

**MOTIVATING MEMORANDUM IN SUPPORT OF AN APPLICATION  
SUBMITTED IN TERMS OF SECTION 21 OF THE CITY OF  
JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016, READ IN  
CONJUNCTION WITH THE PROVISIONS OF THE SPATIAL  
PLANNING AND LAND USE MANAGEMENT ACT "SPLUMA", 2013  
(ACT 16 OF 2013), FOR THE REZONING OF ERVEN 1334 TO 1338  
GREENSIDE EXTENSION 7**

**PREPARED BY:**

**GE** Town Planning Consultancy CC

**DATE:**

November 2018

**JOB No.:**

943

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## 1. BACKGROUND

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### 1.1 Introduction and Property Description

- 1.1.1 Application is hereby made in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016, read in conjunction with the relevant provisions of the Spatial Planning and Land Use Management Act "SPLUMA", 2013 (Act 16 of 2013), for the amendment of the Johannesburg Town Planning Scheme, 1979, by the rezoning of Erven 1334 to 1338 Greenside Extension 7 (hereinafter referred to as the subject properties) from "Residential 1" permitting a dwelling house and "Special" for private road, gate house and a refuse collection area, subject to certain conditions, respectively to "Residential 4" as per scheme including private open space and ancillary and related uses, subject to certain conditions, provided that a maximum of sixty-one (61) units may be developed on the subject properties.
- 1.1.2 The effect of the application will permit the development of a maximum of sixty-one (61) dwelling units and ancillary and related uses on Erven 1334 to 1338 Greenside Extension 7.
- 1.1.3 An application to establish the township of Greenside Extension 7 was approved on the by the City of Johannesburg Metropolitan Municipality. The township of Greenside Extension 7, was proclaimed on the 14<sup>th</sup> of November 2018, in the Gauteng Provincial Gazette. A copy of the proclamation notice, is attached hereto as Appendix 1.
- 1.1.4 Details of the application are set out under Section Two (2) of this memorandum.

### 1.2 Locality (See Plan 943/1)

- 1.2.1 Erven 1334 to 1338 Greenside Extension 7 are situated on the northern corner of the intersection between Gleneagles Road and Tyrone Avenue, in the township of Greenside Extension 7.
- 1.2.2 The physical address of Erf 1334 Greenside Extension 7, is 115 Gleneagles Road, Greenside Extension 7.
- 1.2.3 The physical address of Erf 1335 Greenside Extension 7, is 117 Gleneagles Road, Greenside Extension 7.
- 1.2.4 The physical address of Erf 1336 Greenside Extension 7, is 119 Gleneagles Road, Greenside Extension 7.
- 1.2.5 The physical address of Erf 1337 Greenside Extension 7, is 121 Gleneagles Road, Greenside Extension 7.
- 1.2.6 The physical address of Erf 1338 Greenside Extension 7, is 123 Gleneagles Road, Greenside Extension 7.
- 1.2.7 The street address is per Council records and may differ from the displayed street address.

### 1.3 Property Size

The physical sizes of Erven 1334 to 1338 Greenside Extension 7 as referred to in the approved General Plan, SG No. 153/2016 are as follows:

- The physical size of Erf 1334 Greenside Extension 7, is 1 122m<sup>2</sup> in extent.
- The physical size of Erf 1335 Greenside Extension 7, is 1 716m<sup>2</sup> in extent.
- The physical size of Erf 1336 Greenside Extension 7, is 1 505m<sup>2</sup> in extent.
- The physical size of Erf 1337 Greenside Extension 7, is 1 664m<sup>2</sup> in extent.
- The physical size of Erf 1338 Greenside Extension 7, is 746m<sup>2</sup> in extent.

The combined size of the abovementioned properties is 6 753m<sup>2</sup> in extent.

### 1.4 Property Ownership

Erven 1334 to 1338 Greenside Extension 7 are registered in the name of **8 MILE INVESTMENTS 488 (PTY) LTD** by virtue of Deed of Transfer **T54410/2018**.

### 1.5 Existing and Surrounding Zoning (See Plans 943/2 and 943/4)

- 1.5.1 In terms of the Johannesburg Town Planning Scheme, 1979, Erven 1334 to 1337 Greenside Extension 7 are currently zoned "Residential 1" permitting a dwelling house, subject to certain conditions. Erf 1338 Greenside Extension 7 is currently zoned "Special" for private road, gate house and a refuse collection area, subject to certain conditions. Attached hereto, as Appendix 1, is a copy of the approved conditions establishment received from the City of Johannesburg Metropolitan Municipality.
- 1.5.2 The Remaining Extent of Portion 312 of the farm Parkview Golf Course No. 312 – IR, situated directly to the north of the subject properties, is currently zoned "Private Open Space" permitting a private open space, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.
- 1.5.3 Erf 14 Greenside East, situated to the north-east of Erven 1334 to 1338 Greenside Extension 7, is currently zoned "Residential 1" permitting a dwelling house, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.
- 1.5.4 Erf 15 Greenside East, situated to the north-east of the subject properties, is currently zoned "Municipal" permitting municipal purposes and a canteen, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.
- 1.5.5 The Remaining Extent of Erf 16 and Erf 17 Greenside East, situated directly to the east of erven 1334 to 1338 Greenside Extension 7, are currently zoned "Residential 1" permitting a dwelling house, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.

1.5.6 Erf 110 Greenside East, situated directly to the south-east of the subject properties, is currently zoned "Residential 1" permitting a dwelling house, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.

1.5.7 The Remaining Extent of Portion 312 of the farm Parkview Golf Course No. 312 – IR, situated directly to the south and west of erven 1334 to 1338 Greenside Extension 7, is currently zoned "Private Open Space", permitting a private open space, subject to certain conditions, in terms of the Johannesburg Town Planning Scheme, 1979.

**1.6 Current and Surrounding Land Use (See Plan 943/3)**

1.6.1 The subject properties are currently vacant and undeveloped land.

1.6.2 The Remaining Extent of Portion 312 of the farm Parkview Golf Course No. 312 – IR, situated directly to the north of the subject properties, is currently developed and being used as a golf course.

1.6.3 Erf 14 Greenside East, situated to the north-east of Erven 1334 to 1338 Greenside Extension 7, is currently developed with a dwelling house and is being used for single residential purposes.

1.6.4 Erf 15 Greenside East, situated to the north-east of the subject properties, is currently vacant.

1.6.5 The Remaining Extent of Erf 16 and Erf 17 Greenside East, situated directly to the east of erven 1334 to 1338 Greenside Extension 7, are currently developed with a dwelling house and is being used for single residential purposes.

1.6.6 Erf 110 Greenside East, situated directly to the south-east of the subject properties, is currently developed with a dwelling house and is being used for single residential purposes.

1.6.7 The Remaining Extent of Portion 312 of the farm Parkview Golf Course No. 312 – IR, situated directly to the south and west of erven 1334 to 1338 Greenside Extension 7, is currently developed and being used as a golf course.

**1.7 Legal Aspects**

1.7.1 There are no conditions of title contained in the relevant Deed of Transfer pertaining to Erven 1334 to 1338 Greenside Extension 7 which prohibit the rezoning of the subject properties.

1.7.2 Erven 1334 to 1338 Greenside Extension 7 are subject to servitudes for municipal purposes.

1.7.3 Erven 1334 to 1338 Greenside Extension 7 are subject to a mortgage bond.

## 2. APPLICATION PROPOSAL

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### 2.1 Rezoning and Proposed Controls

Application is hereby made in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016, read in conjunction with the relevant provisions of the Spatial Planning and Land Use Management Act "SPLUMA", 2013 (Act 16 of 2013), for the amendment of the Johannesburg Town Planning Scheme, 1979, by the rezoning of Erven 1334 to 1338 Greenside Extension 7 from "Residential 1" permitting a dwelling house and "Special" for private road, gate house and a refuse collection area, subject to certain conditions, respectively to "Residential 4" as per scheme including private open space and ancillary and related uses, subject to certain conditions, provided that a maximum of sixty-one (61) units may be developed on the subject properties. In addition to the general conditions as set out in the Scheme, the erf shall be subject to the following further controls:

**USE ZONE IV: RESIDENTIAL 4**

Primary Rights: As per Scheme, including private open space and ancillary and related uses.

Consent Rights: As per Scheme, any additional uses deemed compatible with a residential development as may be permitted by the Local Authority.

