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Richard Meaden & Associates
P. . Box 1362
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Attention : Mr Richard Meaden

Date : 27 November 2014

Your Ref :

Our Ref : RR1367/RR/p1

Dear Richard

PROPOSED REZONING OF VARIOUS PROPERTIES IN NEEDWOOD, NEEDWOOD EXTENSION 4, MAROELADAL EXTENSION 8, MAROELADAL EXTENSION 11 AND MAROELADAL EXTENSION 13

Further to our recent meeting, I have the following information for you

1. The Problem

- 1.1 Various properties situated within the townships of Needwood, Needwood Extension 4, Maroeladal Extension 8, Maroeladal Extension 11 and Maroeladal Extension 13 (collectively referred to as “Cedar Lakes”) are presently zoned mainly for “Residential 1” and “Residential 2” purposes, permitting varying floor area ratios and coverage for the individual erven.
- 1.2 At present the situation is as follows:
 - 1.2.1 A large number of erven are zoned “Residential 1” permitting a coverage of 40% and 50% and a height of 2 storeys;
 - 1.2.2 A large number of erven are zoned “Residential 2” permitting a coverage of 40% to 50 and a height of 2 storeys;
 - 1.2.3 Erven 3 to 44 Needwood are zoned “Residential 1” permitting a coverage of just 30% and a height of 2 storeys;

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- 1.2.4 Erven 224 to 226 and 228 to 294 Needwood Extension 4 are zoned "Residential 2" permitting a floor area of just 0.4, whilst allowing a coverage of 40% and a height of 2 storeys; and
- 1.2.5 There are some parts of the estate where only single storey buildings are allowed, however, as a general rule it is the wish of the estate that this height restrictions not be changed.
- 1.3 The problem is that most erven have been collectively zoned with subsequent alterations and additions being permitted in terms of a variety of policies and procedures, with the resultant effect that:
- 1.3.1 either it has now become extremely difficult to establish whether or not the individual erven comply with the zoning rights applicable to such property; or
- 1.3.2 there is a clear contravention of the scheme in terms of floor area ratio, coverage and height; and
- 1.3.3 there is a general feeling, especially in the parts where the permitted coverage and floor area is far lower than the remainder of the estate, that it is in the long term interest of the estate that more or less uniform rules apply to the erven within the estate, except where restrictions are based on sound town planning and urban design principles (such as the limitation on height in certain parts.
- 1.4 It is therefore our recommendation that the properties be zoned as follows:
- 1.4.1 All properties to be zoned "Residential 1" except for "the Village" (Maroeladal Extension 8) and Needwood Extension 4
- 1.4.2 The reasoning is that the nature and character of the erven is distinctly different to the remainder of the estate and this character should be preserved.
- 1.4.3 The zoning for all "Residential 1" erven to be as follows:
- (1) Height : 2 Storeys
 - (2) Coverage : 50% for double storey and 60% for single storey
 - (3) FAR : 1.0

(4) General Condition:

- (i) The Building Plans must be approved by the Home Owners Association, prior to submission thereof to the local authority.

1.4.4 The general idea is that property owners should not have to first obtain approval from the local authority for a site development plan, but rather a clear set of design guidelines must be established by the Home Owners Association, which are agreed upon by the residents and provided the development is in line with the guidelines, only building plans need to be approved prior to construction

1.4.5 The zoning for the "Residential 2" erven be as follows:

- (1) Height : 1 or 2 Storeys
- (2) Coverage : 70% for single storey, 50% for double storey
- (3) FAR : 0.7 for single storey, 1.0 for double storey

(4) General Conditions:

- (i) The site development plan must be approved by the Home Owners Association, prior to the submission thereof to the local authority.

1.4.6 In terms of the applicable Town-planning Scheme a site development plan is a mandatory requirement for a "Residential 2" zoning and this should also comply with the design guidelines approved for the estate.

1.5 The overall idea is to create a much greater sense of community in the estate, whereby the estate takes on a more important role in the control and development of properties, while at the same time allowing a greater extent of flexibility for the residents, in terms of the extent of development that can be accommodated on each property.

1.6 In this manner, the residents will benefit from being permitted a greater extent of property value, whilst not losing the sense of living in a harmonious estate, thereby increasing the property values within the estate.

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- 1.7 In order to achieve the above, it is necessary to make an application for the rezoning of the properties in Cedar Lakes.
- 1.8 In this regard, there have already been meetings with representatives from the local authority, whereby in principle it was agreed that:
- 1.8.1 the local authority supports the proposal to collectively change the zoning of all affected properties to bring it in line with the rules and policies of the CLHOA;
- 1.8.2 the local authority is willing to look at a collective application for rezoning; and
- 1.8.3 the local authority will after approval of the rezoning consider and approve all plans that comply with the new zoning rights.
- 1.9 Although in principle this appears to represent a viable solution to the problem, I have the following difficulty with this approach:
- 1.9.1 in order to represent some 400 to 500 property owners, we would require:
- (1) a special power of attorney and if necessary authorising resolution, permitting the rezoning of each affected property;
 - (2) an application submission fee of around R 4,750.00 is payable per rezoning of each property; and
 - (3) each property that is subject to a mortgage bond is required to obtain the consent of the bond holder, before an application for rezoning may be considered by the local authority.
- 1.9.2 the above requirements represent in our opinion a “logistical nightmare” and in all probability a number of the property owners will never participate in the process, for a variety of reasons.
- 1.10 I therefore, believe that a far better approach is to approach the local authority and reach agreement, whereby:
- 1.10.1 the local authority prepares an amended scheme for all the affected properties of its own accord;

