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Before the Municipal Planning Tribunal of the City of Johannesburg

IN THE APPLICATION REZONING: ERVEN 530 & 531 PARKWOOD AMENDMENT SCHEME: 20-01-3940

Reasons for the Municipal Planning Tribunal 's decision in respect of the above application.

This application was considered on 12 December 2023.

At the outset of the hearing and before the proceedings commenced on the merits of the application, the objectors' representatives Mr. M. Gristwood & Mr. B. Haslam submitted points *in limine* and argued for a site inspection to be conducted. The issues raised were inter alia the constitution of the Tribunal and its jurisdiction to hear applications due to the alleged noncompliance with the stipulations of SPLUMA on the constitution of Municipal Planning Tribunals.

Subsequent to an in-committee discussion, the chair dismissed the points and the request for an inspection and the hearing commenced.

The applicant, Mr. G. Edwards, addressed the committee present and submitted a supplementary motivating memorandum.

Duly notified, the objectors present were Saxonwold & Parkwood Residents Association (SAPRA) representatives Mr. Gristwood & Haslam who both addressed the committee regarding their objection.

Council's town planner, Ms. L. Labuschagne, addressed the committee on behalf of the Planning department.

The tribunal was satisfied that it was duly constituted in terms of Council resolution authorising the establishment of the Municipal Planning Tribunal as well as the membership thereof. The tribunal further held the opinion that its operations and sittings are duly authorised by the said council resolution.

It must be noted that the Tribunal is mandated and obliged to make Planning decisions on Land development applications that is aligned and in support of approved Council Planning Policies.

The Tribunal considered all submissions made on the merits of the application and found that the application should be approved for the following reasons:

CvdM

The application was consistent with the provisions of Section 5 of the City of Johannesburg Municipal Planning By-Law, 2016, in that:

- the application complied with the development principles of the SPLUMA, in particular:
- the principle of Spatial Justice, which seeks the restructuring of the City to redress the imbalances of development through improved access to and use of land;
- the principles of efficiency, which seeks to more effectively use the available infrastructure, particularly in this area, investment in infrastructure was such that the development proposals were justified; and
- the principle of sustainability, in that the development can be accommodated within the means of the City.

The subject property is situated in a Metropolitan Node as defined by the Nodal Review that encourages higher intensity uses and densities of a **minimum 80 dwelling** units a hectare.

The application was found to be consistent with the Municipal Planning Framework, which seeks to transform the current development patterns, particularly within and around major nodes to develop a compact polycentric urban form.

The Tribunal was further of the view that post decision processes such as the required site development plan will ensure compliance with design principles as contained in the SDF and Nodal review and will deal with potential overlooking in relation to adjacent properties taking into consideration the policy directives for developments in this Metropolitan Node.

The subject properties are well situated in a strategic position within close proximity to the mixed-use development corridor which provide work opportunities in the area of Parkwood and neighboring suburb such as Rosebank, Craighall, Parktown North and as well as Melrose Estate. Also, the site is situated along Major transport route being Oxford Road and in close proximity to Jan Smuts Avenue which both plays a significant role in distributing and servicing public transport in this area allowing most City's resident to access work opportunities, social amenities etc. The properties are within easy walking distance to the Gautrain station as well as the Rosebank Mall.

The existing zoning of the property and surroundings was also considered in assessing the current application and it is further noted that all services departments supported or commented positively on the application.

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