

11 October 2013

DEPARTMENT OF DEVELOPMENT PLANNING AND URBAN MANAGEMENT

of the City of Johannesburg

Registration No.

In the application of

BEAULIEU COLLEGE PROPERTIES (PTY) LTD

Applicant

In respect of land known as:

**REMAINING EXTENT OF PORTION 584 AND PORTIONS 585 AND 586 OF THE
FARM WITPOORT 406-JR**

**APPLICATION FORM - CLAUSE 18 OF THE HALFWAY HOUSE AND
CLAYVILLE TOWN PLANNING SCHEME, 1976**

1. Application Details

1.1 Application is submitted in terms of Clause 18 of the Halfway House and Clayville Town Planning Scheme, 1976 (“the Scheme”) in respect of the Remaining Extent of Portion 584 and Portions 585 and 586 of the Farm Witpoort 406.-JR (“the site”) in order to permit the establishment of sports grounds and a special building, namely an indoor sports arena and ancillary uses on the property.

1.2 Details of the proposed consent use application are contained under paragraph 7 of this application form.

- 1.3 The application is fully motivated in the motivating memorandum which accompanied the application.

2. Locality

- 2.1 The site is situated in the residential area of Kyalami Agricultural Holdings.
- 2.2 The site is situated on Maples Road, one erf north of the intersection of Maples Road and Salvia Road, Kyalami Agricultural Holdings.
- 2.3 The site lies just south of the Beaulieu College.
- 2.4 Due to the agricultural/rural nature, there is no physical address associated with the property.
- 2.5 Attached hereto as plan RR1177-1 is a locality plan.

3. Ownership

- 3.1 The remaining extent of portion 584, and portions 585 and 586 are registered in the name of Beaulieu College Properties (Pty) Ltd and are held by virtue of deeds of transfer T61546/2012, T45291/2012 and T43631/2012 respectively.

4. Size

- 4.1 The remaining extent of portion 584 measures 8,566m² in extent
- 4.2 Portion 585 measures 8,554.8m² hectares in extent

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4.3 Portion 586 measures 8,565m² in extent.

4.4 The site measures 2.5685 hectares in extent.

5. Existing and Surrounding Zoning and Land Use

5.1 The site is situated within the jurisdiction of the Halway House and Clayville Town Planning Scheme, 1976 referred to as “the Scheme”).

5.2 As such, the site and all surrounding properties are zoned “Agricultural” as prescribed in the Scheme.

5.3 Holding 107 and part of holding 235 are zoned “Educational” and are currently used for Beaulieu College.

5.4 As detailed before, the site is situated in the residential area of Kyalami Agricultural Holdings.

5.5 Consequently, there are very few activities that take place in the area

5.5.1 These include:

- (1) Large agricultural holdings used for residential purposes;
- (2) Beaulieu College
- (3) Kyalami Country Club

5.6 This application seeks to establish sports grounds and a special building, namely an indoor sports arena and ancillary uses on the property.

5.7 Attached hereto, is a Existing Zoning Plan as Plan RR1177-2 and a Land use plan as Plan RR1177-3.

6. Legal Aspects

- 6.1 There are no restrictive conditions in the Deeds of Transfers T61546/2012, T45291/2012 and T43631/2012 (“the title deeds”) that prevent this application from being approved.
- 6.2 The site is affected by several servitudes, all these servitudes will not be affected as a consequence of the approval of this application.
- 6.3 All servitude areas will be respected by the applicant.
- 6.4 The properties are not bonded.

7. Purpose of the Application

- 7.1 Application is submitted in terms of Clause 18 of the Halfway House and Clayville Town Planning Scheme, 1976 (“the Scheme”) in respect of the Remaining Extent of Portion 584 and Portions 585 and 586 of the Farm Witpoort 406.-JR (“the site”) in order to permit the establishment of sports grounds and a special building, namely an indoor sports arena and ancillary uses on the property.
- 7.2 This will be accomplished in terms of the following:
 - 7.2.1 An increase in coverage
 - 7.2.2 An increase in the number of caretakers dwelling units
 - 7.2.3 To permit sports grounds and a special building
- 7.3 Hence this application.

