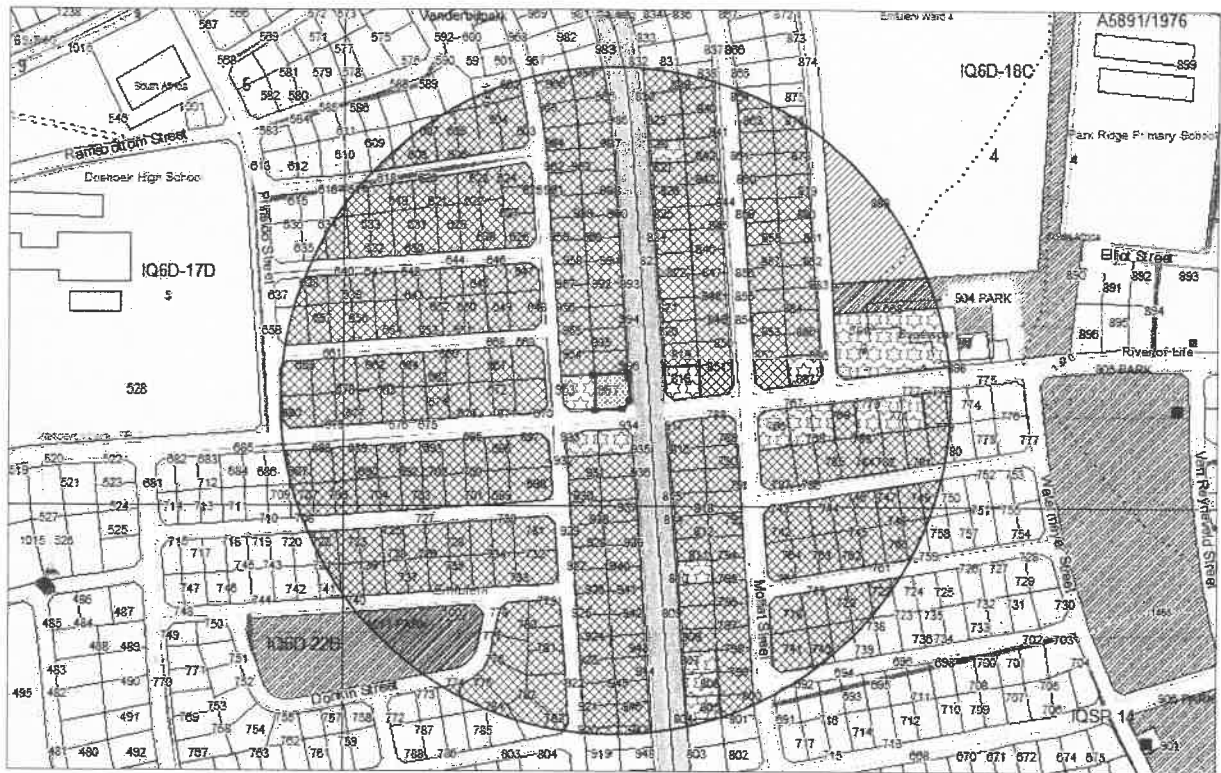
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


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LAND-USE PLAN



 The site

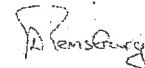
LAND USES

-  Residential
-  Business
-  Open space

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