No Rights: As per Scheme.

Servitude: As per Title Deed.

Height: As per Scheme – six (6) storeys, excluding parking basements and structures, which may be increased with the written consent of the Local Authority.

Coverage: As per Scheme - 70%, excluding parking basements and structures, which may be increased with the written consent of the Local Authority.

FAR: As per Scheme – 1,2.

Parking Provision: As per Scheme, provided that the parking may be relaxed in terms of an approved site development plan.

Density: As per Scheme – ninety (90) dwelling units per hectare.

Building Lines: As per Scheme, provided that the said building lines may be relaxed in terms of a site development plan to the satisfaction of the Local Authority, provided further that the building restriction area may be used for security controlled gatehouse access structures, refuse areas, parking and landscaping to the satisfaction of the Local Authority.

General Conditions:

1. Access to and egress from the erf to the public street shall be provided to the satisfaction of the Local Authority.
2. The erf shall be landscaped and maintained to the satisfaction of the Local Authority.
3. Effective paved, parking spaces, together with the necessary maneuvering area, shall be provided on the erf to the satisfaction of the Local Authority, with the proviso that parking may be relaxed by the Local Authority in terms of an approved site development plan.
4. Erven 1334 to 1338 Greenside Extension 7 may be consolidated following the proclamation of the rezoning application, thereby ensuring a holistic development.
5. In the event of the erf or a further adjoining property/ies with identical land use rights being notarially tied and be developed as a single entity, the permissible coverage, floor area and parking may be transferred between the notarially tied erven.
6. A site development plan, drawn to a scale of 1:500 or such other scale as approved by the Local Authority, shall be submitted to the Local Authority for approval before the submission of any building plans. No building may be erected on the erf prior to the approval of such development plan by the Local Authority and the entire development of the erf shall be in accordance with this plan: provided that, with the written consent of the Local Authority, the plan may be amended from time to time.
7. 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 provisions of the City of Johannesburg Municipal Planning By-Law, 2016, read in conjunction with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

**2.2 Applicant's Intention**

- 2.2.1 It is the applicant's intention to rezone the subject properties to "Residential 4" (as set out in section 2.1 above) to permit the development of residential dwelling units on the subject properties
- 2.2.2 The effect of the application will permit the development of a maximum of sixty-one (61) dwelling units and ancillary and related uses on Erven 1334 to 1338 Greenside Extension 7.
- 2.2.3 The township of Greenside Extension 7 is a fairly new township, which was proclaimed on the 14<sup>th</sup> of November 2018. The current approved zoning rights and parameters permits the development of single residential dwelling houses on Erven 1334 to 1337 Greenside Extension 7 and a private road, gate house and a refuse collection area in respect of Erf 1338 Greenside Extension 7.
- 2.2.4 As a result of an increase in market demand for residential dwelling units, the property owner wishes to rezone Erven 1334 to 1338 Greenside Extension 7 to permit the development of residential dwelling units.

### **3. MOVITATION IN SUPPORT OF THE APPLICATION**

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#### **3.1 Need and Desirability for a Residential Development**

- 3.1.1 Residential developments in Gauteng and South Africa at large have changed drastically over the past few decades.
- 3.1.2 Whereas previously low-density erven with large single dwelling houses and spacious gardens predominated, the residential market trends have shifted towards more compact erven with smaller gardens and communal facilities or smaller condominium type accommodation.
- 3.1.3 Preference towards either sectional or separate title stands appear to be dictated from area to area.
- 3.1.4 An increasing demand exists for higher densification, compact units and smaller gardens (in order to facilitate lower maintenance costs), good location for future on-sale and high-level security control. Shared responsibility with regard to access control etc. between fellow property owners within a secure environment is an accepted norm, as the financial and time-consuming burden is split amongst co-owners.
- 3.1.5 Modern day homeowners prefer a comprehensive package addressing their requirements, and ever-changing market trends play a vital role in the planning of residential developments.
- 3.1.6 A definite shift has been experienced away from oversized dwelling houses with vast expansive lawns and costly entertainment facilities (tennis courts, oversized swimming pools, etc.) towards more compact units in considerably smaller garden environments.
- 3.1.7 Rather, emphasis is placed on compact design with maximum attention to detailed space utilisation. Smaller more compact units with up-market finishes are generally easier to maintain and when coupled with an excellent location have consistently proven substantial financial long-term benefits.
- 3.1.8 On a larger scale, densification promotes the concept of a "compact city environment" and exhibits an array of positive planning attributes including, inter alia, the following:
  - (a) Centralisation of inhabitants in closer proximity to workplaces, retail and related outlets, places of worship, sporting facilities, healthcare facilities, parks etc.
  - (b) Shorter trip generation between destinations.
  - (c) More effective utilisation of existing Council services infrastructure.



- 3.1.9 In the past, enormous costs were expended in servicing relatively few erven in contrast to the area of land comprising these historic townships. Many erven in the surrounding suburbs of Parkwood and Greenside were developed on erven ranging from approximately 1000m<sup>2</sup> to 2000m<sup>2</sup> and beyond.
- 3.1.10 At the time of establishing many of these historically low-density townships, a number of factors played a role. For example, labour was relatively cheap, fuel prices were low and the exchange rate relatively high. Essentially, homeowners could afford to build and maintain large houses on large erven.
- 3.1.11 The trend towards smaller condominium type accommodation has followed socio-economic changes in South Africa, and the concomitant high crime rate has exacerbated a high demand for security controlled living environments. The latter demand has been experienced virtually throughout every urban area in Gauteng, and all modern residential developments encompass a large degree of security control.
- 3.1.12 In short, a number of factors have played a role in promoting densification of land, which has been further actively promoted by policy guidelines.
- 3.1.13 Numerous residential developments have been approved in the immediate area. In addition, a number of applications for higher density residential development have been lodged and approved in respect of properties in the Bryanston area.
- 3.1.14 No indication exists that the residential boom in the area is decreasing; however fairly long-term growth is anticipated. Developed units in the area are quickly disposed of and a constant planning process is adopted for further growth.
- 3.1.15 Home owners in the Greenside and Parkwood area are drawn from a sector in the market that have specific lifestyle requirements, and the amenities in the local area are geared toward fulfilling these criteria.
- 3.1.16 Housing markets cater for a variety of styles and types to accommodate the various cycles of an individual's life span. For various reasons, it is essential that this variety be accommodated within relatively close proximity to one another. Consistent rejuvenation of residential areas is stimulated by a mix in accommodation alternatives, which in turn provides security of ownership, prolonged assurance for support services (shopping nodes etc.) and justification for services reticulation.
- 3.1.17 The proposed application fulfils the said planning objectives and compiles with planning directives and legislation in this regard. The market trends for the area have been carefully and thoroughly investigated to ensure long-term sustainability.
- 3.1.18 The proposed development density will not be out of character with the wider area, as similar developments and densities already exist in the immediate and wider area.

- 3.1.19 The decision to apply for the proposed development controls has been made by the applicant due to the fact that:
- (a) The local area already has similar developments, with specific reference made to the townships of Parkwood Extensions 1 and 4;
  - (b) a definite market need exists for the proposed residential development;
  - (c) the subject properties can easily accommodate the proposed density;
  - (d) access to Erven 1334 to 1338 Greenside Extension 7 will be provided to the satisfaction of the Local Authority; and
  - (e) the subject properties are located in close proximity to the Rosebank Node and the Sandton Central Business District together with several regional, district and neighbourhood nodes and educational facilities.
- 3.1.20 The controls proposed in terms of the present application will not only give the applicant a certain amount of flexibility, but will ensure that the character and quality of the area are not negatively affected.
- 3.1.21 The property is available for development, is linked with Council services, and is not subject to any servitudal encumbrances.

## **3.2 The Relevant Legislative and Policy Framework**

- 3.2.1 Erven 1334 to 1338 Greenside Extension 7 falls within the area defined as Administrative Region B of the Regional Spatial Development Framework policy document (RSDF 2010/2011) and is further defined by Sub-Area Nine (9).
- 3.2.2 This sub-area consists of a variety of land uses including, but not limited to residential, place of public worship, offices, business, retail, restaurants and places of instruction. Development applications in this sub-area are to be assessed in accordance with the relevant Spatial Development Policies.
- 3.2.3 In terms of the Spatial Development Framework (SDF) 2040, density provisions and regulations are central to realizing the long-term vision of the Compact Polycentric City that forms the basis for the said framework.
- 3.2.4 The goal of density regulations is to assist the City of Johannesburg Metropolitan Municipality in curbing urban sprawl and locating the bulk of the city's residents across all income groups close to urban amenities, specifically public transportation infrastructure, employment and economic opportunities and social infrastructure.
- 3.2.5 For this reason, higher densities will be allowed within defined walking distance of mixed use and economic nodes and public transit stations.

