



MOTIVATING MEMORANDUM IN TERMS OF SECTION 21 OF THE CITY OF JOHANNESBURG MUNICIPAL PLANNING BY-LAW, 2016, READ WITH THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013 (ACT 16 OF 2013) IN SUPPORT OF AN APPLICATION TO REZONE:

ERF 207 DUNKELD WEST

TO ALLOW FOR THE CONVERSION OF AND ADDITION TO THE EXISTING OFFICE BUILDINGS ON SITE FOR RESIDENTIAL DWELLING UNITS, THE PROVISION OF PRIVATE OPEN SPACE AND THE INCLUSION OF ANCILLARY AND SUPPLEMENTARY USES SUCH AS A GUARD HOUSE, CLUB HOUSE, GYMNASIUM/HEALTH CLUB AND RESTAURANT FOR THE EXCLUSIVE USE OF THE RESIDENTS.

30 JUNE 2026

Applicant: Planning Worx

PO Box 130316
BRYANSTON
2021

Tel: 083 281 7239

E-mail: markr@planwrx.co.za

TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	LEGAL ASPECTS	2
2.1.	Property Description	2
2.2.	Registered Landowner	2
2.3.	Mortgage Bonds.....	2
2.4.	Servitudes	2
2.5.	Title Deed Conditions.....	2
3.	SITE INFORMATION AND CONTEXT	3
3.1.	Locality	3
3.2.	Size	4
3.3.	Existing Land Use	4
3.4.	Existing Zoning	4
3.5.	Surrounding Land Uses, Zoning and Connectivity	4
3.6.	Flood Lines and Wetlands	5
3.7.	Topography	5
3.8.	Heritage.....	5
3.9.	Environmental factors.....	5
3.10.	Geotechnical Investigation	5
4.	PROPOSED DEVELOPMENT.....	6
4.1.	Proposed Land Use Controls.....	6
5.	MOTIVATION IN SUPPORT OF THE APPLICATION.....	8
5.1.	Local Authority Policy.....	8
5.2.	Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).....	11

5.3.	Need.....	11
5.4.	Reasonableness and Public Interest	12
5.4.1.	Existing and Expected Urban Fabric (scale, adapting to required change/growth, impact on surrounding erven)	12
5.4.2.	Engineering Services.....	12
5.5.	Desirability	13
5.5.1.	Creating a Compact City (location and range of uses in key locations – public transport, nodes, social services – and limiting them in others)..	13
5.5.2.	Creating an Inclusive City (balanced service provision, diversify land uses, social and economic access to amenities).....	13
5.5.3.	Creating a Resilient City (Combat Climate Change protect and enhance open space system and ability to adapt to change).....	14
5.5.4.	Creating a Connected City (ICT infrastructure – globally, mobility, permeability and walkability	14
5.5.5.	The Suitability of the Site for the Proposed Development	14
6.	Summary.....	15



1. INTRODUCTION

This memorandum is submitted in terms of Section 21 of the City of Johannesburg Municipal Planning By-Law, 2016 read with the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) to support the rezoning of Erf 207 Dunkeld West (the site) from “Business 4”, subject to conditions to “Special”, including offices, dwelling units, residential buildings, private open space and ancillary guard house, club house a gymnasium/health club and restaurants, subject to certain conditions.

The purpose of the application is to allow for the conversion of and addition to the existing office buildings on site for mainly residential purposes, the provision of private open space where possible and the inclusion of ancillary and supplementary uses such as a guard house, club house, gymnasium/health club and restaurant for the exclusive use of the residents.



2. LEGAL ASPECTS

2.1. Property Description

Erf 207 Dunkeld West in terms of Deed of Transfer T76595/2017.

2.2. Registered Landowner

Taylor-Made Property Asset Managers (Pty)Ltd.

2.3. Mortgage Bonds

There is a bond registered over the land. The consent of the bondholder has been obtained and is enclosed herewith.

2.4. Servitudes

There are servitudes registered over the land.

They are contained in the relevant deed and will be honoured as part of the development.

The servitudes will not be affected by this application.

