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# Illovo Boulevard Precinct Plan

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A Review of the Plan along Melvill Rd

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April 2007



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# Introduction

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## History and Approval

The Illovo Boulevard Precinct Development Plan was prepared and approved by the City of Johannesburg in 1998 and has continued to serve as the guiding document for urban design, land use management and district management, ever since. The precinct plan has been adopted as the official Planning Policy for the area and is endorsed in the Regional Spatial Development Plan or RSDF.

The Illovo Boulevard precinct falls within the area demarcated by Melvill Rd in the west, Harries Rd in the north, either side of Fricker Rd, which forms the central spine, and Bompas Rd in the south.

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## Precinct Management

The Illovo Boulevard Precinct is managed by a formally constituted Section 21 company called the Illovo Boulevard Management District (IBMD), which was formerly known as Illovo Property Owners Association (IPOA). The district is officially managed by Kagiso Urban Management, a company specialising in the management of city improvement districts.

The success of the Illovo Boulevard precinct is owed to the direct participation of this Section 21 company, and all participants of the established Forum, who have upheld their role as managers of the urban environment in this area since its inception in 1998, almost 10 years ago. The IBMD's role in the development of this precinct has been to monitor and oversee the implementation of planning guidelines and detailed land use management parameters approved for each and every property which has been rezoned for redevelopment over this period. This meticulous monitoring role has seen to it that the precinct is undoubtedly a premier destination for those who have developed here, and which now commands some of the highest valued land developments in northern Johannesburg.

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## The Need to Revise the Plan

The precinct plan has for all practical purposes been fully implemented along the central core of the precinct area, which is either side of Fricker Rd, from Harries Rd in the north to Bompas Rd in the south, and in this regard there is no need to make any amendments to the plan. However, the area

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along Melvill Rd has seen certain changes to the original policy and it is this part of the plan which warrants revision.

The original policy created a set of development rights which, *inter alia*, allowed for varying options for development along Melvill Rd and phrased as follows:

- ***“Permitted Uses: Offices, Residential Buildings and dwelling units***
- ***Floor area ratio: 0,6 for residential purposes only, or 0,2 for offices and non-residential uses and 0,4 for residential purposes provided that all land uses take access off Melvill Rd, or 0,3 for offices and non-residential uses and 0,3 for residential purposes, provided that access for offices and non-residential uses is taken over the adjacent site fronting onto Fricker Road, with which it shares a full common boundary, and access for the residential purposes is taken from Melvill Rd. This clause relating to access may be relaxed with the approval of the Council on submission of a site development plan.”***

The above development controls, which are contained in most current zonings, allow for various theoretical mixed options for development on the same site, however in practice, these options have not been implemented anywhere along Melvill Rd, thus indicating that the combinations have not appealed to developers and therefore somewhat impractical. If one examines the status quo along Melvill Rd, as shown on the attached land use plan, it shows the following:

Erf Number	Current Land Use	Current Zoning	Comments
17	Offices	Standard	None
18	Apartments	Standard plus "computer centre & showrooms	Variation on standard zoning
19	U/C	Standard	Slight variation on standard zoning
20	University	Special for educational and Associated uses	Controls are tailor made for campus development
21	University	ditto	ditto
22	University	ditto	Ditto
23	University	ditto	ditto

24	House	Residential 1	No applications
25	Offices	Standard	None
26	Apartments	Standard	None
27	Vacant	Standard	
28	Vacant	Standard but incorrectly issued zoning	FAR granted is for 0,2, which is in our view an error
29	Apartments	Standard	None
30	Vacant	Standard	None
31	Apartments	Standard	None
32	Apartments	Standard	None
33	Vacant	Standard	None
11Dunkeld	Offices	Offices only	FAR of 0,3 only

This table shows that along Melvill Rd there are at present 4 vacant erven, all of which have the standard zoning as per the Illovo Boulevard Precinct Plan. There are 5 erven with apartment developments thereon, 4 erven containing the Pretoria University (GIBS) campus, and 4 with office developments. Only one remaining property has an original house still occupying the site.

Apart from the GIBS University, which is a unique use occupying 4 properties, there are more or less equal numbers of office and apartment developments in this stretch of Melvill Rd. It is significant that there is not a single mixed use development on any of the properties, and it is consequently reasonable to assume that on the remaining vacant stands one can anticipate either offices or apartments to develop over time.

There is strong demand in the area for offices and higher density residential developments on their own, but apparently no demand for these land uses in a combined format. It therefore makes sense to expand the flexibility of the rights in the precinct to accommodate these demands, and particularly in a well established development node such as this one.