3.2.6 The density regulations employ the following principles:

- a) To optimize the use of land and provide accommodation in close proximity to urban opportunities;
- b) To improve residents' quality of life by bringing them closer to urban opportunities and reduce travel times;
- c) To reduce pressure for the development of open spaces and environmentally sensitive areas;
- d) To reduce air, water and land pollution;
- e) To optimize the use of existing infrastructure and realizing that increasing existing infrastructure capacity is more efficient than building new infrastructure systems; and
- f) Channel market supply into strategic densification areas.

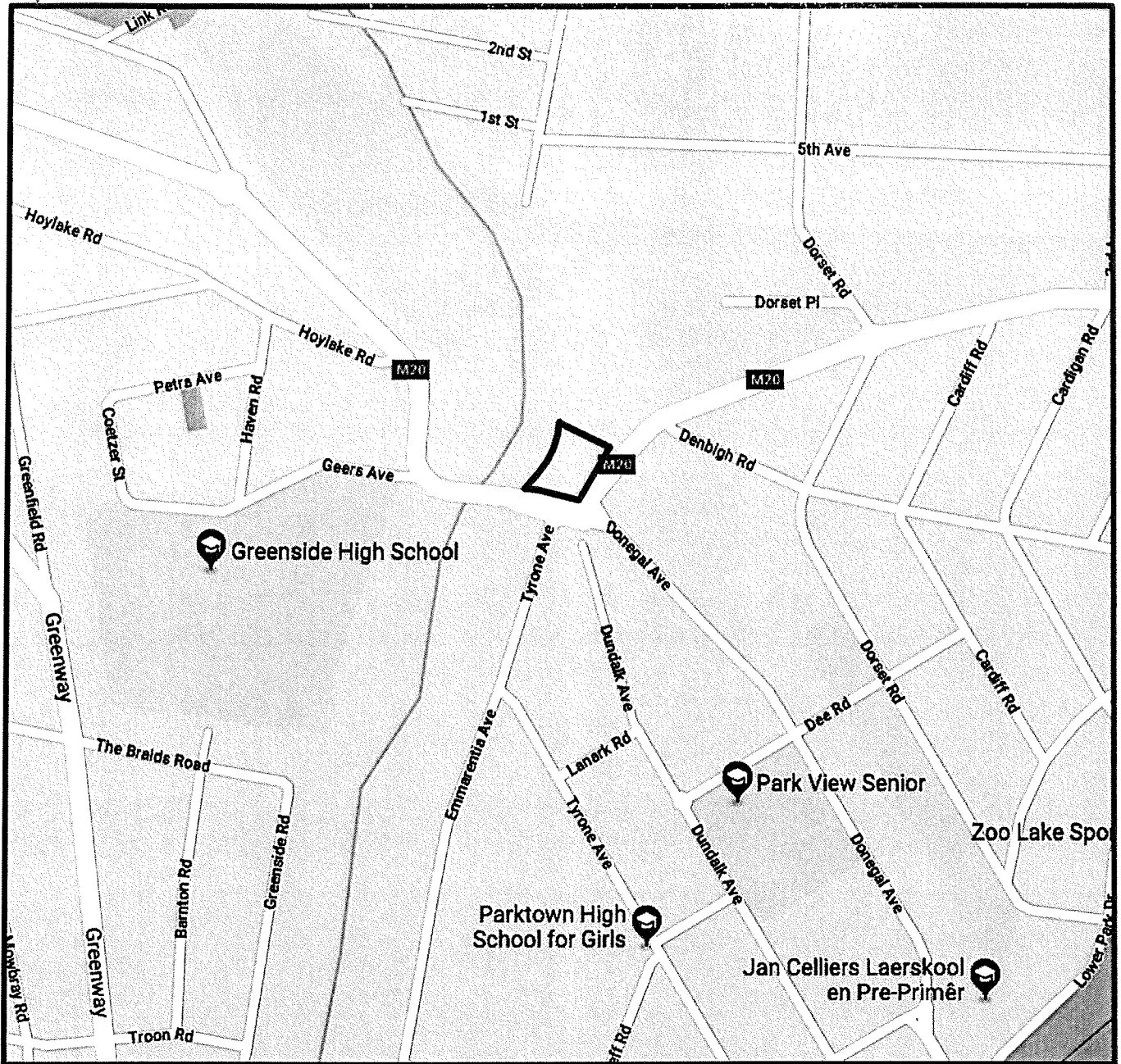
3.2.7 In this regard, the application complies with the objectives of the Regional Spatial Development Framework, SDF 2040 and should, therefore, be supported.

3.2.8 It is, therefore, respectfully submitted that the present application is necessary, desirable and worthy of approval.

#### 4. CONCLUSION

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- 4.1 Application is hereby made in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016, read in conjunction with the relevant provisions of the Spatial Planning and Land Use Management Act "SPLUMA", 2013 (Act 16 of 2013), for the amendment of the Johannesburg Town Planning Scheme, 1979, by the rezoning of Erven 1334 to 1338 Greenside Extension 7 from "Residential 1" permitting a dwelling house and "Special" for private road, gate house and a refuse collection area, subject to certain conditions, respectively to "Residential 4" as per scheme including private open space and ancillary and related uses, subject to certain conditions.
- 4.2 The effect of the application will permit the development of a maximum of sixty-one (61) dwelling units and ancillary and related uses on Erven 1334 to 1338 Greenside Extension 7.
- 4.3 The application represents an ideal opportunity to maximize development potential in direct proximity to other existing residential developments.
- 4.4 The application complies with a number of the General Principles and will advance the goals of the Regional Spatial Development Framework and should, therefore, be supported.
- 4.5 SPLUMA, desires the applicant to motivate the land development application in relation to the applicable policies and strategies, this motivation is guided by such relevant strategies. The application is also an improvement to the controlling town planning scheme and is necessary, desirable and worthy of approval.



APPLICATION SITE

ERVEN 1334 TO 1338  
GREENSIDE EXTENTION 7

## LOCALITY PLAN



Town Planning Consultancy

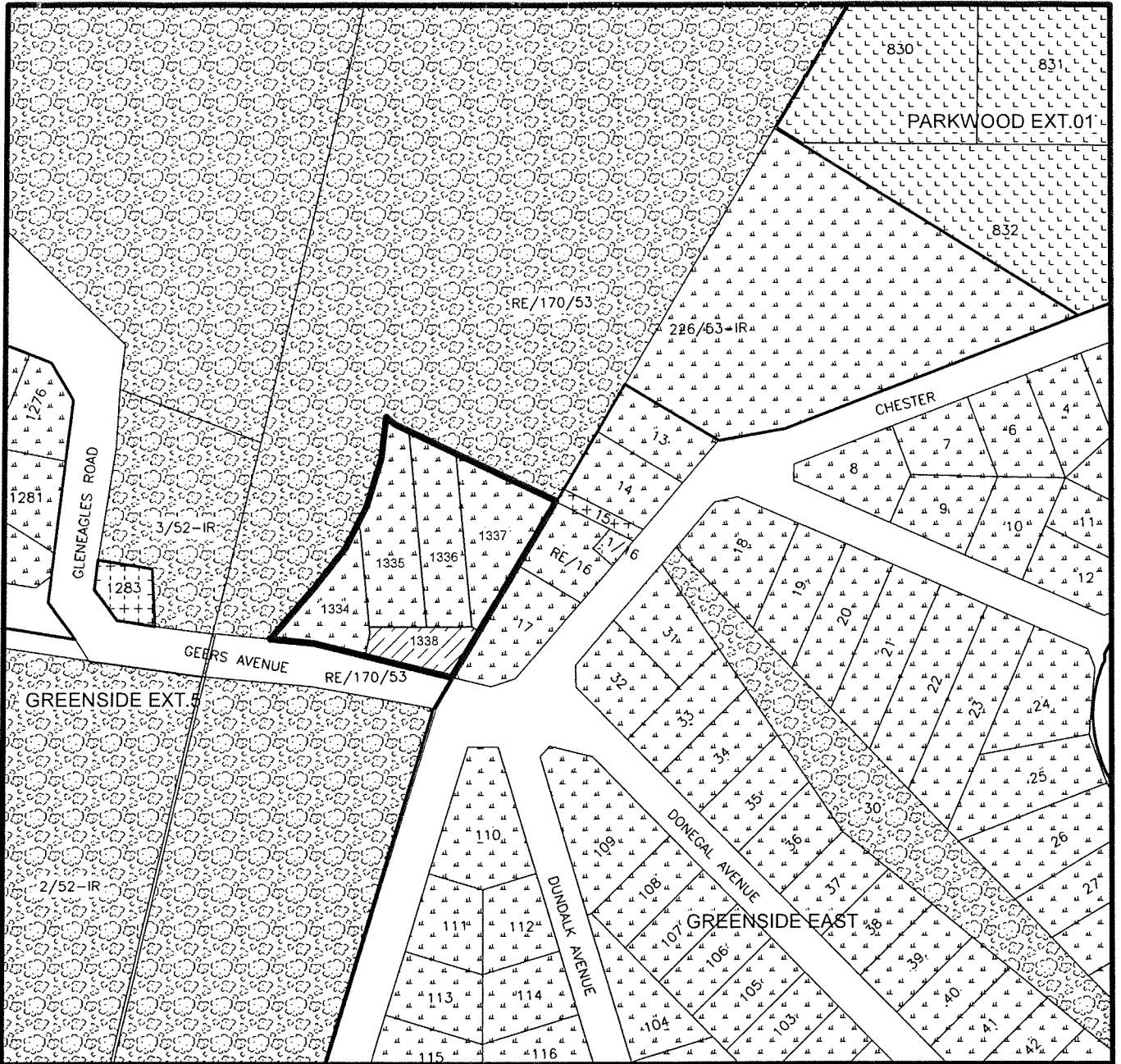
6 Porsch Street  
Wierdapark  
Centurion