2.5. Title Deed Conditions

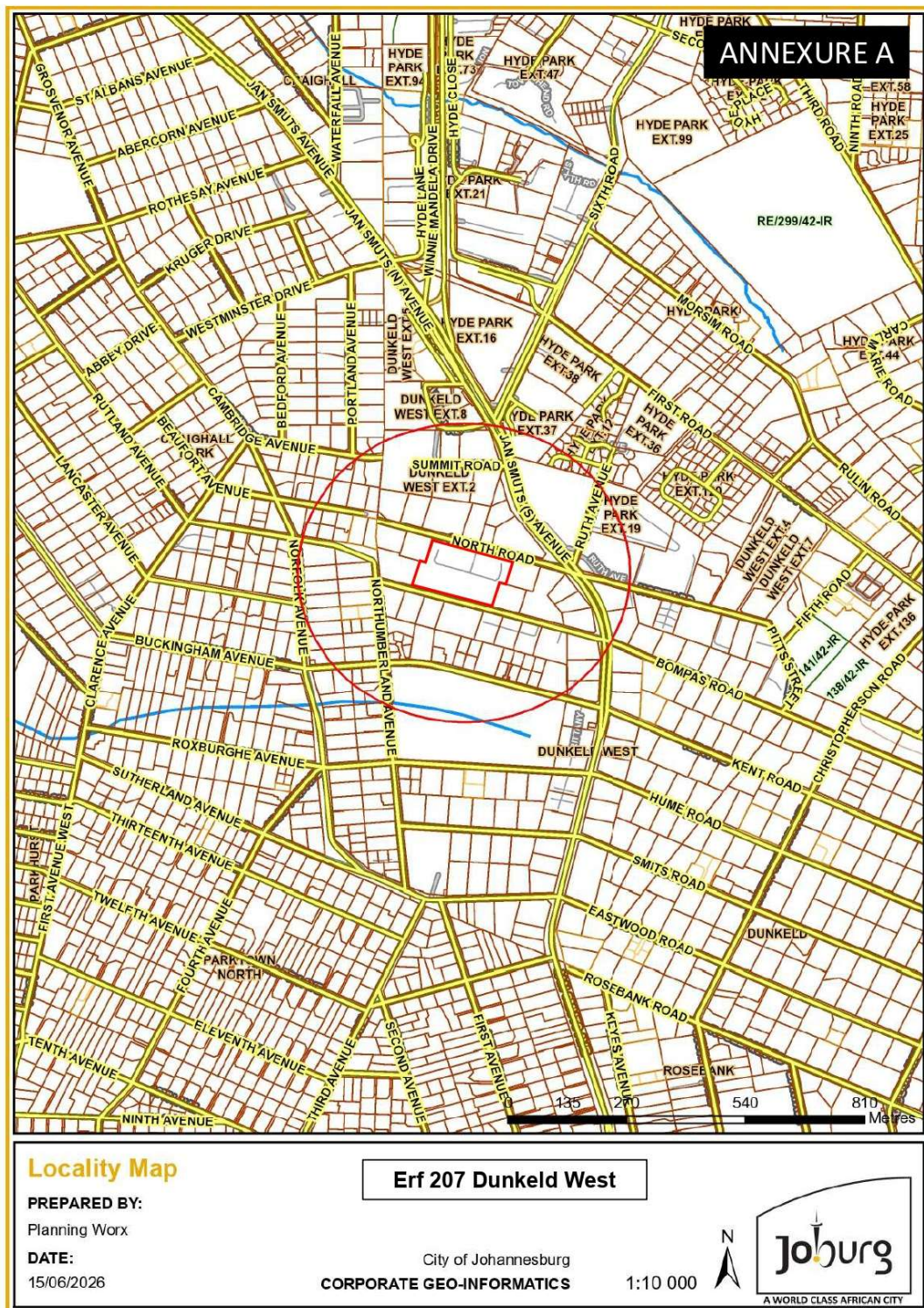
There are no restrictive conditions of title.



