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15 July 2019

Registration Section  
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Metro Centre  
Room 8100 8<sup>th</sup> Floor  
Braamfontein  
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Dear Sir

**OBJECTION TO THE REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE APPLICATION: ERVEN 120-122 PARKVIEW**

The Parkview Residents Association (PRA), refers to the application for the removal of restrictive conditions of title lodged by GE Town Planning Consultancy CC in respect of the above erven. The notice was placed on 19 June 2019.

The PRA has previously objected to the rezoning application on the same erven for Business 1, permitting business purposes, shops, residential buildings, places of instruction, social halls, car sales lots, private parking areas, institutions, religious purposes, dwelling units, and ancillary and related uses. The grounds for objection include conflict with the applicable spatial development frameworks, the lack of information on need, the traffic and parking impacts, and the like. This application has yet to be considered by the municipal planners and the Planning Tribunal.

It is not clear why the application for removal of restrictions was not lodged simultaneously with the rezoning. The By-law provides for simultaneous applications so that their interconnectedness is understood. The application states in para 2.2 that the removal is necessary for the establishment of “a mixed use, community-oriented development which may include, but is not limited to, residential units, shops, restaurants, offices, and a car wash facility.”

S41 of the By-law, 2016, provides for the amendment, suspension, or removal of title conditions only under certain circumstances. The pertinent one in this case being where it would promote “the development of any area;” which in this case would be the development proposed in terms of the zoning. As indicated, it has yet to be considered or approved. It would seem necessary for the rezoning to be approved in order to argue that the title deeds are obstructing the exercising of the zoning rights.

The PRA does not, in principle, support wholesale removal of title deed conditions. The extent of the need for the removal or amendment would depend in large part on the future land use, but also on other factors relating to heritage considerations, the role of residents in regulating undesirable impacts on their amenity through title deeds, and the like.

The PRA reserves the right to augment both its grounds and arguments when the matter is considered by a Municipal Tribunal.

Kindly acknowledge receipt hereof.

Yours faithfully,

A handwritten signature in black ink on a light yellow background. The signature consists of several loops and a final flourish, appearing to be the name 'Marian Hester'.

Marian Hester  
Chairman  
Parkview Residents' Association

cc GE Town Planning Consultancy cc  
Gedwards01@telkomsa.net