Tel: (012) 653-4488  
Fax: 086-651-7555  
Cell: 082 553 3589

Email: gedwards01@telkomso.net

Date:	OCTOBER 2018
Scale:	1:2 500
Plan No:	943/1

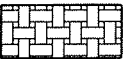




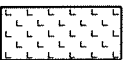
APPLICATION SITE



RESIDENTIAL 1



RESIDENTIAL 2



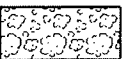
RESIDENTIAL 4



MUNICIPAL



SPECIAL



PRIVATE OPEN SPACE



ERVEN 1334 TO 1338  
GREENSIDE EXTENTION 7

# ZONING PLAN



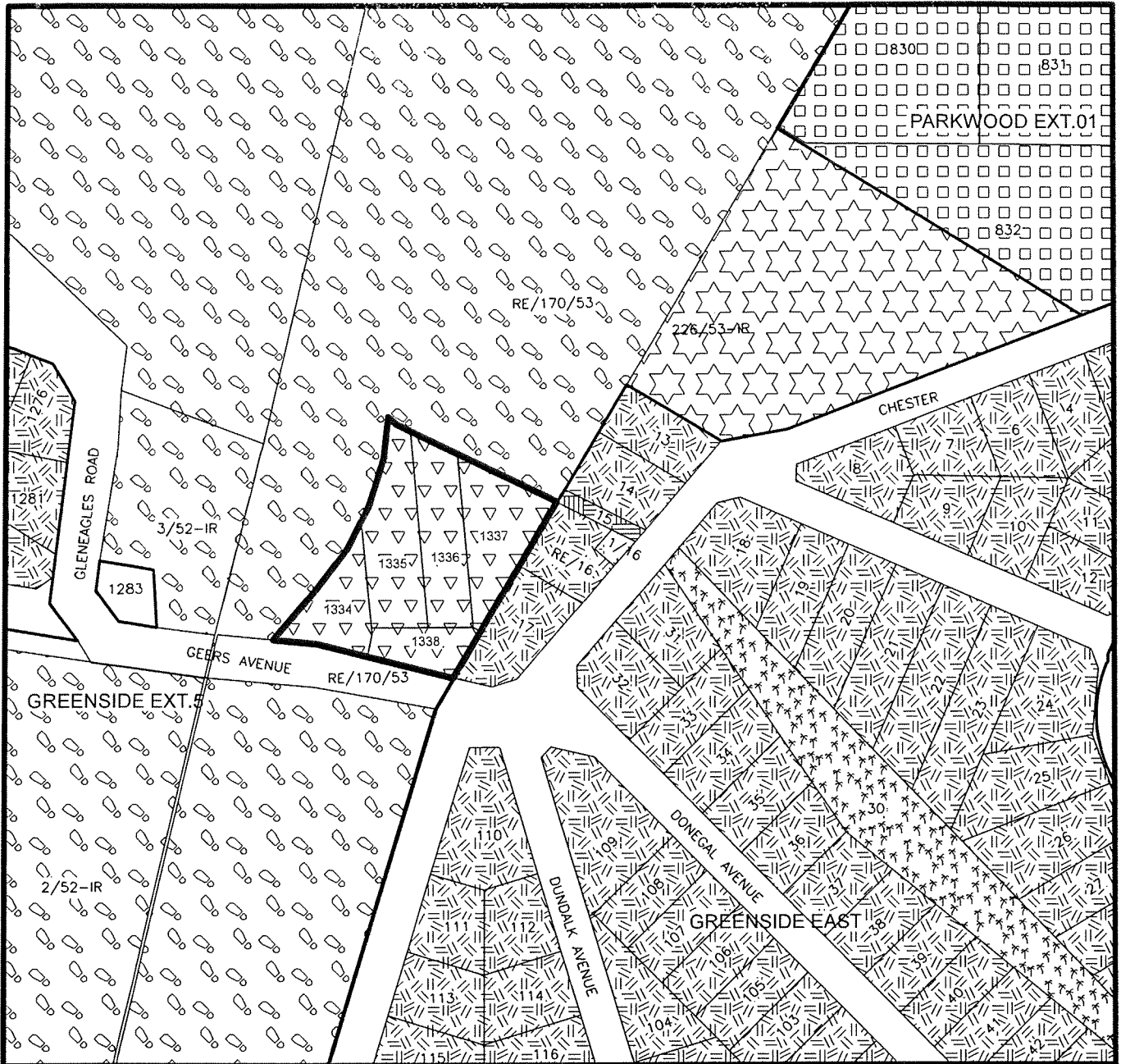
Town Planning Consultancy

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Email: gedwards01@telkomsa.net

Date:	OCTOBER 2018
Scale:	1:2 500
Plan No:	943/2



	APPLICATION SITE
	GOLF COURSE
	SINGLE RESIDENTIAL DWELLING
	FLATS
	SYNAGOGUE
	PARK
	MINI ELECTRICAL SUB-STATION
	STORMWATER SERVITUDE
	VACANT