3. SITE INFORMATION AND CONTEXT

3.1. Locality

The site is located at Dunkeld Park Office Park, 8 North Road, Dunkeld West as shown on the Locality and Cadastral Maps attached as Annexures A and B and the below map.





3.2. Size

The site measures 19 356m² in extent.

3.3. Existing Land Use

The site is developed as an office park as shown on the Aerial Photo enclosed as “Annexure C”.

3.4. Existing Zoning

The site is zoned “Business 4” in terms of Johannesburg Amendment Schemes 4806, 4809-4813 as per the enclosed Zoning Information.

3.5. Surrounding Land Uses, Zoning and Connectivity

The surrounding land uses and zonings have been depicted on the enclosed “Annexures D and E”, Land Use and Zoning Maps and as per below.

The site is located within the Hyde Park/Dunkeld West Regional Node.

It enjoys high walkable accessibility to all amenities within the node including:

- Shops
- Offices
- Medical consulting rooms
- Restaurants
- Sports Clubs and facilities

The site is also highly accessible via both public and private transport.

The site is located approximately 110m from Jan Smuts Avenue which is a major north-south arterial route carrying all forms of public and private transport. Jan Smuts Avenue connects the site to other city nodes along the same route including the Rosebank Metropolitan Node, Johannesburg Inner City Node, Randburg Metropolitan Node, Bryanston/Sloane Regional Node and Fourways Regional Node.

There is a Gautrain bus stop on Jan Smuts Avenue which provides access to the Rosebank Gautrain Station and beyond.



Specifically, the following uses are located nearby or adjoining the site, as depicted on the Arial Photo, Land Use and Zoning Maps enclosed and Annexures C, D and E:

In relation to site	Land Use	Zoning
North	Offices, Mixed Uses, Parking	Business 4, Business 2 and Residential 4.
East	Offices and Mixed Uses	Business 4 and Special
South	Offices, Dwelling Units, Hotel & Conference Venue	Business 4, Residential 3 and Special
West	Offices	Business 4 and Residential 1

3.6. Flood Lines and Wetlands

The site is not affected by any of the above. The stormwater will continue to be attenuated as at present.

3.7. Topography

There are no substantial topographical features to be considered as part of the rezoning application. The topography and site levels will not change from the existing development.

3.8. Heritage

There are no heritage considerations.

3.9. Environmental factors

The proposed use does not trigger any environmental considerations.

3.10. Geotechnical Investigation

The site is in an established township with no known adverse soil conditions to be considered.



4. PROPOSED DEVELOPMENT

It is intended to convert and add to the existing structures on-site for the purposes of dwelling units, private open space and ancillary uses such as a guard house, club house, a gymnasium/health club and restaurants.

The land use rights provide for a holistic residential development with appropriate amenities. The size of the amenities has been limited and remains for the exclusive use of the residents.

It is intended to introduce up to 40% inclusionary housing.

It is possible that portions of the rooftops and other portions of the site may be used for social open space.

The City of Johannesburg Land Use Scheme, 2018 allows for various forms of Social Open Space under Clause 49 thereof. A land use condition allowing for such has been included and may be assessed during the Site Development Planning phase of the development.

The application proposes the following development controls as opposed to the existing land use rights:

4.1. Proposed Land Use Controls

	Existing Land Use Rights – AS 4806, 4809-4813	Proposed Land Use Rights - Special
Use Zone	“Business 4”	“Special”
Primary Rights	As per Scheme, Offices excluding restaurants, medical and dental suites	As per Scheme: Offices, dwelling units, residential buildings, private open space and ancillary guard house, club house, a gymnasium/health club and restaurants.
Height	As per Scheme, 1 & 2 Storeys	As per Scheme, 8 storeys
Coverage	As per Scheme, 30%	As per scheme, 70%
FAR	As per Scheme, 0.3	As per Scheme, permitting a maximum of 35 000m ² (calculated over all uses developed on the site), provided that the floor area for the following uses shall not exceed: Gymnasium/health club: 500m ² Restaurants: 500m ²
Density	None	As per scheme, a maximum of 800 dwelling units shall be permitted, of which a minimum of 40% shall be Inclusionary Housing Units.