## 2 The Revised Plan

### Proposed Amendments

It is proposed that the Illovo Boulevard Precinct Plan be amended, only in so far as the erven along Melvill Road are concerned, as this is the area where previous development controls, as indicated above, have proved to be inappropriate or impractical. The remaining area within the precinct is, for all practical purposes fully developed, and therefore there is no need for any revisions elsewhere.

From the trends apparent in this road and based on enquiries received from developers, it would seem that there is no reason to continue zoning properties with the previous combinations of differing floor area ratios in a mixed use format, and therefore it is suggested that the zoning of the remaining erven be simplified, which will enable them to develop either options available, subject to revised controls. The current policy allows for a zoning permitting "*Offices, Residential buildings and dwelling units*", and there is no intention to amend this other than, as a matter of principle, to allow other non-residential uses, on application, which are deemed to be compatible with other developments in the street. While such uses are not to be specifically defined, it is conceivable that uses, such as the GIBS campus, could be accommodated in the street, and therefore the policy should add this flexibility, subject to the general principles contained in the policy being adhered to. The following table shows the extent of the suggested amendments to the policy:

Zoning category	Existing Policy	Revised Policy
Use Zone	Special	Special
Land Uses	Offices, residential buildings, and dwelling units	Offices, Residential Buildings, dwelling units and <i>other compatible land uses via a consent use application</i>
Servitudes	2,5m pedestrian servitude if required	2,5m pedestrian servitude if required
Storeys/Height	2 storeys which may be increased to 3 storeys in terms of a SDP	2 storeys which may be increased to 3 storeys <i>for residential purposes only</i> , in terms of an approved SDP

Coverage	40%for offices and non-residential uses, 50%for residential purposes	40% for offices and nonresidential uses. 50% for residential uses, <b>which can be increased in terms of an approved SDP.</b>
FAR	0,6 for residential purposes only, or 0,2 for offices and nonresidential uses and 0,4 for residential purposes provided all access is taken off Melvill Rd or 0,3 for offices and non-residential purposes provided access for offices and non-residential uses is taken over the adjacent site fronting onto Fricker Rd, with which it shares a full common boundary and access for the residential purposes is taken from Melvill Rd	0,6
Parking	4 bays per 100m2 for offices otherwise as per scheme	4 bays per 100m2 for offices otherwise as per scheme
Building Lines	15m along Melvill Rd with respect to offices, which can be relaxed to 10m in terms of an approved SDP  5m along Melvill Rd for residential purposes which can be relaxed in terms of a SDP	15m along Melville Rd with respect to offices, which can be relaxed to 10m in terms of an approved SDP  5m along Melvill Rd for residential purposes which can be relaxed in terms of an approved SDP
General	Original general conditions	The following General Conditions be made applicable:(See <b>general conditions in paragraph 2 below</b> )

**Notes:**

1. As can be seen from the above table the most significant amendment is the floor area ratio which is simplified to reflect a maximum FAR instead of the previous combinations and permutations.
2. As far as the General Conditions are concerned, there were a number which were originally inserted that were relevant at the time of preparation of the Plan, but which have later become redundant. It is suggested that these conditions be tidied up, and irrelevant conditions are to be deleted. Those which are to be retained are the following:

2.1 Provisions relating to the Site Development Plan are unchanged

2.2 No Development within the precinct shall take place prior to a services agreement and an open space contribution agreement covering all erven contained in the amendment scheme being concluded between the land owner or developer and the Council to the satisfaction of the Council

2.3 A joint management forum shall be established between all land owners, tenants or developers, interested parties identified by the City Council, and the City Council to ensure that all development occurs in accordance with the urban design precinct plan, and that the precinct is managed holistically.

2.4 Clauses 7 and 8 shall not apply in respect of uses in Column 4. **Consent Use applications must be submitted to IBMD for comments, who will have 21 days in which to comment to the City Council**

2.5 Where existing erven or parts thereof which fronts onto Melvill Rd are consolidated or notorially tied with the adjoining Fricker Rd property with which it shares a full boundary, or a right-of-way servitude is registered in favour of a Melvill Rd site for access from Fricker Rd to the satisfaction of the Council, the floor area may be redistributed over existing erven or parts thereof, but not exceeding 30m from the eastern boundary of a Melvill Rd property, in terms of an approved site development plan.