**N**

ERVEN 1334 TO 1338  
GREENSIDE EXTENSION 7

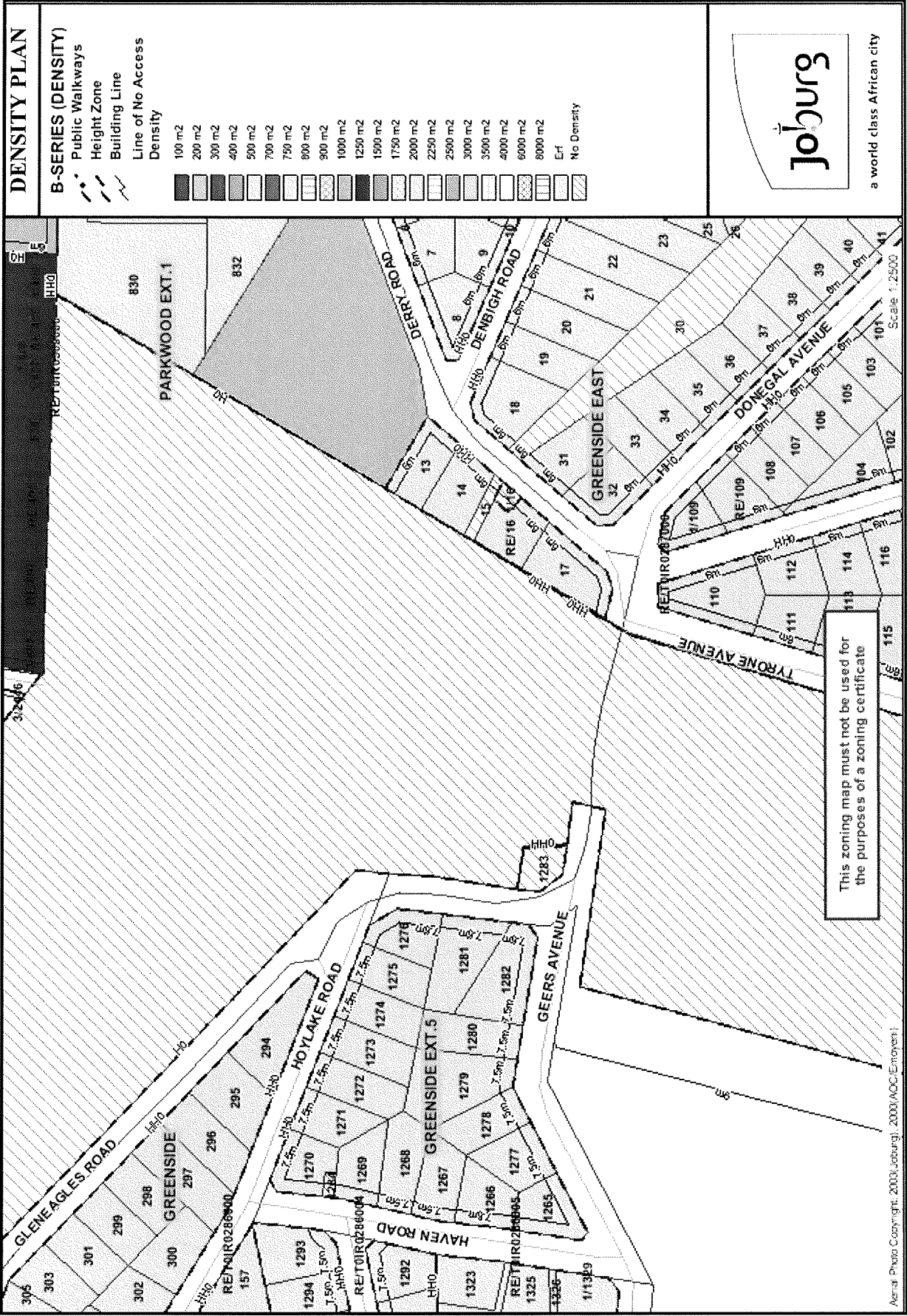
# LAND USE PLAN

**GE** Town Planning Consultancy

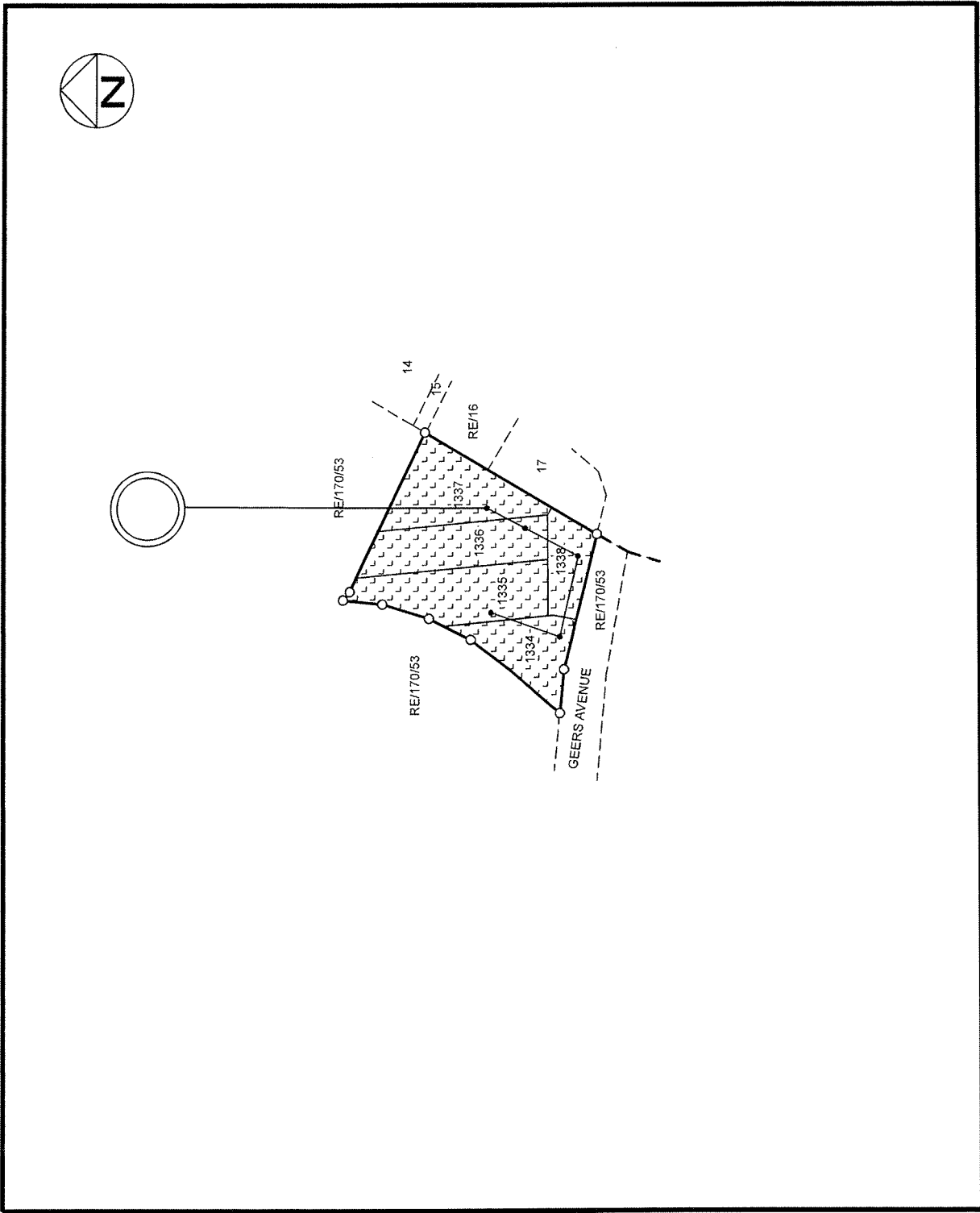
6 Porsch Street  
Wierdopark  
Centurion

Tel: (012) 653-4488  
Fax: 086-651-7555  
Cell: 082 553 3589  
Email: gedwards01@telkomsa.net

Date:	OCTOBER 2018
Scale:	1:2 500
Plan No:	943/3









SCALE 1:2 500


ERVEN 1334 TO 1338  
GREENSIDE EXTENTION 7

\_\_\_\_ REFERENCE \_\_\_\_\_

ANNEXURE NUMBER 

TOWNSHIP BOUNDARY 

\_\_\_\_ USE ZONE \_\_\_\_\_

RESIDENTIAL 4 

APPROVED \_\_\_\_\_

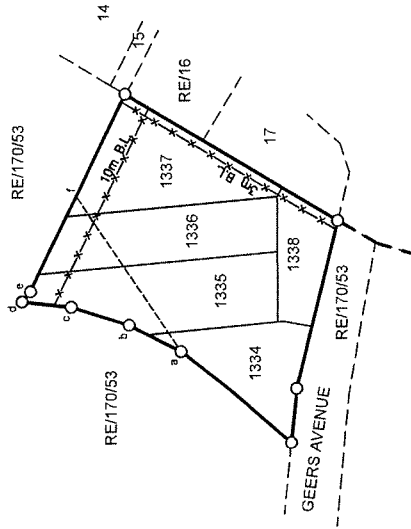
EXECUTIVE DIRECTOR: DEVELOPMENT PLANNING \_\_\_\_\_