Existing Land Use Rights – Proposed Land Use Rights - Special AS 4806, 4809-4813		
Parking	As per Scheme	As per Scheme
Building Lines	As per Scheme	As per Scheme
General Provisions	Refer to enclosed zoning information.	As per below
1. A Site Development Plan must be drawn to the scale of 1:500 or to any other scale approved by the Local Authority and shall be submitted for approval to the Local Authority prior to the submission of any building plans. 2. The existing use of land and buildings as offices will remain lawful until the conversion to dwelling units (market and inclusionary)are concluded. 3. The Inclusionary Housing Policy, 2019 of the City of Johannesburg shall apply to the development of the overall site. 4. The “clubhouse” is a communal facility designed to serve as a social and recreational hub for the residents. It may include indoor spaces such as lounges, meeting rooms, and event rooms, as well as amenities like kitchens or bars. The clubhouse may also feature outdoor areas, terraces, or adjoining recreational facilities such as children’s play areas and swimming pools. It may also include an ancillary “gym/health club” and “restaurant”. 5. The “gymnasium/health club” and “restaurant” shall be for the exclusive use of the residents. 6. Ample social and recreational open space shall be catered for onsite. 7. Private open space may be situated on rooftops or non-permeable/permeable surfaces for social open space purposes for parks, gardening, landscaping, active and passive recreation activities for grounds, play, rest, recreation and garden purposes only. 8. The applicant/owner shall comply with the requirements of the Technical Services Departments. 9. 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 25(1)(a) and (b) of the Municipal Planning By-Law, 2016.		



5. MOTIVATION IN SUPPORT OF THE APPLICATION

The provisions and principles contained in Section 5 of the City of Johannesburg Metropolitan: Municipal Planning By-Law, 2016 requires that:

Any land development application in terms of this By-law shall have as its main purpose the co-ordinated and harmonious development of the area to which the application relates in such a way as will most effectively tend to promote the health, safety, good order, amenity, convenience, and general welfare of such specific area as well as efficiency and economy in the process of such development.

In considering such in the evaluation of this land development application, the following is cited:

5.1. Local Authority Policy

The Spatial Development Framework, 2040(2024)(SDF) guides the use and development of this site together with the Nodal Review Policy, 2019/2020 as an annexure thereto. The “Inclusionary Housing Policy, 2019” is applicable to this development.

The site is located within the Urban Development Boundary in terms of the Spatial Development Framework, 2040 (2024).

It is proposed to provide a maximum of 800 affordable dwelling units inclusive of the inclusionary housing requirement together with appropriate amenities for the residents including, a guard house, club house, gym/health club, restaurant, and open space.

The site is located within the Hyde Park/Dunkeld West Regional Node in terms of the Nodal Review Policy 2019/2020 as reflected below and on the enclosed Annexure F.

The policy supports:

- Residential densification at a minimum of 80du/ha i.e. there is no maximum.
- All non-polluting nodal non-residential uses such as the gym and restaurant for the residents.
- The proposed open space for the use of the residents.

Proposed heights of 3-10 storeys are promoted with substantial coverage of up to 80%.

The site is large, which allows for the highest building to be located away from any possible impact, which can be determined in terms of a site development plan.

40% Inclusionary Housing is proposed in this strategic location.



A minimum of 80du/ha is suggested.

The Nodal Review promotes the following for this zone/property in terms of density:

“Minimum does however mean that there is no maximum, as long as dwelling units conform to building regulations and the relevant land use scheme, and that development controls are adhered to (height, coverage, FAR, unit size, etc.). This is to allow developers to build smaller, and thus more affordable units in well located areas (Inner City Node, Metropolitan Nodes, District Nodes and the General Urban Zone).”

The proposed density is fully compliant with envisaged densities in Regional Nodes.