8. Proposed Controls

8.1 It is proposed that the general provision of the Scheme apply, subject to the following further conditions:

8.1.1 The use of the site for sports grounds permits the following:

- (1) A portion of land laid out for any kind of sport, used by the public as members of a club, or on payment of a charge, or otherwise.
- (2) Such grounds may have stands for spectators and refreshment stalls at which refreshments may only be sold during sporting activities.

8.1.2 The coverage will be increased from 8% to 15%

8.1.3 The dwelling units will be increased to two for caretakers accommodation.

8.1.4 One parking space will be provided on the site for every 200m² of undercover sports arena excluding the areas occupied by indoor swimming pools.

8.1.5 Parking areas will comprise paved and unpaved areas with at least 25% of the parking areas for the site being paved.

8.1.6 The Council may at any time declare that any activity expressly or impliedly authorised by this consent or incidental thereto shall be limited to such times as it may specify.

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8.1.7 Access to and egress from the site shall be to the satisfaction of the local authority.

8.1.8 A site development plan shall be submitted to the local authority for approval, prior to the submission of building plans.

DATE:14 October 2013

SIGNED
For **Beaulieu College Properties (Pty) Ltd**
Prepared by: RAVEN Town Planners

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MOTIVATING MEMORANDUM

1. Application Details

- 1.1 Application is submitted in terms of Clause 18 of the Halfway House and Clayville Town Planning Scheme, 1976 (“the Scheme”) in respect of the Remaining Extent of Portion 584 and Portions 585 and 586 of the Farm Witpoort 406.-JR (“the site”) in order to permit the establishment of sports grounds and a special building, namely an indoor sports arena and ancillary uses on the property.

- 1.2 The nature and purpose of the application, including the proposed controls, have been fully detailed in the application form, which accompanies this application.

- 1.3 It is submitted in terms of the application details that the application falls squarely within the ambit of the provisions of Clauses 16(5)(1 and 2) read as follows:

Subject to the provision of Clause 18 hereof where any application is made to the local authority for its consent to erect and use a building in a use zone in which a building of the type is proposed may be erected and used only with the local authority's consent, the local authority may grant or withhold its consent and shall in granting consent be entitled to impose such conditions as it deems fit governing the erection or use of such building.

Provided that:

Consideration shall be given as to whether:

- 1. The proposed use will be in the interest of the general public having regard to health, safety, amenity of the area and general welfare;*
- 2. The design of buildings, if any, especially in relation to the height and appearance of existing buildings in the neighbourhood and the lay-out of the site in relation to entrances and exits, are satisfactory;*
- 3. There are other merits or demerits of the case which will affect the decision;*
- 4. The proposed use is likely to interfere with the amenity of the neighbourhood owing to the emission of smoke or fumes, dust, noise or smell.*

The local authority in giving its consent may inter alia impose the conditions:

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1. *That the proposed use shall be implemented within a specified time and if not so implemented the permission granted, unless renewed by the local authority, shall lapse, and*
2. *If any one or more of the conditions are not being observed, the permission granted shall also lapse.*

1.4 It is submitted that in terms of the motivation as detailed below, the proposed use is considered desirable and will have negligible, if any impact, on the surrounding environment and as such the application complies with the provisions of the Scheme.

1.5 Application for consent for sports grounds and special buildings, namely a sports arena and ancillary uses is:

1.5.1 Both desirable and necessary in terms of the town planning point of view;

1.5.2 Does not cause any disturbance to the amenity of the surrounding environment;

1.5.3 Does not affect the adjoining properties;

1.5.4 Does serve the needs of the inhabitants of the area.

1.6 It is accordingly submitted that this application has substantial town planning merit, worthy of approval.

2. Nature of the Application

- 2.1 In terms of the Halfway House and Clayville Town Planning Scheme, 1976, sport grounds and a special building comprise the following:

“Sports grounds mean a portion of land laid out for any kind of sport, used by the public as members of a club, or on payment of a charge, or otherwise. Such grounds may have stands for spectators and refreshment stalls at which refreshments may only be sold during sporting activities”

“A special building means a building used or designed for any use other than a use for which buildings defined herein are designed and which, in the opinion of the local authority, belongs in the zone in which the building is to be situated”

- 2.2 In terms of Table “F” of the Halfway House and Clayville Town Planning Scheme, 1976, properties zoned “Agricultural” may have sportsgrounds, places of public worship, places of instruction, cultivation sheds and special buildings, with special consent from the local authority.