CITY OF JOHANNESBURG \_\_\_\_\_

DATE: \_\_\_\_\_

USE ZONE

SCALE 1:2 500



ERVEN 1334 TO 1338  
 GREENSIDE EXTENTION 7

REFERENCE \_\_\_\_\_

TOWNSHIP BOUNDARY

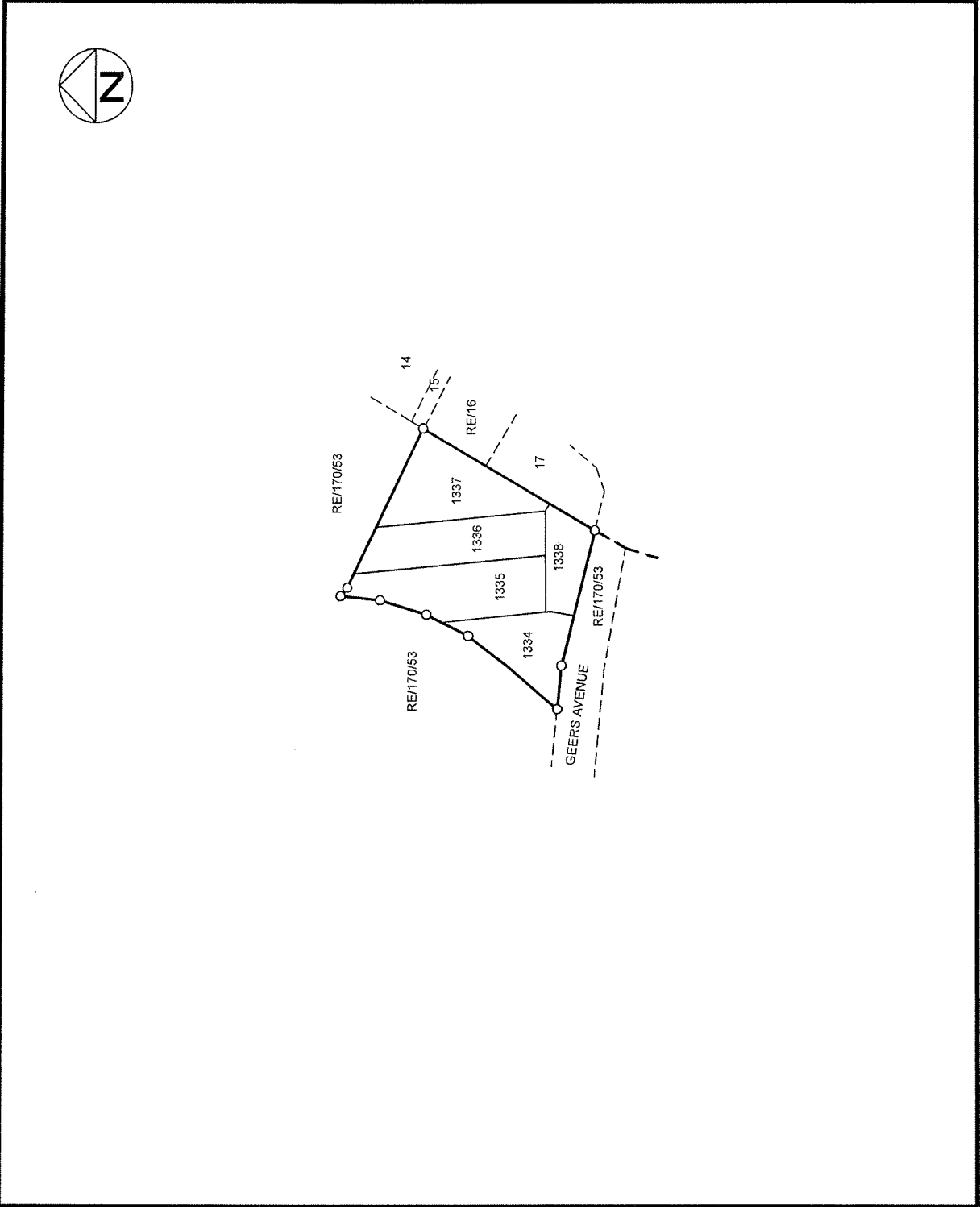
BUILDING LINE

APPROVED \_\_\_\_\_

EXECUTIVE DIRECTOR: DEVELOPMENT PLANNING

CITY OF JOHANNESBURG \_\_\_\_\_

DATE: \_\_\_\_\_



ERVEN 1334 TO 1338  
 GREENSIDE EXTENTION 7

APPROVED

EXECUTIVE DIRECTOR: DEVELOPMENT PLANNING

CITY OF JOHANNESBURG \_\_\_\_\_

DATE:

ERVEN 1334 TO 1338

USE ZONE IV: RESIDENTIAL 4

Primary Rights: As per Scheme, including private open space and ancillary and related uses.

Consent Rights: As per Scheme, any additional uses deemed compatible with a residential development as may be permitted by the Local Authority.

No Rights: As per Scheme.

Servitude: As per Title Deed.

Height: As per Scheme – six (6) storeys, excluding parking basements and structures, which may be increased with the written consent of the Local Authority.

Coverage: As per Scheme - 70%, excluding parking basements and structures, which may be increased with the written consent of the Local Authority

FAR: As per Scheme – 1,2.

Parking Provision: As per Scheme, provided that the parking may be relaxed in terms of an approved site development plan.

Density: As per Scheme – ninety (90) dwelling units per hectare.

Building Lines: As per Scheme, provided that the said building lines may be relaxed in terms of a site development plan to the satisfaction of the Local Authority, provided further that the building restriction area may be used for security controlled gatehouse access structures, refuse areas, parking and landscaping to the satisfaction of the Local Authority.

General Conditions:

1. Access to and egress from the erf to the public street shall be provided to the satisfaction of the Local Authority.
2. The erf shall be landscaped and maintained to the satisfaction of the Local Authority.
3. Effective paved, parking spaces, together with the necessary maneuvering area, shall be provided on the erf to the satisfaction of the Local Authority, with the proviso that parking may be relaxed by the Local Authority in terms of an approved site development plan.
4. Erven 1334 to 1338 Greenside Extension 7 may be consolidated or notationally tied following the proclamation of the rezoning application, hereby ensuring a holistic development.
5. A site development plan, drawn to a scale of 1:500 or such other scale as approved by the Local Authority, shall be submitted to the Local Authority for approval before the submission of any building plans. No building may be erected on the erf prior to the approval of such development plan by the Local Authority and the entire development of the erf shall be in accordance with this plan: provided that, with the written consent of the Local Authority, the plan may be amended from time to time.
6. 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 provisions of the City of Johannesburg Municipal Planning By-Law, 2016, read in conjunction with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

ERVEN 1334 TO 1338

GREENSIDE EXTENSION 7

APPROVED

EXECUTIVE DIRECTOR: DEVELOPMENT PLANNING

CITY OF JOHANNESBURG

DATE:

**APPENDIX 1 – CONDITIONS OF ESTABLISHMENT**

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a world class African city

City of Johannesburg  
Land Use Development Management  
Legal Administration  
Department of Development Planning

9th Floor A Block  
Metropolitan Centre  
158 Civic Boulevard  
Braamfontein 2017

PO Box 30733  
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[www.joburg.org.za](http://www.joburg.org.za)

**Our ref:** 01-11157

21 June 2018

The Registrar of Deeds  
Private Bag X183  
PRETORIA  
0001

Sir

### **PROPOSED TOWNSHIP: GREENSIDE EXTENSION 7**

The attached final set of Conditions of Establishment [which had been certified at the bottom and the back of each page with the original signature of writer of this letter] refers.

The City of Johannesburg Metropolitan Municipality (hereinafter referred to as the "Council"), herewith certifies that the township owner has complied with the pre-proclamation conditions of the township, as required by the Council except for the following clauses in the Conditions of Establishment:-

- (i) clause 1.(1) which has to be attended to or dealt with during or prior to the process of opening of the township register; and
- (ii) clause 1.(2) which will only be complied with once the township register had been opened.

It is further confirmed that the township owner will only have to comply with clauses 2.(13) and (14) of the Conditions of Establishment, after proclamation of the township has taken place and that no guarantees/cash contributions are required by the Council at this stage.

**No erven may however be transferred from the township register prior to the Council certifying in writing that the required internal/external engineering services have been installed and/or that the required guarantees/cash contributions have been furnished/paid to the Council.**

Kindly notify the Council **forthwith**, as contemplated in Section 101.(4) of the said Ordinance, once the township register had been opened, in order for the Council to proclaim the township in terms of Section 103.(1).

Your attention is however drawn to the provisions of Section 101.(2) of the Ordinance and in view hereof, **the application to open the township register, must be lodged with you on or before 9 February 2019.** If not, an extension of time as contemplated in Section 101.(2) as approved by the Council has to be submitted to you.

I trust that you find the above in order.