The below table reflects the specific compliance of the application with the Design Guidelines for the Nodal Review Policy 2019/2020 for Regional Nodes:

Development Guideline	Nodal Review Policy 2019/2020 table for Regional Nodes	Development Controls/Development Intent in terms of this application	Compliance of the application with policy
Development character of the zone	Tertiary Mixed use/commercial nodes of the city. High intensity and mix of land use.	An 8-storey residential development is proposed. It is intended to transform/repurpose the existing office structures.	Yes 
Suggested land uses	A mix of uses. Residential uses supported including a hotel and associated uses. Up to 100% of the site may be used for non-residential purposes.	Provision of residential accommodation including 40% inclusionary housing. The associated non-residential uses are supported within Regional Nodes.	Yes 
Coverage	Coverage should be high, up to 80%.	70%	Yes 



Development Guideline	Nodal Review Policy 2019/2020 table for Regional Nodes	Development Controls/Development Intent in terms of this application	Compliance of the application with policy
Height	Up to 10 storeys (with surrounding built form, area character, physical and geographic considerations, and motivation. Scaling down from higher (central) to lower (peripheral) intensity areas of the node is encouraged. As a guide, not more than 2 storeys higher than highest neighbouring erf's rights or use (whichever is higher), where the node transitions into a lower order node.	8 storeys. The majority of the surrounding erven are non-residential or opposite Bompas Road to the south i.e. with a substantial building set-back. The impact will be negligible. The buildings will face towards the north away from Bompas Road.	Yes 
Density	Min – 80du/ha	800 dwelling units are proposed inclusive of Inclusionary housing. There is no density cap within a Regional Node. The density is fully compliant with policy.	
Parking, Access, Greening/Open Space, Sidewalk Treatment	Guidelines as per Nodal Review Policy 2019/2020. Parking - refer below. Open Space Min 10%. 2m sidewalk required. Site Development Plan.	Parking to be provided as per Zone B of the City of Johannesburg Land Use Scheme, 2018 for Regional Nodes. Recreational amenities/clubhouse will be provided on-site. A 2m sidewalk is provided. The detailed design guidelines will be provided and addressed as part of the eventual site development plan application.	Yes 



5.2. Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

The application complies with the following principles which apply to spatial planning, land development and land use management:

The principle of Spatial Justice;

The application directly adheres to and complies with the spatial policies of the City of Johannesburg. These policies embrace and apply this principle on a city-wide basis and as a general principle.

The principle of Spatial Sustainability whereby the application;

- Is within the urban development boundary which serves to protect prime and unique agricultural land and limit urban sprawl.
- Does not affect or trigger any further environmental processes.
- Uses existing infrastructure.
- Is within an identified higher order node of the city.
- Adds to a walkable mixed-use environment/zone.

The principle of Efficiency whereby the application;

- Uses existing infrastructure.
- Does not have a negative impact either financially, socially, economically or environmentally.

The principle of Spatial Resilience whereby the application seeks to adjust the land use rights to promote the sustainable and resilient use thereof, in terms of the local authority policies which promote such.

5.3. Need

Creating a **Generative City (Opportunity, diversify areas, multi-functional layers, focus on public realm)** – The Spatial Development Framework, 2040 highlights the creation of a Generative City as one of its themes and goals for a future Johannesburg.

The site is located within a Regional Node of the city, which calls for an increase in residential density and mixture of use to address city needs.

The proposed increase in density, the provision of “Inclusionary Housing” and the possibility of short-term accommodation/hotel allows for a diversity of housing/residential types.

The development of affordable formal housing in this location addresses the well documented housing backlog in the City of Johannesburg.



5.4. Reasonableness and Public Interest

5.4.1. Existing and Expected Urban Fabric (scale, adapting to required change/growth, impact on surrounding erven)

The proposed development is reasonable in the context of both the existing and future built form of the area.

The site is located within a Regional Node where intensified use and redevelopment is to be expected.

It is expected that the area will increase in both residential density and variety of uses as permitted in terms of local authority policy.

The use of the site as proposed (scale) will not have a negative impact on the surrounding erven. It is appropriate in the context of the existing and future built form. The proposed development will not compromise these uses.

The proposed development is for dwelling units at 8 storeys in height.

The majority of the surrounding erven are non-residential of nature and will experience no additional impact.