- 1.10.2 all work to be undertaken in respect of this process will be done by ourselves, on behalf of the local authority in terms of a power of attorney issued by the local authority; and
- 1.10.3 the costs associated with the entire process, including any liability for engineering services contributions, will be for the account of a designated entity (either the CLHOA, if it is properly registered, or yourselves as the attorneys representing the CLHOA, holding the relevant moneys in trust).
- 1.11 I believe that this will be the best possible approach, for the following reasons:
 - 1.11.1 the local authority is entitled to prepare an amendment scheme within its area of jurisdiction without the consent of the affected property owners;
 - 1.11.2 even if the affected property owners consider that the change in zoning may potentially have a negative affect on them, they may oppose the application and the specific property in question can be excluded from the application process; and
 - 1.11.3 any party that could potentially be negatively affected by the change in zoning (such as a bond holder) can in terms of the Ordinance depend on the establishment of a so-called “existing use right” which ensures that any reduction in rights following the approval of an amendment scheme will not come into effect for a period of 15 years after the approval of an amendment scheme approved by the local authority.
- 1.12 Although, quite clearly, no reduction in any rights are proposed, even the perception of a change in rights will ensure the protection of existing property owners and any party having an interest in the property (such as the bond holder)
- 1.13 We have discussed this approach with Legal Services, who in principle do not object to using this channel for rezoning the land, provided that the application is authorised through the proper channels.

2. **Applications Required**

- 2.1 In order to prepare an amendment scheme on behalf of the local authority, the following steps need to be followed:
 - 2.1.1 Legal Services (of the City of Johannesburg) needs to be approached with our proposal and if agreement in principal is reached, the entire submission documents must be prpared and submitted to Legal Services;

- 2.1.2 Legal Services will, using our documentation, prepare a report for consideration by the Mayoral Committee, to proceed with an application to prepare a so-called “draft scheme”;
 - 2.1.3 part of the documents submitted to the Mayoral Committee is a power of attorney and resolution authorising the preparation and submission of an amendment scheme by the local authority;
 - 2.1.4 once the Mayoral Committee authorises the proposal, the application is submitted, advertised and circulated in the normal cause;
 - 2.1.5 objectors will be afforded a period of 28 days from the first day of advertising to object to the application;
 - 2.1.6 site notices will be placed in numerous strategic locations to notify all interested an affected parties of the application as submitted;
 - 2.1.7 if objections have been received, the application is either amended or a reply is filed to the objections received;
 - 2.1.8 the Town-planning Department will thereafter prepare a report in response to the application submitted and all comments received, including a recommendation in respect of the application;
 - 2.1.9 the application is thereafter forwarded to the Planning Committee for consideration and a decision.
- 2.2 Once a decision is made by the Planning Committee, the relevant Town Planning Scheme documents are prepared, signed and a notice is published in the Provincial Gazette approving the zoning.
 - 2.3 If any contributions are payable, which I don’t believe will be the case, as no increase in density or otherwise is proposed, merely a rectification of the floor area ratio, coverage and height provisions.

3. **Cost and Timing**

- 3.1 At this stage, it is extremely difficult to determine an exact cost for the project and in discussion with yourself it was agreed that a budget of between R 600,000.00 and R 850,000.00 should be provided for.

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- 3.2 This budget will allow for the preparation of all documents, discussions, appearances before the planning committee, preparation of all plans and obtaining all necessary authorisations required to process the applications.
- 3.3 We have already been provided with a detailed survey of the estate and as such, we have reduced our anticipated fee by R 150,000.00, this being the cost of preparing a detailed base plan, which will form the foundation of the application as submitted.
- 3.4 The budget does not allow for any disbursements payable in respect of the application process, VAT and any appeal proceedings.
- 3.5 In the present instance, we believe that an appeal is so unlikely that it needn't be budgeted for.
- 3.6 As far as timing is concerned, I believe that the following is a realistic time table:
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| 3.6.1 | Agreement in principle with Legal Services | 1 month |
| 3.6.2 | Draft Submission Documents | 2 months |
| 3.6.3 | Draft Mayoral Report | 2 months |
| 3.6.4 | Submit Application | 2 months |
| 3.6.5 | Circulation and Advertising | 3 months |
| 3.6.6 | Assessment by Town Planning | 3 months |
| 3.6.7 | Consideration by Planning Committee | 2 months |
| 3.6.8 | Approval | 1 month |
| 3.6.9 | Gazetting of decision | 1 month |
| 3.6.10 | Total Time Period | 17 months |

I trust that the above is of benefit to you, please do not hesitate to contact us should you require any further information.

Yours faithfully
RAVEN TOWN PLANNERS
RICK RAVEN