Yours faithfully

**Dorothy Ngwenya**  
**Manager: Legal Administration**  
Tel: 011-407-6529  
Fax: 011-339-6428  
E-mail: [dorothy@joburg.org.za](mailto:dorothy@joburg.org.za)

**STATEMENT OF THE CONDITIONS UNDER WHICH THE APPLICATION MADE BY 8 MILE INVESTMENTS 488 PRIOPRIETARY LIMITED (REGISTRATION NUMBER 2006/036488/07) (HEREINAFTER REFERRED TO AS THE TOWNSHIP OWNER) UNDER THE PROVISIONS OF CHAPTER III OF THE TOWN-PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15 OF 1986), FOR PERMISSION TO ESTABLISH A TOWNSHIP ON PORTION 1 OF THE FARM PARKVIEW GOLF COURSE 312 I.R., GAUTENG PROVINCE HAS BEEN APPROVED.**

**1. CONDITIONS TO BE COMPLIED WITH PRIOR TO THE OPENING OF THE TOWNSHIP REGISTER AND THE DECLARATION OF THE TOWNSHIP AS AN APPROVED TOWNSHIP.**

**(1) CANCELLATION OF SERVITUDE**

The township owner shall, at its own costs cause the partial cancellation of the servitude registered in terms of Notarial Deed of Servitude No. K542/1933.

**(2) GENERAL**

The township owner shall comply with the provisions of Section 101(1) of the Town Planning and Townships Ordinance, 1986.

**2. CONDITIONS OF ESTABLISHMENT.**

**(1) NAME**

The name of the township is **Greenside Extension 7.**

**(2) DESIGN**

The township consists of erven as indicated on General Plan S.G. No. 153/2016.

**(3) PROVISION AND INSTALLATION OF ENGINEERING SERVICES**

The township owner shall, to the satisfaction of the local authority, make the necessary arrangements for the design and provision of all engineering services of which the local authority is the supplier.

**(4) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT)**

Should the development of the township not been commenced with before 7 December 2027, the application to establish the township, shall be resubmitted to the Department of Agriculture and Rural Development for exemption/authorisation in terms of the National Environmental Management Act, 1998 (Act 107 of 1998), as amended.

**(5) GAUTENG PROVINCIAL GOVERNMENT (DEPARTMENT OF ROADS AND TRANSPORT)**

(a) Should the development of the township not been completed before 23 November 2020 the application to establish the township, shall be resubmitted to the Department of Roads and Transport for reconsideration.

(b) If however, before the expiry date mentioned in (a) above, circumstances change in such a manner that roads and/or PWV routes under the control of the said Department are affected by the proposed layout of the township, the township owner shall resubmit the application for the purpose of fulfillment of the requirements of the controlling authority in terms of the provisions of Section 48 of the Gauteng Transport Infrastructure Act, 2001 (Act 8 of 2001).

**(6) NATIONAL GOVERNMENT (DEPARTMENT: MINERAL RESOURCES)**

Should the development of the township not been completed before 26 April 2021 the application to establish the township, shall be resubmitted to the Department: Mineral Resources for reconsideration.



(7) ACCESS

Access to or egress from the township shall be provided to the satisfaction of the local authority and/or Johannesburg Roads Agency (Pty) Ltd.

(8) ACCEPTANCE AND DISPOSAL OF STORMWATER DRAINAGE

The township owner shall arrange for the stormwater drainage of the township to fit in with that of the adjacent roads and all stormwater running off or being diverted from the roads shall be received and disposed of.

(9) REFUSE REMOVAL

The township owner shall provide sufficient refuse collection points in the township and shall make arrangements to the satisfaction of the local authority for the removal of all refuse.

(10) REMOVAL OR REPLACEMENT OF EXISTING SERVICES

If, by reason of the establishment of the township, it should be necessary to remove or replace any existing municipal, TELKOM and/or ESKOM services, the cost of such removal or replacement shall be borne by the township owner.

(11) DEMOLITION OF BUILDINGS AND STRUCTURES

The township owner shall at its own costs cause all existing buildings and structures situated within the building line reserves, side spaces or over common boundaries to be demolished to the satisfaction of the local authority, when requested thereto by the local authority.

(12) ENDOWMENT

The township owner shall, in terms of the provisions of Section 98(2) read with Regulation 44 of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986), pay a lump sum as endowment to the local authority for the provision of land for a park (public open space).

(13) OBLIGATIONS WITH REGARD TO THE CONSTRUCTION AND INSTALLATION OF ENGINEERING SERVICES AND RESTRICTIONS REGARDING THE ALIENATION OR TRANSFER OF ERVEN

(a) The township owner shall, after compliance with clause 2.(3) above, at its own costs and to the satisfaction of the local authority, construct and install all engineering services including the internal roads and the stormwater reticulation, within the boundaries of the township. Erven and/or units in the township, may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these engineering services had been constructed and installed.

(b) The township owner shall fulfil its obligations in respect of the installation of electricity, water and sanitary services as well as the construction of roads and stormwater drainage and the installation of systems therefor, as agreed between the township owner and the local authority in terms of clause 2.(3) above. Erven and/or units in the township, may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that sufficient guarantees/cash contributions in respect of the engineering services have been submitted or paid to the said local authority.

(14) OBLIGATIONS WITH REGARD TO THE PROTECTION OF ENGINEERING SERVICES

The township owner shall, at its costs and to the satisfaction of the local authority, survey and register all servitudes required to protect the constructed/installed services. Erven and/or units in the township, may not be transferred into the name of a purchaser prior to the local authority certifying to the Registrar of Deeds that these engineering services had been or will be protected to the satisfaction of the local authority.

3. DISPOSAL OF EXISTING CONDITIONS OF TITLE.

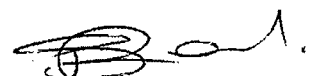
All erven shall be made subject to existing conditions and servitudes, if any:-





**A. Excluding the following which do not affect the township due to their locality:**

- (a) A portion called S4 measuring 988 square metres is subject to a perpetual right of way servitude in favour of the City Council of Johannesburg which servitude is indicated by the figures 11Afg on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Deed of Servitude K667/1937S.
- (b) Subject to a perpetual servitude of right of way in favour of the City Council of Johannesburg over a portion measuring 58 square metres indicated by the figure 15a 15b 15c on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Notarial Deed K1111/1939S.
- (c) Subject to a perpetual servitude of right of way for the purpose of a stormwater canal in favour of City Council of Johannesburg over a portion measuring 1248 square metres which servitude is indicated by the figure 6a 6b 6c 5d 6d 6e 6f on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Notarial Deed 288/1940S.
- (d) A portion of the property (portion S9) is subject to a perpetual pipeline servitude 1,83 metres together with ancillary rights thereto in favour of the City Council of Johannesburg which servitude is indicated by the figure 25c 27a 27b 26a on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Notarial Deed K148/1946S.
- (e) The property is subject to a servitude for road purposes in extent 2295 metres indicated by the figures 15a 16b 16c 16d 16e 16f 16g 16h 16j 16k on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Notarial Deed K994/1952S.
- (f) The property is subject to a right of way servitude indicated by the figure 4a 4b 4c 4d on Diagram S.G. No. 4957 annexed to Certificate of Consolidated Title T82356/1996 in favour of the City Council of Johannesburg as will more fully appear from Notarial Deed K65/1956S.
- (g) Subject to a perpetual right of way servitude 1,26 metres wide for sewerage purposes with ancillary rights in favour of Portion 1 of Lot 409 Township of Parktown North measuring 1276 square metres held under Certificate of Registered Title No. 19559/1958 the western boundary of which servitude is indicated by the figures 3a 3b on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 as will more fully appear from Notarial Deed K819/1958S.
- (h) Subject to a servitude for construction and maintaining of a transformer substation indicated by the figures 24a 24b 24c 24d on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 in favour of the City Council of Johannesburg as will more fully appear from Notarial Deed K718/1961S.
- (i) Subject to a perpetual servitude of right of way for stormwater drains indicated by the figures 12a 12b 12c 12d on Diagram S.G. No. 4957/1957 annexed to Certificate of Consolidated Title T82356/1996 in favour of the City Council of Johannesburg as will more fully appear from Notarial Deed K765/1966S.
- (j) Subject to a servitude of right of way over a portion measuring 100 square metres indicated by the figures 2a 2b 2c 2d 2e 2f on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 with the right to use the servitude area in perpetuity for sewer purposes in favour of the owner of Lot 634 Parktown North Johannesburg as will more fully appear from Notarial Deed K368/1971S.
- (k) Subject to a perpetual servitude of right of way indicated by the figures C 1a 1b 1c B on Diagram S.G. No. 4957/1995 annexed to Certificate of Consolidated Title T82356/1996 in favour of Lot 405 Parktown North as will more fully appear from Notarial Deed K1808/1975S.
- (l) By virtue of Notarial Deed No. K5787/2004S dated 17 May 2004 the within mentioned



property is subject to a sewer servitude 2 metres wide in extent 172 square metres as indicated by the figure ABCDA on servitude Diagram S.G. No. 8941/2003 in favour of the City of Johannesburg Metropolitan Municipality as will more fully appear from reference to the said Notarial Deed.