The use of the site can be expected from surrounding landowners as it is compliant with the local authority policies for the area. It will make use of existing infrastructure and enhance the urban environment. It is reasonable and in the public interest.

Proposed uses which comply with the local authority intent for the area can be considered in the public interest.

5.4.2. Engineering Services

The existing engineering services are sufficient to provide for the proposed development. Full studies and reports detailing such will be provided if and when required by the servicing departments as part of the application process. All suggestions and improvements will be complied with via these recommendations and the various requirements of the city's servicing departments.

The site is already serviced. The change in land use is a repurposing of the existing structures.



5.5. Desirability

5.5.1. Creating a Compact City (location and range of uses in key locations – public transport, nodes, social services – and limiting them in others)

The site is desirable for the proposed use as it is:

- Located within the urban development boundary and will utilise existing infrastructure and urban systems.
- Within a Regional Node in the City of Johannesburg.
- The Node is set to increase in intensity, range of uses and residential density.
- Is located within walking distance of private and public transport providing access to and from the site to all connected parts of the city and beyond via the Gautrain.
- Is located within walking distance of a wide variety of existing amenities.
- Is located directly adjoining the employment and services provided in the Hyde Park/Dunkeld West Regional Node.
- Is highly accessible via private transport as it is surrounded by higher roads and access to a regional motorway.

The site is therefore strategically located in terms of policy and future development planning, local servicing including walkability and regional functionality.

5.5.2. Creating an Inclusive City (balanced service provision, diversify land uses, social and economic access to amenities)

- The site is located within a Regional Node.
- The proposed redevelopment of the site will make use of the existing engineering services in an area where the local authority is focussing on providing services as part of their balanced service approach.
- It will add to an already mixed-use environment connecting people to people and people to jobs. It will provide access to economic opportunity.
- It intensifies a part of the city which seeks to provide greater inclusivity.
- Is located in an area which has a porous and well-established street network, which will enable the better use of this essential public space.



5.5.3. Creating a Resilient City (Combat Climate Change protect and enhance open space system and ability to adapt to change)

The proposed use contributes to combatting climate change as it is:

- Located within the urban development boundary and will not use or place pressure on the natural environment outside or inside (city open space system) the urban development boundary.
- Limits the carbon footprint of the potential users, due to the conglomeration of uses in the area and the availability of the choice of modes of transport. It will reduce the emphasis on mono-private vehicle use.
- Will make use of alternative energy solutions in the design of the structure and use of the site.

5.5.4. Creating a Connected City (ICT infrastructure – globally, mobility, permeability and walkability)

- The site is well connected via the existing high order road network discussed above.
- It enjoys access to private and public transport.
- It is in an area which will transform into a mixed-use urban environment with a high level of permeability via the existing porous well established street network.

5.5.5. The Suitability of the Site for the Proposed Development

- The detailed development of the site will be addressed by means of a site development plan.
- The design guidelines contained in the Nodal Review Policy 2019/2020 for the Regional Node will be complied with during this development planning phase.
- It must however be noted that the intended development can be considered a medium intensity use on a large site.
- Parking will be provided in terms of Zone B of the City of Johannesburg Land Use Scheme, 2018 for Regional/District Nodes.
- Safe and convenient access is available to the site off North Road.



6. Summary

The site is ideal for the proposed development due to the following:

- Meets the policy intent for a Regional Node in terms of density and built form – 8 storeys, residential, unrestricted density.
- Provides affordable much needed residential accommodation.
- Provides a solution to repurpose existing buildings which are not in demand for office purposes.
- Will provide 40% Inclusionary Housing.
- Provides accommodation in a highly walkable environment close to:
 - ✓ Shops
 - ✓ Medical
 - ✓ Restaurants
 - ✓ Employment
 - ✓ Sports and Recreation
 - ✓ Public transport – which connects to higher order nodes of the city.
- Will not have a negative impact on any of the surrounding erven as illustrated.
- Provides accommodation which is high accessibility to the existing higher order road network.
- Addresses the well documented need for formal housing in the City of Johannesburg.