- 2.3 There are no legal impediments that prohibit the proposed use on the site.

3. Need for the Proposed Use

- 3.1 Each and every town-planning scheme within the province of Gauteng (or the whole of South Africa for that matter) contains provisions applicable to all properties zoned “Agricultural” (or any other residential use zones for that matter) whereby the local authority may consent to certain uses to be established within an agricultural area, which uses may be granted with the consent of the local authority.

- 3.2 In the present instance, the Halfway House and Clayville Town Planning

Scheme, 1976 ("the Scheme") allows the following uses to operate from a property zoned "Agricultural" with the consent of the local authority:

3.2.1 Places of Public Worship

3.2.2 Places of Instruction

3.2.3 Cultivation Sheds

3.2.4 Special Buildings

3.2.5 Sports Grounds

3.3 The simple principle being that the properly planned, properly functioning sports grounds do not just comprise a sprawling mass of undeveloped land with dwelling houses, but has supporting uses, which as a general rule are highly desirable from a town planning point of view.

3.4 The proposed use will primarily service the immediate and surrounding areas such as Witpoort (Beaulieu), Glenferness Agricultural Holdings, Zevenfontein, Kyalami Agricultural Holding, Sun Valley and Blue Hills Agricultural Holdings.

3.5 In addition there are various burgeoning townships in close proximity to the site such as Dainfern, Beverley, Lonehill, Kyalami and Blue Hills, which could also make use of the proposed sports facilities. There may also be a sports development component involving Diepsloot.

3.6 It is therefore, respectfully submitted that, there is a definite and identified need for the use as proposed and the application should accordingly be approved.

4. Desirability of the Proposed Use

- 4.1 The proposed use is highly desirable and will not cause harm to the amenity of the area. The site enjoys access via Maples Road, which in turn provide access to the R55 via Macgregor Road respectively.
- 4.2 In addition, the subject property is sufficiently large to allow the development of the property as proposed without detracting from the agricultural and rural nature of the area.
- 4.3 All development controls as applicable for rural development will be complied with.
- 4.4 The use will not generate any large volumes of traffic, nor with the use generate any noise or smells or other negative attributes that may interfere with the amenity of the surrounding environment.
- 4.5 Therefore, from a town-planning point of view, the use as proposed is highly desirable and will not in any manner whatsoever detract from the present agricultural and residential nature of the surrounding environment.
- 4.6 The application, therefore has substantial town-planning merit, worthy of approval.

5. Policy Framework

5.1 Compliance with the Regional Spatial Development Framework

5.1.1 In terms of the Regional Spatial Development Framework for 2010/2011, the site falls in Region A and Sub-Area 8.

5.1.2 According to the RSDF, the development objective of this sub-area is to:

“Protect the environmental qualities and amenities of the sub area.”

5.1.3 One of the guidelines in the RSDF for the site’s sub area is to support institutional and community facility development.

5.1.4 Thus, the proposed development is entirely in-line with the RSDF for 2010/2011.

5.2 Compliance with Chapter 1 Principles of the DFA

5.2.1 The development as proposed will promote efficient integrated land development in that the development :

- (1) will promote the integration of social, economic (more efficient use of the land) and physical aspects of land development;
- (2) It is the express intention of the Chapter 1 principles to give access to the largest possible number of people to such facilities in an environmentally sustainable manner.

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- (3) The application clearly provides for public participation by interested and affected parties;

5.2.2 The development is therefore also in compliance with the Chapter 1 principles for development as far as the site specific circumstances are concerned.

6. Summary and Conclusion

- 6.1 Application is submitted in terms of Clause 18 of the Halfway House and Clayville Town Planning Scheme, 1976 (“the Scheme”) in respect of the Remaining Extent of Portion 584 and Portions 585 and 586 of the Farm Witpoort 406.-JR (“the site”) in order to permit the establishment of sports grounds and a special building, namely an indoor sports arena and ancillary uses on the property.
- 6.2 The applicant has demonstrated that the application details are such that this application falls squarely within the ambit of the provisions of the Scheme.
- 6.3 The applicant has demonstrated that the proposed use is both necessary and desirable from a town planning point of view and will have a positive impact on the amenity of the surrounding environment.
- 6.4 It is accordingly submitted that this application has substantial town planning merit and is worthy of approval.

Date: 14 October 2013

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