- (m) By virtue of Notarial Deed No. K5788/2004S dated 17 May 2004 the within mentioned property is subject to a stormwater servitude 1 metre wide in extent 233 square metres as indicated by the figure ABCDA on servitude Diagram S.G. No. 8942/2003 in favour of the City of Johannesburg Metropolitan Municipality as will more fully appear from reference to the said Notarial Deed.

**B. Excluding the following which only affects Erven 1336 and 1338:**

Subject to a perpetual right of way servitude for relief sewerage purposes in favour of the City Council of Johannesburg indicated by the figure a, b, c, d, a on Diagram S.G. No. 8010/2001 annexed to Deed of Transfer T \_\_\_\_\_ and as will more fully appear from Notarial Deed 791/1955S.

**C. Including the following which does affect the township and shall be made applicable to the individual erven in the township:**

- (a) The Transferee shall see that no damage is caused as a result of golf being played upon the said property to any water-course, furrow, or pipeline, now or hereafter passing over the said land and that the flow of water therein shall not be impeded or obstructed thereby.
- (b) The Company shall not be responsible to the Transferee for any damage caused to the land by reason of any stormwater flowing thereon from the surrounding ground.

**4. CONDITIONS OF TITLE**

**A. Conditions of Title imposed in favour of the local authority in terms of the provisions of the Town-planning and Townships Ordinance, 1986 (Ordinance 15 of 1986):**

**(1) ALL ERVEN**

The erven lie in an area where soil conditions can affect and damage buildings and structures. Building plans submitted to the local authority for consideration shall indicate measures to be taken, to limit possible damage to buildings and structures as a result of detrimental foundation conditions. These measures shall be in accordance with the recommendation contained in the Geo-technical report for the township, unless it is proved to the local authority that such measures are unnecessary or that the same purpose can be achieved by other more effective means.

**(2) ALL ERVEN**

(a) Each erf is subject to a servitude, 2m wide, in favour of the local authority, for sewerage and other municipal purposes, along any two boundaries other than a street boundary and in the case of a panhandle erf, an additional servitude for municipal purposes 2m wide across the access portion of the erf, if and when required by the local authority: Provided that the local authority may dispense with any such servitude.

(b) No building or other structure shall be erected within the aforesaid servitude area and no large rooted trees shall be planted within the area of such servitude or within 2m thereof.

(c) 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 process of the construction, 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 of such sewerage mains and other works being made good by the local authority.

**(3) ERF 1338**

(a) The entire erf is subject to a servitude for municipal purposes and right of way in favour of the local authority, as indicated on the General Plan. This servitude may be cancelled with the



consent of the Council, on the registration of the consolidation of Erf 1338 with Erven 1334 to 1337.

(b) The erf is subject to a servitude for right of way, access and parking purposes in favour of Erven 1334 to 1337 and the costs of the maintenance and management of Erf 1338 and shall be borne equally by the owners of Erven 1334 to 1337.

(3) **ERVEN 1334 TO 1337**

(a) No building of any nature shall be erected within those portions of the erf which are likely to be inundated by the floodwaters of a public stream on an average every 100 years.

(b) The erven are entitled to a servitude for right of way purposes over Erf 1338, as indicated in the General Plan.

**5. CONDITIONS TO BE INCORPORATED IN THE TOWN PLANNING SCHEME IN TERMS OF SECTION 125 OF ORDINANCE 15 OF 1986, IN ADDITION TO THE PROVISIONS OF THE JOHANNESBURG TOWN PLANNING SCHEME, 1979.**

(1) **ERVEN 1334 TO 1337**

- (a) Use Zone: Residential 1
- (b) Primary Rights: As per Scheme
- (c) Consent uses: As per Scheme
- (d) Uses not permitted: As per Scheme
- (e) Height: As per scheme Zone Zero (0): Two (2) storeys
- (f) Coverage: As per Scheme
- (g) F.A.R: As per Scheme
- (h) Density: As per Scheme
- (i) Parking: As per Scheme
- (j) Building Lines: As per Scheme – Erf 1336 and Erf 1337: A 10 metre building line parallel to the northern boundary, which building line shall not be relaxed.  
Erf 1337: A 3 metre building line on its eastern boundary abutting on the Remaining Extent of Erf 16 and Erf 17 Greenside.
- (k) General:
- (1) Attention shall be drawn to the fact that part of the erf situated within the area marked a-b-c-d-e-f-a on Map 3, B-Series of this amendment, is occasionally subject to the over-flight of golf balls that could land within the said erf.
- (2) On-site stormwater attenuation shall be provided and maintained to the satisfaction of Council (JRA), if required.

(2) **ERF 1338**

- (a) Use Zone: Special
- (b) Primary Rights: Private road, gate house and a refuse collection area.
- (c) Consent uses: None
- (d) Uses not permitted: None
- (e) Height: As per Scheme – (1) One Storey
- (f) Coverage: As per Scheme



- (g) F.A.R: As per Scheme
- (h) Density: As per Scheme
- (i) Parking: As per Scheme
- (j) Building Lines: As per Scheme, Provided that:-  
i) A building line of 5 metres from the southern boundary shall be applicable to any boom or gate erected to control the access of vehicles or pedestrians.  
ii) A building line of nil metres shall be applicable to a gate house on the southern boundary.
- (k) General:
- (1) The ingress and egress of the erven to and from the public street system shall be sited, designed and constructed to the satisfaction of municipality.

Drafted: 20-07-2015.  
Amended: 10-04-2018  
Amended: 20-06-2018

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**APPENDIX 2 – EXISTING AND PROPOSED LAND USE RIGHTS FORM**

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**SUMMARY OF EXISTING AND PROPOSED  
LAND USE RIGHTS & DEVELOPMENT CONTROL MEASURES  
TO BE COMPLETED AND VERIFIED BY APPLICANT**

**PROPERTY DESCRIPTION :**  
(Information as per Title Deed) Erf / Erven / Portion / Holding No. : ERVEN 1334 TO 1338

**EXTENT OF SITE :** Township / Farm / Holding : GREENSIDE EXT 7  
1 122SQM, 1 716SQM  
1 505SQM, 1 664SQM/m<sup>2</sup>  
/46SQM

JOHANNESBURG		EXISTING RIGHTS		PROPOSED RIGHTS	ADDITIONAL COMMENTS DEEMED RELEVANT & APPLICABLE
TOWN PLANNING SCHEME, 19 <u>79</u> .	IN TERMS OF ZONING	BY WAY OF SPECIAL CONSENT (if applicable)			
<b>ZONING</b>	"RESIDENTIAL 1" & "SPECIAL"			"RESIDENTIAL 4"	
<b>A/S NO. / ANNEXURE NO. / REF. NO.</b> (If applicable)	(Copy of approved MAP 3 and Schedule / Annexure to be attached if applicable)	(Copy of approval letter to be attached if applicable)		Ref No. : _____	
<b>PERMISSIBLE LAND USES</b> (Please list all applicable)	"RESIDENTIAL 1" - AS PER SCHEME "SPECIAL" - FOR PRIVATE ROAD, GATE HOUSE AND A REFUSE COLLECTION AREA	AS PER SCHEME		AS PER SCHEME INCLUDING PRIVATE OPEN SPACE AND ANCILLARY AND RELATED USES	
<b>LAND USES SPECIFICALLY EXCLUDED</b> (Please list all applicable)	AS PER SCHEME			AS PER SCHEME	
<b>HEIGHT OF BUILDINGS</b>					
<b>STOREYS</b>	AS PER SCHEME			AS PER SCHEME - SIX (6) STOREYS	
<b>HEIGHT IN METRES</b> (if applicable)	NOT APPLICABLE				