2.6 At least 50% of the parking required for new buildings for office or non-residential purposes shall be provided in subterranean parking basements which shall not protrude more than 1m above natural ground level, and then only in special circumstances and with the prior approval of the Council, in terms of an approved site development plan.

#### 2.7 Landscaping

2.7.1 Where the erf is used for office or non-residential purpose only, 20% of the erf shall be reserved for landscaping purposes only, provided that 4% of this area may be developed on or over structures. Pedestrian servitudes or other public areas on the erf may be included as landscaped area in this calculation

2.7.2 Pedestrian servitude areas and areas of public landscaping shall be landscaped in accordance with the urban design precinct plan for the area.

2.7.3 No large trees may be removed without the prior consent of the Council, in terms of the site development plan

3. In addition to the above provision of conditions to be incorporated into new zoning applications the following is also a requirement, which is to be inserted into the Title Deeds of all transacted properties

- 3.1 "Every owner of the erf or any subdivision thereof or any interest therein shall become and shall remain a member of the Illovo Property Owners Association an association established to safeguard and foster the interests of owners and occupiers of properties situated in the area bounded .by Bompas Road, the mid-block on the western side of Oxford Road, Harries Street and Melville Road ("the Illovo Boulevard") and shall be subject to the Memorandum and Articles of Association of such Owners Association until it ceases to be an owner as aforesaid. Neither the erf, nor any subdivision thereof or any interest therein shall be transferred to any person who has not bound himself to the satisfaction of the Owners Association to become a member of such Owners Association"
- 3.2 " The owner of the erf or any subdivision thereof, or any interest therein, shall not be entitled to transfer the erf or any subdivision thereof or any interest without a clearance certificate from the Illovo Property Owners Association that the owner has complied with the provisions of the Articles of Association of the said Owners Association"
- 3.3 "If resolved unanimously by the members of the Illovo Property Owners Association and the local authority, the conditions of Title relating to membership of the Owners Association shall cease to be of force and effect."

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## **Effect of Amendments**

The consequences of the proposed amendment will not affect the principles contained in the Precinct Plan, but will allow greater flexibility in the development of the remaining uses.

The result will, in all likelihood, be that the remaining properties in Melvill Rd will develop at an FAR of 0,6, for either offices or residential developments. The current land usage in Melvill Rd indicates that these uses are compatible with one another, and which has occurred elsewhere in the city. To ensure compatibility, the revised conditions will restrict the height of buildings in the case of office development to 2 storeys as opposed to 3 storeys in the case of residential land use. This limitation will also prevent any attempts to convert existing 3 storey apartment buildings to offices, however unlikely this may be.

All other components of the Precinct Plan are retained, such as landscaping, building lines, parking, etc, all of which are determined through the preparation of a site development plan.

Office use, interspersed with medium density residential use has certain benefits in that offices are primarily a weekday daytime activity, which means that after hours the residential buildings have this added benefit. The other potential benefit relates to the likely positioning of buildings on each erf when used for residential purposes, which will tend to place buildings facing north thus exposing the back of

each apartment building to the adjoining property. In the case of offices, north orientation is not as important and therefore buildings can be placed "side-end-on" which results in a more open environment. A case in point in this regard is the proposed office development on Erf 30 Illovo, which has configured the proposed buildings on the site in this manner. As an example, the draft SDP for this site is attached to illustrate the point.

It is also important to note that the original "graded" development controls along Melvill Rd were determined at a time when the environment across this road was envisaged as a low density residential precinct, which required protection from intrusive elements.

This situation has changed, and there are now a number of medium density developments at densities in the range of 20 units per hectare on these sites. There is very little difference between an apartment building developed at an FAR of 0,6 and an office building at the same density as far as effects on the properties across Melvill Rd are concerned, provided the overall principles of the precinct plan are adhered to, and therefore the graded controls are no longer necessary.

There is a strong demand for both of the anticipated alternatives available on the remaining properties and there is consequently no reason to prevent such alternative options from developing in this part of the precinct.

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## Conclusions

1. The Illovo Boulevard Precinct Plan has been in existence for almost 10 years, and has served to guide all development in the area since approval.
2. The plan has not been amended in this period, which is to its credit as a successful planning document, and for all practical purposes, the precinct is reaching full development.
3. The only part of the plan which has not developed as originally intended, is the Melvill Rd fringe, which has opted for specific, rather than mixed use/combined utilisation of rights, these being residential apartments, or offices and not a combination of the two.
4. The amendments will not change the principles contained in the precinct plan but will add flexibility of choice to enable *either* offices, dwelling units *or* residential buildings, instead of a combination thereof.